

**WORLD  
ANTI-DOPING  
CODE**

**2021**

## World Anti-Doping Code

The World Anti-Doping Code was first adopted in 2003 and took effect in 2004. It was subsequently amended three times, the first time effective 1 January 2009, the second time effective 1 January 2015 and the third time effective 1 April 2018 (compliance amendments). The revised 2021 World Anti-Doping Code is effective as of 1 January 2021.

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# PURPOSE, SCOPE AND ORGANIZATION OF THE WORLD ANTI-DOPING PROGRAM AND THE CODE

The purposes of the World Anti-Doping Code and the World Anti-Doping Program which supports it are:

- To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and
- To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping, including: education, deterrence, detection and enforcement.

## *The Code*

The *Code* is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The *Code* has been drafted giving consideration to the principles of proportionality and human rights.<sup>1</sup>

## *The World Anti-Doping Program*

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in international and national anti-doping programs. The main elements are:

Level 1: The *Code*

Level 2: *International Standards and Technical Documents*

Level 3: Models of Best Practice and Guidelines

## *International Standards*

*International Standards* for different technical and operational areas within the anti-doping program have been and will be developed in consultation with the *Signatories* and governments and approved by WADA. The purpose of the *International Standards* is harmonization among *Anti-Doping Organizations* responsible for specific technical and operational parts of anti-doping programs. Adherence to the *International Standards* is mandatory for compliance with the *Code*. The *International Standards* may be revised from time to time by the WADA Executive Committee after reasonable consultation with the *Signatories*, governments and other relevant stakeholders. *International Standards* and all revisions will be published on the WADA website and shall become effective on the date specified in the *International Standard* or revision.<sup>2</sup>

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<sup>1</sup> [Comment: The Olympic Charter and the International Convention against Doping in Sport 2005 adopted in Paris on 19 October 2005 (“UNESCO Convention”), both recognize the prevention of and the fight against doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognize the fundamental role of the Code.]

<sup>2</sup> [Comment: The International Standards contain much of the technical detail necessary for implementing the Code. International Standards will, in consultation with the Signatories, governments and other relevant stakeholders, be developed by experts and set forth in separate documents. It is important that the WADA Executive Committee be able to make timely changes to the International Standards without requiring any amendment of the Code.]



## *Models of Best Practice and Guidelines*

Models of best practice and guidelines based on the *Code* and *International Standards* have been and will be developed to provide solutions in different areas of anti-doping. The models and guidelines will be recommended by WADA and made available to *Signatories* and other relevant stakeholders, but will not be mandatory. In addition to providing models of anti-doping documentation, WADA will also make some training assistance available to the *Signatories*.<sup>3</sup>

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<sup>3</sup> [Comment: These model documents may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules consistent with the general principles and specific requirements set forth in the Code.]

*Model documents or guidelines for specific parts of anti-doping work have been developed and may continue to be developed based on generally recognized stakeholder needs and expectations.]*

## FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING CODE

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as “the spirit of sport.” It is the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person’s natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- Health
- Ethics, fair play and honesty
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport and the protection of *Athletes'* health and right to compete on a doping free level playing field as set forth in the Anti-Doping Charter of *Athletes' Rights*.<sup>4</sup>

To fight doping by promoting the spirit of sport, the *Code* requires each *Anti-Doping Organization* to develop and implement education and prevention programs for *Athletes*, including youth, and *Athlete Support Personnel*.

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<sup>4</sup> [Drafting Note: Upon the finalization of the Anti-Doping Charter of Athletes' Rights, references to the Charter may be included in Article 20 (Additional Roles and Responsibilities of Signatories and WADA) and Article 22 (Involvement of Governments). In addition, depending on the final format of the Charter, Article 2 (Anti-Doping Rule Violations) could be amended to add a new anti-doping rule violation for violations of specific provisions of the Charter.]



**PART ONE**  
***DOPING CONTROL***



## INTRODUCTION

Part One of the *Code* sets forth specific anti-doping rules and principles that are to be followed by organizations responsible for adopting, implementing or enforcing anti-doping rules within their authority, e.g., the International Olympic Committee, International Paralympic Committee, International Federations, *National Olympic Committees* and Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. All such organizations are collectively referred to as *Anti-Doping Organizations*.

All provisions of the *Code* are mandatory in substance and must be followed as applicable by each *Anti-Doping Organization* and *Athlete* or other *Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each *Anti-Doping Organization*. While some provisions of the *Code* must be incorporated without substantive change by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organization* or establish requirements that must be followed by each *Anti-Doping Organization* but need not be repeated in its own anti-doping rules.<sup>5</sup>

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes*, *Athlete Support Personnel* or other *Persons* (including directors, officers, employees and volunteers of *Signatories*) accept these rules as a condition of participation or involvement in sport and shall be bound by these rules.<sup>6</sup> Each *Signatory* shall establish rules and procedures to ensure that all *Athletes*, *Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant *Anti-Doping Organizations*.

Each *Signatory* shall establish rules and procedures to ensure that all *Athletes*, *Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations consent to the dissemination of their private data as required or authorized by the *Code*, and are bound by and compliant with *Code* anti-doping rules, and that the appropriate *Consequences* are imposed on those *Athletes* or other *Persons* who are not in conformity with those rules. These sport-specific rules and procedures, aimed at enforcing anti-doping rules in a global and harmonized way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

<sup>5</sup> [Comment: Those Articles of the *Code* which must be incorporated into each *Anti-Doping Organization's* rules without substantive change are set forth in Article 23.2.2. For example, it is critical for purposes of harmonization that all *Signatories* base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same *Consequences* for the same anti-doping rule violations. These rules must be the same whether a hearing takes place before an *International Federation*, at the national level or before the *Court of Arbitration for Sport*.

*Code* provisions not listed in Article 23.2.2 are still mandatory in substance even though an *Anti-Doping Organization* is not required to incorporate them verbatim. Those provisions generally fall into two categories. First, some provisions direct *Anti-Doping Organizations* to take certain actions but there is no need to restate the provision in the *Anti-Doping Organization's* own anti-doping rules. For example, each *Anti-Doping Organization* must plan and conduct *Testing* as required by Article 5, but these directives to the *Anti-Doping Organization* need not be repeated in the *Anti-Doping Organization's* own rules. Second, some provisions are mandatory in substance but give each *Anti-Doping Organization* some flexibility in the implementation of the principles stated in the provision. As an example, it is not necessary for effective harmonization to force all *Signatories* to use one single *Results Management* and hearing process. At present, there are many different, yet equally effective processes for *Results Management* and hearings within different *International Federations* and different national bodies. The *Code* does not require absolute uniformity in *Results Management* and hearing procedures; it does, however, require that the diverse approaches of the *Signatories* satisfy principles stated in the *Code* and the *International Standard for Results Management*.]

<sup>6</sup> [Comment: Where the *Code* requires a *Person* other than an *Athlete* or *Athlete Support Person* to be bound by the *Code*, such *Person* would of course not be subject to *Sample collection* or *Testing*, and would not be subject to an anti-doping rule violation under the *Code* for *Use or possession of a Prohibited Substance* or *Prohibited Method*. Rather, such *Person* would only be subject to discipline for a violation of *Code* Articles 2.5 (*Tampering*), 2.7 (*Trafficking*), 2.8 (*Administration*), 2.9 (*Complicity*), 2.10 (*Prohibited Association*) and 2.11 (*Retaliation*). Furthermore, such *Person* would be subject to the additional roles and responsibilities according to Article 21.3. Also, the obligation to require an employee to be bound by the *Code* is subject to the applicable country's employment law.]

As provided in the *Code*, each *Anti-Doping Organization* shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* may be delegated by an *Anti-Doping Organization* to another *Person*, however, the delegating *Anti-Doping Organization* shall require the *Person* to perform such aspects in compliance with the *Code* and the *Anti-Doping Organization* shall remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

## ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of the *Code*.

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Athletes* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

- 2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*
  - 2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.<sup>7</sup>
  - 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's* A *Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analyzed; or, where the *Athlete's* B *Sample* is analyzed and the analysis of the *Athlete's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's* A *Sample*; or where, for good cause, the *Athlete's* A or B *Sample* is split into two parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.<sup>8</sup>
  - 2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

<sup>7</sup> [Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as "Strict Liability". An *Athlete's Fault* is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]

<sup>8</sup> [Comment to Article 2.1.2: The *Anti-Doping Organization* with Results Management responsibility may, at its discretion, choose to have the B *Sample* analyzed even if the *Athlete* does not request the analysis of the B *Sample*.]

- 2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for the evaluation of certain *Prohibited Substances*.
- 2.2 *Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*<sup>9</sup>
- 2.2.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.
- 2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.<sup>10</sup>
- 2.3 *Evading, Refusing or Failing to Submit to Sample Collection by an Athlete*
- Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification as authorized in applicable anti-doping rules.<sup>11</sup>
- 2.4 *Whereabouts Failures by an Athlete*
- Any combination of three missed tests and/or filing failures, as defined in the *International Standard for Testing and Investigations*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.
- 2.5 *Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person*
- 2.6 *Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person*
- 2.6.1 *Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete*

<sup>9</sup> [Comment to Article 2.2: It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete Biological Passport*, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Article 2.1.

For example, *Use* may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other *Sample*.]

<sup>10</sup> [Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*.

An *Athlete's Use* of a *Prohibited Substance* constitutes an anti-doping rule violation unless such substance is not prohibited *Out-of-Competition* and the *Athlete's Use* takes place *Out-of-Competition*. (However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Article 2.1 regardless of when that substance might have been administered.)]

<sup>11</sup> [Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading *Sample* collection" if it were established that an *Athlete* was deliberately avoiding a *Doping Control* official to evade notification or *Testing*. A violation of "failing to submit to *Sample* collection" may be based on either intentional or negligent conduct of the *Athlete*, while "evading" or "refusing" *Sample* collection contemplates intentional conduct by the *Athlete*.]



establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* (“TUE”) granted in accordance with Article 4.4 or other acceptable justification.<sup>12</sup>

- 2.6.2 *Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.*<sup>13</sup>
- 2.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person*
- 2.8 *Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition*
- 2.9 *Complicity by an Athlete or Other Person*
- Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*, where such conduct does not otherwise constitute a violation of Article 2.8.
- 2.10 *Prohibited Association by an Athlete or Other Person*
- 2.10.1 Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:
- 2.10.1.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or
- 2.10.1.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
- 2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

<sup>12</sup> [Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician’s prescription, e.g., buying Insulin for a diabetic child.]

<sup>13</sup> [Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]

- 2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organization* must establish the *Athlete* or other *Person* knew, or should have known, of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.<sup>14</sup>

2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting

- 2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organization*, law enforcement or a professional disciplinary body.

- 2.11.2 Retaliation against a *Person* who has reported in good-faith an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organization*, law enforcement or a professional disciplinary body.

- 2.11.3 For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* without just cause either because the act lacks a good faith basis or is a disproportionate response.<sup>15</sup>

## ARTICLE 3 PROOF OF DOPING

### 3.1 Burdens and Standards of Proof

The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.<sup>16</sup> Where the *Code* places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule

<sup>14</sup> [Comment to Article 2.10: *Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.*

While Article 2.10 does not require the *Anti-Doping Organization* to notify the *Athlete* or other *Person* about the *Athlete Support Person's* disqualifying status, such notice if provided would be important evidence to establish the *Athlete* or other *Person* knew about the disqualifying status of the *Athlete Support Person*.]

<sup>15</sup> [Comment to Article 2.11.3: *Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organization's asserting in good faith an anti-doping rule violation against the reporting Person.*]

<sup>16</sup> [Comment to Article 3.1: *This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.*]



violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

### 3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.<sup>17</sup> The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, national-level appeal body or CAS, on its own initiative, may also inform WADA of any such challenge. Within 10 days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.<sup>18</sup>

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.<sup>19</sup>

3.2.3 If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy relating to *Sample* collection or *Sample* handling or *Athlete* notification (for Whereabouts Failures) which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or Whereabouts Failure, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.<sup>20</sup>

<sup>17</sup> [Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]

<sup>18</sup> [Comment to Article 3.2.1: This Article may not be used to challenge reporting limits or thresholds, as opposed to decision limits, approved by WADA.]

<sup>19</sup> [Comment to Article 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete or other Person's burden on causation is the somewhat lower standard of proof—"could reasonably have caused." If the Athlete or other Person satisfies these standards, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

<sup>20</sup> [Comment to Article 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling (or Athlete notification for Whereabouts Failures) - e.g., the International Standards for Education or Data Privacy - may result in

- 3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *Anti-Doping Organization* asserting the anti-doping rule violation.

## ARTICLE 4 THE PROHIBITED LIST

### 4.1 Publication and Revision of the *Prohibited List*

WADA shall, as often as necessary and no less often than annually, publish the *Prohibited List* as an *International Standard*. The proposed content of the *Prohibited List* and all revisions shall be provided in writing promptly to all *Signatories* and governments for comment and consultation. Each annual version of the *Prohibited List* and all revisions shall be distributed promptly by WADA to each *Signatory*, WADA-accredited or approved laboratory, and government, and shall be published on WADA's website, and each *Signatory* shall take appropriate steps to distribute the *Prohibited List* to its members and constituents. The rules of each *Anti-Doping Organization* shall specify that, unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under the *Anti-Doping Organization's* rules three months after publication of the *Prohibited List* by WADA without requiring any further action by the *Anti-Doping Organization*.<sup>21</sup>

### 4.2 *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List*

#### 4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.<sup>22</sup>

#### 4.2.2 *Specified Substances* or *Specified Methods*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*.

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compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation.]

<sup>21</sup> [Comment to Article 4.1: The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. WADA will always have the most current *Prohibited List* published on its website. The *Prohibited List* is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the *Prohibited List*.]

<sup>22</sup> [Comment to Article 4.2.1: *Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition*.]

No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.<sup>23</sup>

#### 4.2.3 Substances of Abuse

For purposes of applying Article 10, *Substances of Abuse* shall include those *Prohibited Substances* which are frequently abused in society outside of the context of sport and are specifically identified as *Substances of Abuse* on the *Prohibited List*.

#### 4.2.4 New Classes of *Prohibited Substances* or *Prohibited Methods*

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* or *Prohibited Methods* in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all *Prohibited Substances* or *Prohibited Methods* within the new class shall be considered *Specified Substances* or *Specified Methods* under Article 4.2.2 or *Substances of Abuse* under Article 4.2.3.

### 4.3 Criteria for Including Substances and Methods on the *Prohibited List*

WADA shall consider the following criteria in deciding whether to include a substance or method on the *Prohibited List*:

#### 4.3.1 A substance or method shall be considered for inclusion on the *Prohibited List* if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:

4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;<sup>24</sup>

4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the *Use* of the substance or method represents an actual or potential health risk to the *Athlete*;

4.3.1.3 WADA's determination that the *Use* of the substance or method violates the spirit of sport described in the introduction to the *Code*.

#### 4.3.2 A substance or method shall also be included on the *Prohibited List* if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the *Use* of other *Prohibited Substances* or *Prohibited Methods*.<sup>25</sup>

#### 4.3.3 WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or In-

<sup>23</sup> [Comment to Article 4.2.2: The *Specified Substances* and *Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.]

<sup>24</sup> [Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances. A substance which is added to the *Prohibited List* because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]

<sup>25</sup> [Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the *Prohibited List*.]

Competition only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

#### 4.4 Therapeutic Use Exemptions (“TUEs”)

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard* for Therapeutic Use Exemptions.

4.4.2 *Athletes* who are not *International-Level Athletes* should apply to their *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the national-level appeal body described in Article 13.2.2.

4.4.3 *Athletes* who are *International-Level Athletes* should apply to their International Federation.<sup>26</sup>

4.4.3.1 Where the *Athlete* already has a *TUE* granted by the *Athlete’s National Anti-Doping Organization* for the substance or method in question, if that *TUE* meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, then the International Federation must recognize it. If the International Federation considers that the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* and the *Athlete’s National Anti-Doping Organization* promptly, with reasons. The *Athlete* or the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the *TUE* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA’s decision. If the matter is not referred to WADA for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

4.4.3.2 If the *Athlete* does not already have a *TUE* granted by the *Athlete’s National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to the *Athlete’s International Federation* for a *TUE* as soon as the need arises. If the International Federation (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of the International Federation) denies the *Athlete’s* application, it must notify the *Athlete* promptly, with reasons. If the International Federation grants the *Athlete’s* application, it must notify not only the *Athlete* but also the *Athlete’s National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the *TUE* does not meet the criteria set out in the *International Standard* for Therapeutic Use Exemptions,

<sup>26</sup> [Comment to Article 4.4.3: If the International Federation refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]

[If an International Federation chooses to test an Athlete who is not an International-Level Athlete, it must recognize a TUE granted by that Athlete’s National Anti-Doping Organization.]

it has 21 days from such notification to refer the matter to WADA for review. If the *National Anti-Doping Organization* refers the matter to WADA for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If the *National Anti-Doping Organization* does not refer the matter to WADA for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

- 4.4.4 A *Major Event Organization* may require *Athletes* to apply to it for a *TUE* if they wish to *Use a Prohibited Substance* or a *Prohibited Method* in connection with the *Event*. In that case:
- 4.4.4.1 The *Major Event Organization* must ensure a process is available for an *Athlete* to apply for a *TUE* if he or she does not already have one. If the *TUE* is granted, it is effective for its *Event* only.
- 4.4.4.2 Where the *Athlete* already has a *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation, if that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, the *Major Event Organization* must recognize it. If the *Major Event Organization* decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* promptly, explaining its reasons.
- 4.4.4.3 A decision by a *Major Event Organization* not to recognize or not to grant a *TUE* may be appealed by the *Athlete* exclusively to an independent body established or appointed by the *Major Event Organization* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), the *Athlete* may not *Use* the substance or method in question in connection with the *Event*, but any *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.<sup>27</sup>
- 4.4.5 If an *Anti-Doping Organization* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or *National-Level Athlete*, and that *Athlete* is *Using a Prohibited Substance* or *Prohibited Method* for therapeutic reasons, the *Anti-Doping Organization* may permit the *Athlete* to apply for a retroactive *TUE*.
- 4.4.6 WADA must review an International Federation's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to it by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, WADA must review an International Federation's decision to grant a *TUE* that is referred to it by the *Athlete's National Anti-Doping Organization*. WADA may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic*

<sup>27</sup> [Comment to Article 4.4.4.3: For example, the CAS Ad Hoc Division or a similar body may act as the independent appeal body for particular Events, or WADA may agree to perform that function. If neither CAS nor WADA are performing that function, WADA retains the right (but not the obligation) to review the *TUE* decisions made in connection with the *Event* at any time, in accordance with Article 4.4.6.]



Use Exemptions, WADA will not interfere with it. If the *TUE* decision does not meet those criteria, WADA will reverse it.<sup>28</sup>

- 4.4.7 Any *TUE* decision by an International Federation (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to CAS.<sup>29</sup>
- 4.4.8 A decision by WADA to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or the International Federation affected, exclusively to CAS.
- 4.4.9 A failure to take action within a reasonable time on a properly submitted application for grant/ recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application.

#### 4.5 Monitoring Program

WADA, in consultation with *Signatories* and governments, shall establish a monitoring program regarding substances which are not on the *Prohibited List*, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any *Testing*, the substances that will be monitored. Laboratories will report the instances of reported *Use* or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the *Samples* were collected *In-Competition* or *Out-of-Competition*. Such reports shall not contain additional information regarding specific *Samples*. WADA shall make available to International Federations and *National Anti-Doping Organizations*, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual *Athletes* is maintained with respect to such reports. The reported *Use* or detected presence of a monitored substance shall not constitute an anti-doping rule violation.

## ARTICLE 5 TESTING AND INVESTIGATIONS

### 5.1 Purpose of *Testing* and Investigations

*Testing* and investigations shall only be undertaken for anti-doping purposes.

- 5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*.
- 5.1.2 Investigations shall be undertaken:
- (a) in relation to *Atypical Findings* and *Adverse Passport Findings*, in accordance with the *International Standard for Results Management*, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2;

<sup>28</sup> [Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

<sup>29</sup> [Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's *TUE* decision, not WADA's decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

(b) in relation to other indications of potential anti-doping rule violations, in accordance with the *International Standard for Results Management*, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.11; and

(c) in relation to the enforcement of rules under Article 12.

## 5.2 Scope of Testing<sup>30</sup>

Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with *Testing* authority over him or her. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3:

5.2.1 Each *National Anti-Doping Organization* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that *National Anti-Doping Organization's* country.

5.2.2 Each International Federation shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.

5.2.3 Each *Major Event Organization*, including the International Olympic Committee and the International Paralympic Committee, shall have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.

5.2.4 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.

5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.

5.2.6 If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* (directly or through a National Federation), that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

## 5.3 Event Testing

5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* shall be initiated and directed by the international organization which is the ruling body for the *Event* (e.g., the International Olympic

<sup>30</sup> [Comment to Article 5.2: Additional authority to conduct Testing may be conferred by means of bilateral or multilateral agreements among Signatories. Unless the Athlete has identified a 60-minute Testing window during the following-described time period, or otherwise consented to Testing during that period, before Testing an Athlete between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether an Anti-Doping Organization had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At *National Events*, the collection of *Samples* shall be initiated and directed by the *National Anti-Doping Organization* of that country. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.<sup>31</sup>

- 5.3.2 If an *Anti-Doping Organization* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures described in the *International Standard for Testing and Investigations*, ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.<sup>32</sup>

#### 5.4 Test Distribution Planning

- 5.4.1 Starting with a risk assessment as provided in the *International Standard for Testing and Investigations*, each *Anti-Doping Organization* with *Testing* authority shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the *International Standard for Testing and Investigations*. Each *Anti-Doping Organization* shall provide WADA upon request with a copy of its current test distribution plan.

- 5.4.2 WADA, in consultation with *International Federations* and other *Anti-Doping Organizations*, has adopted a *Technical Document* for Sport Specific Analysis under the *International Standard for Testing and Investigations* that establishes minimum levels of analysis that *Anti-Doping Organizations* must apply to sports and sport disciplines for certain *Prohibited Substances* and/or *Prohibited Methods*, which are most likely to be abused in particular sports and sport disciplines.

- 5.4.3 Where reasonably feasible, *Testing* shall be coordinated through ADAMS in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### 5.5 Testing Requirements

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<sup>31</sup> [Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own Testing outside of the Event Venues during the Event Period and thus want to coordinate that Testing with National Anti-Doping Organization Testing.]

<sup>32</sup> [Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]



All *Testing* shall be conducted in conformity with the *International Standard for Testing and Investigations*.

#### 5.6 Athlete Whereabouts Information

*Athletes* who have been included in a *Registered Testing Pool* by their International Federation and/or *National Anti-Doping Organization* shall provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and shall be subject to *Consequences* as provided in Article 2.4. The International Federations and *National Anti-Doping Organizations* shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. Each International Federation and *National Anti-Doping Organization* shall make available through ADAMS a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* will be accessible through ADAMS to WADA and to other *Anti-Doping Organizations* having authority to test the *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard for the Protection of Privacy and Personal Information*. *Anti-Doping Organizations* may, in accordance with the *International Standard for Testing and Investigations*, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool* and impose appropriate *Consequences* under their own rules.

#### 5.7 Retired Athletes Returning to Competition

5.7.1 If an *International- or National-Level Athlete* in a *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six months prior written notice to the *Athlete's* International Federation and *National Anti-Doping Organization*. WADA, in consultation with the relevant International Federation and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where exceptional circumstances exist and the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 13.<sup>33</sup>

5.7.1.1 Any competitive results obtained in violation of Article 5.7.1 shall be *Disqualified*.

5.7.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to the *Athlete's* International Federation and *National Anti-Doping Organization*.

<sup>33</sup> [Comment to Article 5.7.1: Guidance for determining whether an exemption is warranted is provided in the *International Standard for Testing and Investigations*.]

## 5.8 Investigations and Intelligence Gathering

*Anti-Doping Organizations* shall ensure they are able to do each of the following, as applicable and in accordance with the *International Standard for Testing and Investigations*:

- 5.8.1 Obtain, assess and process anti-doping intelligence from all available sources to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and
- 5.8.2 Investigate *Atypical Findings* and *Adverse Passport Findings*, in accordance with the *International Standard for Results Management*;
- 5.8.3 Investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with the *International Standard for Results Management*, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding; and
- 5.8.4 Investigate information that indicates a potential violation of a rule adopted under Article 12.

## ARTICLE 6 ANALYSIS OF SAMPLES

*Samples* shall be analyzed in accordance with the following principles:

### 6.1 Use of Accredited and Approved Laboratories

For purposes of Article 2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *Anti-Doping Organization* responsible for *Results Management*.<sup>34</sup>

### 6.2 Purpose of Analysis of *Samples*

*Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.<sup>35</sup>

<sup>34</sup> [Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

<sup>35</sup> [Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]

### 6.3 Research on Samples

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.<sup>36</sup>

### 6.4 Standards for Sample Analysis and Reporting<sup>37</sup>

Laboratories shall analyze *Samples* and report results in conformity with the *International Standard for Laboratories*.

6.4.1 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using more extensive menus than those described in the *Technical Document for Sport Specific Analysis* or the standard *Sample* analysis menu.

6.4.2 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using less than the minimal levels of analysis described in the *Technical Document for Sport Specific Analysis* only if they have obtained permission from WADA to do so as provided in the *Technical Document for Sport Specific Analysis*.

6.4.3 As provided in the *International Standard for Laboratories*, laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, the *Technical Document for Sport Specific Analysis* or as requested by the *Anti-Doping Organization* that initiated and directed *Sample* collection. Results from any such analysis shall be reported to that *Anti-Doping Organization* and have the same validity and *Consequences* as any other analytical result.

### 6.5 Further Analysis of a Sample Prior to or During Results Management or Hearing Process

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time an *Anti-Doping Organization* notifies an *Athlete* that the *Sample* is the basis for an asserted Article 2.1 anti-doping rule violation. If after such notification the *Anti-Doping Organization* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

### 6.6 Further Analysis of a Sample After it has been Reported as Negative Or After Results Management for an Article 2.1 Anti-Doping Rule Violation Has been Completed

After a laboratory has reported a *Sample* as negative, or after *Results Management* for an Article 2.1 anti-doping rule violation in relation to that *Sample* has been completed, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA. Any other *Anti-Doping Organization* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by WADA or another *Anti-Doping Organization* shall be at WADA's or that Organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard for Laboratories*.

<sup>36</sup> [Comment to Article 6.3: As is the case in most medical contexts, use of anonymized Samples for quality assurance, quality improvement, or to establish reference populations is not considered research.]

<sup>37</sup> [Comment to Article 6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]

### 6.7 Split of A or B Sample for Good Cause

Where, for good cause, WADA, an *Anti-Doping Organization* with *Results Management* authority and/or a WADA accredited laboratory (with approval from WADA or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B Sample for the purpose of using the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, then the following procedures shall be followed as provided in the *International Standard for Laboratories*: (i) attempt to notify the *Athlete* that the opening of the Sample to be split will occur on a specified date and time, and advising the *Athlete* or other *Person* of the opportunity to observe the opening in the same manner as for a customary B Sample opening in accordance with the *International Standard for Laboratories*; (ii) in the event the *Athlete* (or the *Athlete's* representative) is not present on the specified date and time, the opening shall be observed by an independent witness; (iii) after the Sample is split, the confirmation portion of the split Sample shall be securely sealed; and (iv) if the analysis of the first portion of the split Sample results in an *Adverse Analytical Finding*, the *Athlete* shall be notified of the opportunity to attend the opening and analysis of the confirmation portion of the split Sample in the same manner as for a B Sample under Article 7.<sup>38</sup>

### 6.8 WADA's Right to Take Possession of Samples.

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data in the possession of a laboratory or *Anti-Doping Organization*. Upon request by WADA, the laboratory or *Anti-Doping Organization* in possession of the Sample shall immediately grant access to and enable WADA to take physical possession of the Sample.<sup>39</sup> If WADA has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a Sample, it shall provide such notice within a reasonable time after taking possession. After analysis and any investigation of a seized Sample, WADA may direct another *Anti-Doping Organization* to assume *Results Management* responsibility for the Sample if a potential anti-doping rule violation is discovered.

## ARTICLE 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS<sup>40</sup>

*Results Management* under the Code (as set forth in Articles 7, 8 and 13) establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner. Each *Anti-Doping Organization* conducting *Results Management* shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the principles set forth in this Article. While each *Anti-Doping Organization* is permitted to adopt and implement its own *Results Management* process, *Results*

<sup>38</sup> [International Standard for Laboratories drafting note to Article 6.7: The required wait time to open and analyze the confirmation portion of the split Sample should be shortened and made definite in order to avoid undue delay sometimes attributable to Athletes' not responding or requesting additional time to accommodate their schedule. Questions: Should the International Standard for Laboratories address the issues of using an independent witness and photographing the opening when Athlete is not present?]

<sup>39</sup> [Comment to Article 6.8: Resistance or refusal to WADA's taking physical possession of Samples could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organization shall assist WADA in ensuring that the seized Sample and related data are not delayed in exiting the applicable country.]

<sup>40</sup> [Comment to Article 7: Various Signatories have created their own approaches to Results Management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for Results Management. The Code does not supplant each of the Signatories' Results Management systems. This Article and the International Standard for Results Management do, however, specify basic principles in order to ensure the fundamental fairness of the Results Management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and published as provided in Article 14.3.2.]

Management for every *Anti-Doping Organization* shall at a minimum meet the requirements set forth in the *International Standard for Results Management*.<sup>41</sup>

#### 7.1 Responsibility for Conducting *Results Management*

Except as otherwise provided in Articles 7.1.3 through 7.1.5 below, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation).<sup>42</sup> Regardless of which organization conducts *Results Management*, it shall respect the *Results Management* principles set forth in this Article, Article 8, Article 13 and the *International Standard for Results Management*, and each *Anti-Doping Organization's* rules shall incorporate and implement the rules identified in Article 23.2.2 without substantive change.

7.1.1 If a dispute arises between *Anti-Doping Organizations* over which *Anti-Doping Organization* has *Results Management* responsibility, WADA shall decide which organization has such responsibility. WADA's decision may be appealed to CAS within seven days of notification of the WADA decision by any of the *Anti-Doping Organizations* involved in the dispute. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a single arbitrator. Any *Anti-Doping Organization* seeking to conduct *Results Management* outside of the authority provided in this Article 7.1 may seek approval to do so from WADA.

7.1.2 Where a *National Anti-Doping Organization* elects to collect additional *Samples* pursuant to Article 5.2.6, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where the *National Anti-Doping Organization* only directs the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

7.1.3 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party as directed by the rules of the International Federation. For *Results Management* and the conduct of hearings for a test or a further analysis conducted by WADA on its own initiative, or an anti-doping rule violation discovered by WADA, WADA shall designate an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person* or, if there is no such *Anti-Doping Organization* willing to do so, any other *Anti-Doping Organization* that is willing to do so. *Results Management* and the conduct of hearings for a test conducted by the International Olympic Committee, the International Paralympic Committee, or another *Major Event Organization*, or an anti-doping rule violation discovered by one of those organizations, shall be referred to the applicable International Federation in relation to *Consequences* beyond exclusion from the *Event*, *Disqualification*

<sup>41</sup> [Drafting Note to Article 7: Much of the detail contained in the current version of Article 7 will be contained in the *International Standard for Results Management and Hearings*.]

<sup>42</sup> [Comment to Article 7.1: In some cases, the procedural rules of the *Anti-Doping Organization* which initiated and directed the *Sample* collection may specify that *Results Management* will be handled by another organization (e.g., the *Athlete's National Federation*). In such event, it shall be the *Anti-Doping Organization's* responsibility to confirm that the other organization's rules are consistent with the *Code* and that *Results Management* is handled and concluded consistent with the *Code*.]



of *Event* results, forfeiture of any medals, points, or prizes from the *Event*, or recovery of costs applicable to the anti-doping rule violation.<sup>43</sup>

- 7.1.4 For *Results Management* relating to a *Sample* initiated and taken during an *Event*, or an anti-doping rule violation occurring during an *Event*, the *Major Event Organization* for the *Event* shall assume *Results Management* responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from the *Event*, and any recovery of costs applicable to the anti-doping rule violation. In the event the *Major Event Organization* assumes only limited *Results Management* responsibility, the case shall be referred by the *Major Event Organization* to the applicable International Federation for completion of *Results Management*.
- 7.1.5 WADA may direct an *Anti-Doping Organization* with *Results Management* authority to conduct *Results Management* in a particular case. If that *Anti-Doping Organization* refuses to conduct *Results Management* within a reasonable deadline set by WADA, WADA may direct another *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of the refusing *Anti-Doping Organization* or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, the refusing *Anti-Doping Organization* shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by WADA. Failure to conduct *Results Management* as directed or failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.
- 7.1.6 *Results Management* in relation to a potential Whereabouts Failure (a filing failure or a missed test) shall be administered by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard for Testing and Investigations*. The *Anti-Doping Organization* that determines a filing failure or a missed test shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.

## 7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

Review and notification with respect to a potential anti-doping rule violation shall be carried out in accordance with the *International Standard for Results Management*.

## 7.3 Identification of Prior Anti-Doping Rule Violations

Before giving an *Athlete* or other *Person* notice of an asserted anti-doping rule violation as provided above, the *Anti-Doping Organization* shall refer to ADAMS and contact WADA and other relevant *Anti-Doping Organizations* to determine whether any prior anti-doping rule violation exists.

## 7.4 Principles Applicable to *Provisional Suspensions*<sup>44</sup>

<sup>43</sup> [Comment to Article 7.1.3: The *Athlete's* or other *Person's* International Federation has been made the *Anti-Doping Organization* of last resort for *Results Management* to avoid the possibility that no *Anti-Doping Organization* would have authority to conduct *Results Management*. An International Federation is free to provide in its own anti-doping rules that the *Athlete's* or other *Person's* National *Anti-Doping Organization* shall conduct *Results Management*.]

<sup>44</sup> [Comment to Article 7.4: Before a *Provisional Suspension* can be unilaterally imposed by an *Anti-Doping Organization*, the internal review specified in the Code must first be completed. In addition, the Signatory imposing a *Provisional Suspension* shall ensure that the *Athlete* is given an opportunity for a *Provisional Hearing* either before or promptly after the imposition of the *Provisional Suspension*, or an expedited final hearing under Article 8 promptly after imposition of the *Provisional Suspension*. The *Athlete* has a right to appeal under Article 13.2.3.

7.4.1 *Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding.*

The *Signatories* described below in this paragraph shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* is received for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance* or *Specified Method*, a *Provisional Suspension* shall be imposed promptly after the review and notification required by Article 7.2: where the *Signatory* is the ruling body of an *Event* (for application to that *Event*); where the *Signatory* is responsible for team selection (for application to that team selection); where the *Signatory* is the applicable International Federation; or where the *Signatory* is another *Anti-Doping Organization* which has *Results Management* authority over the alleged anti-doping rule violation. A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4. A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

7.4.2 *Optional Provisional Suspension Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations.*

A *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has *Results Management* authority over the alleged anti-doping rule violation, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations not covered by Article 7.4.1 prior to analysis of the *Athlete's* B Sample or final hearing as described in Article 8.

7.4.3 *Opportunity for Hearing or Appeal*

Notwithstanding Articles 7.4.1 and 7.4.2, a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* with: (a) an opportunity for a *Provisional Hearing*, either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of a *Provisional Suspension*; or (c) the opportunity for an expedited appeal of the *Provisional Suspension* in accordance with Article 13.

7.4.4 *Voluntary Acceptance of Provisional Suspension*

*Athletes* or other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension*, if done so within 10 calendar days from the report of the B Sample (or waiver of the B Sample) or within 10 calendar days from notice of any other anti-doping rule violation. Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such

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*In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been Provisionally Suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event.*

*Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.*

*Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed or accepted as provided in Article 10.13.2]*

acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

- 7.4.5 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete* or *Anti-Doping Organization*) does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *Major Event Organization* or International Federation) has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if, without otherwise affecting the *Competition*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Competition*.

## 7.5 Results Management Decisions

- 7.5.1 Final *Results Management* decisions or adjudications by *Anti-Doping Organizations*, other than decisions or adjudications by *Major Event Organizations*, must not purport to be limited in to a particular geographic area or sport and shall address and determine the following issues: (i) whether an anti-doping rule violation was committed, the factual basis for such determination, and the specific *Code* Articles violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.

- 7.5.2 A *Results Management* decision or adjudication by a *Major Event Organization* in connection with one of its *Events* may be limited in its scope but shall address and determine, at a minimum, the following issues: (i) whether an anti-doping rule violation was committed, the factual basis for such determination, and the specific *Code* Articles violated, and (ii) applicable *Disqualifications* under Articles 9 and 10.1, with any resulting forfeiture of medals, points and prizes. In the event a *Major Event Organization* accepts only limited responsibility for *Results Management* decisions, it must comply with Article 7.1.4.<sup>45</sup>

## 7.6 Notification of Results Management Decisions

*Athletes*, other *Persons*, *Signatories* and WADA shall be notified of *Results Management* Decisions as provided in Article 14.2 and the *International Standard for Results Management*.

## 7.7 Retirement from Sport<sup>46</sup>

If an *Athlete* or other *Person* retires while a *Results Management* process is underway, the *Anti-Doping Organization* conducting the *Results Management* process retains jurisdiction to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process

<sup>45</sup> [Comment to Article 7.5.2: With the exception of *Results Management* decisions by *Major Event Organizations*, each decision by an *Anti-Doping Organization* should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 10.1 (which is left to the ruling body for an *Event*). Pursuant to Article 15, such decision and its imposition of *Consequences* shall have automatic effect in every sport in every country. For example, for a determination that an *Athlete* committed an anti-doping rule violation based on an *Adverse Analytical Finding* for a *Sample* taken *In-Competition*, the *Athlete's* results obtained in the *Competition* would be *Disqualified* under Article 9 and all other competitive results obtained by the *Athlete* from the date the *Sample* was collected through the duration of the period of *Ineligibility* are also *Disqualified* under Article 10.10; if the *Adverse Analytical Finding* resulted from *Testing* at an *Event*, it would be the *Major Event Organization's* responsibility to decide whether the *Athlete's* other individual results in the *Event* prior to *Sample* collection are also *Disqualified* under Article 10.1.]

<sup>46</sup> [Comment to Article 7.7: Conduct by an *Athlete* or other *Person* before the *Athlete* or other *Person* was subject to the jurisdiction of any *Anti-Doping Organization* would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or other *Person* membership in a sports organization.]



has begun, the *Anti-Doping Organization* which would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, has authority to conduct *Results Management*.

## ARTICLE 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

### 8.1 Fair Hearings

For any *Person* who is asserted to have committed an anti-doping rule violation, each *Anti-Doping Organization* with responsibility for *Results Management* shall provide, at a minimum, a fair hearing within a reasonable time by a fair and impartial hearing panel in compliance with the *WADA International Standard for Results Management*. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* and *Disqualification* of results under Article 10.10 shall be *Publicly Disclosed* as provided in Article 14.3.<sup>47</sup>

### 8.2 Event Hearings

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.<sup>48</sup>

### 8.3 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules.

### 8.4 Notice of Decisions

The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the *Anti-Doping Organization* with *Results Management* responsibility to the *Athlete* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2.1 and in accordance with Article 14.5.3.

### 8.5 Single Hearing Before CAS

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the *Anti-Doping Organization* with *Results Management* responsibility, and *WADA*, be heard directly at *CAS* under *CAS* appellate procedures, with no requirement for a prior hearing.<sup>49</sup>

<sup>47</sup> [Comment to Article 8.1: This Article requires that at some point in the *Results Management* process, the *Athlete* or other *Person* shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the *Convention for the Protection of Human Rights and Fundamental Freedoms* and are principles generally accepted in international law. This Article is not intended to supplant each *Anti-Doping Organization's* own rules for hearings but rather to ensure that each *Anti-Doping Organization* provides a hearing process consistent with these principles.]

<sup>48</sup> [Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major *Event* where the resolution of the anti-doping rule violation is necessary to determine the *Athlete's* eligibility to participate in the *Event* or during an *Event* where the resolution of the case will affect the validity of the *Athlete's* results or continued participation in the *Event*.]

<sup>49</sup> [Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case *de novo* before *CAS* can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the *Athlete* or *Anti-Doping Organizations* to incur the extra expense of two hearings. An *Anti-Doping Organization* that wants to participate in the *CAS* hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

## ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.<sup>50</sup>

## ARTICLE 10 SANCTIONS ON INDIVIDUALS<sup>51</sup>

### 10.1 *Disqualification* of Results in the *Event* during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.<sup>52</sup>

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

10.1.1 If the *Athlete* establishes that he or she bears *No Fault* or *Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

### 10.2 *Ineligibility* for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method

The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 The period of *Ineligibility*, subject to Article 10.2.4, shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.<sup>53</sup>

<sup>50</sup> [Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]

<sup>51</sup> [Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]

<sup>52</sup> [Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).]

<sup>53</sup> [Comment to Article 10.2.1.1: While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one's system, it is highly unlikely that in a doping

- 10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and the *Anti-Doping Organization* can establish that the anti-doping rule violation was intentional.
- 10.2.2 If Article 10.2.1 does not apply, subject to Article 10.2.4, the period of *Ineligibility* shall be two years.
- 10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not “intentional” if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered “intentional” if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.
- 10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*, and the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three months *Ineligibility*. In addition, this period may be reduced to one month *Ineligibility* if the *Athlete* or other *Person* verifies satisfactory completion of a substance abuse program approved by the *Anti-Doping Organization* with *Results Management* responsibility. The period of *Ineligibility* established in this Article 10.2.4 is not subject to reduction based on any provision in Article 10.6.<sup>54</sup>
- 10.3 *Ineligibility* for Other Anti-Doping Rule Violations
- The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 10.6 or 10.7 are applicable:
- 10.3.1 For a violation of Article 2.3, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.
- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete’s* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

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case under Article 2.1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.]

<sup>54</sup> [Drafting Note: The last sentence of Article 10.2.4 means that this provision is potentially more punitive than the current Code. For example, under the current Code (and the current Comment to No Significant Fault or Negligence), an Athlete who tests positive for marijuana and can meet the burden to show the Use was not for sport performance, may receive a reprimand with no period of Ineligibility. Under this draft provision, that option is no longer available and the same Athlete would receive three months Ineligibility with a possible reduction to one month.]

- 10.3.3 For a violation of Article 2.5, the period of *Ineligibility* shall be four years.<sup>55</sup>
- 10.3.4 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.<sup>56</sup>
- 10.3.5 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.3.6 For violations of Article 2.10, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.<sup>57</sup>
- 10.3.7 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.<sup>58</sup>
- 10.4 *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

If the *Anti-Doping Organization* establishes in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity*) or 2.11 (*Acts by an Athlete* or *Other Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two years depending on the seriousness of the violation unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.<sup>59</sup>

<sup>55</sup> [Comment to Article 10.3.3: A hearing panel may consider a violation of Article 2.5 under this Article 10.3.3 at any point during the Results Management and hearing process, either upon its own motion or on the motion of any party to the proceeding, or a party may bring forward a new charge for violation of Article 2.5 if the violation is discovered after the close of the hearing on the underlying anti-doping rule violation.]

<sup>56</sup> [Comment to Article 10.3.4: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

<sup>57</sup> [Comment to Article 10.3.6: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

<sup>58</sup> [Comment to Article 10.3.7: Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 shall be sanctioned based on the violation that carries the more severe sanction.]

<sup>59</sup> [Comment to Article 10.4: Violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity*) and 2.11 (*Acts by an Athlete* or *Other Person* to Discourage or Retaliate Against Reporting) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion to allow consideration of any aggravating circumstance. The imposition of an additional period of *Ineligibility* for *Aggravating Circumstances* may be sought by the *Anti-Doping Organization* with Results Management or any party to an appeal under Article 13, or an additional period of *Ineligibility* may be imposed by a hearing body on its own initiative.]

## 10.5 Elimination of the Period of *Ineligibility* where there is *No Fault* or *Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Fault* or *Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.<sup>60</sup>

## 10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault* or *Negligence*

### 10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.<sup>61</sup>

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

#### 10.6.1.1 *Specified Substances* or *Specified Methods*

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

#### 10.6.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault* or *Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years of *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.<sup>62</sup>

<sup>60</sup> [Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault* or *Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a *Prohibited Substance* by the *Athlete's* personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete's* food or drink by a spouse, coach or other *Person* within the *Athlete's* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on *No Significant Fault* or *Negligence*.]

<sup>61</sup> [Drafting Note to Article 10.6: Many stakeholders have expressed the view that the current *No Significant Fault* or *Negligence* requirement that the *Athlete* must establish how the *Prohibited Substance* entered the *Athlete's* system is unfair in a number of cases where it is likely that supplement contamination was the source of the *Adverse Analytical Finding* but the *Athlete* is unable to identify the specific *Contaminated Product* which caused the *Adverse Analytical Finding*. Typically, there is no way to tell analytically whether a very low concentration of a *Prohibited Substance* is the tail end of an excretion curve resulting from doping or whether the presence in the *Athlete's* body is the result of supplement contamination. On the one hand, it is the common refrain of *Athletes* who intentionally dope to say, "it must have been a contaminated supplement." On the other hand, there are some *Prohibited Substances* which are particularly likely to be found as contaminants in supplements and other products. Rather than modify the definition of *No Significant Fault* or *Negligence* which requires that, for any violation of Article 2.1, the *Athlete* must establish how the *Prohibited Substance* entered the *Athlete's* system as a necessary element, WADA will issue a *Technical Document* increasing the reporting limit for certain substances that are particularly susceptible to contamination].

<sup>62</sup> [Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or other *Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault* or *Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault* or *Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually used the



10.6.1.3 *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.<sup>63</sup>

10.6.2 Application of *No Significant Fault* or *Negligence* beyond the Application of Article 10.6.1<sup>64</sup>

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable, that he or she bears *No Significant Fault* or *Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or other *Consequences* for Reasons other than *Fault*10.7.1 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations.<sup>65</sup>10.7.1.1 An *Anti-Doping Organization* with *Results Management* responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification*)<sup>66</sup> imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is

*Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the Doping Control form.

*This Article should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Article 10.5.]*

<sup>63</sup> [Drafting Note to Article 10.6.1.3: Many stakeholders object to this provision as being too lenient.]

<sup>64</sup> [Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation, except those Articles where intent is an element of the anti-doping rule violation (e.g., Articles 2.5, 2.7, 2.8, 2.9 or 2.11) or an element of a particular sanction (e.g., Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or other *Person's* degree of *Fault*.]

<sup>65</sup> [Comment to Article 10.7.1: The cooperation of *Athletes*, *Athlete Support Personnel* and other *Persons* who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

<sup>66</sup> [Drafting Note to Article 10.7.1.1: The issue of whether to allow an *Anti-Doping Organization* to suspend *Disqualification* in part or whole in exchange for *Substantial Assistance* presents a difficult choice between two competing anti-doping principles—protecting the interests of clean *Athletes* by ensuring that an *Athlete* who doped does not retain competitive results and prizes over a clean *Athlete* who rightfully should have received them, and giving *Anti-Doping Organizations* a critical tool to obtain cooperation from *Athletes* who may not agree to provide *Substantial Assistance* where doing so would result in *Disqualification* that could extend backward for up to eight years.]

made available to the *Anti-Doping Organization* with *Results Management* responsibility; or (iii) which results in *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory or *Athlete Passport Management Unit* (as defined in the *International Standard for Testing and Investigations*) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or (iv) with the approval by *WADA*, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After a final appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA* and the applicable *International Federation*.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, noncompliance with the *Code* and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, the *Anti-Doping Organization* with *Results Management* responsibility shall allow the *Athlete* or other *Person* to provide the information to the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *Anti-Doping Organization* that suspended the period of *Ineligibility* shall reinstate the original period of *Ineligibility*. If an *Anti-Doping Organization* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

#### 10.7.1.2

To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the *Anti-Doping Organization* conducting *Results Management* or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, *WADA* may agree at any stage of the *Results Management* process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, *WADA*'s decisions in the context of this

Article 10.7.1.2 may not be appealed by any other *Anti-Doping Organization*.

- 10.7.1.3 If an *Anti-Doping Organization* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2.

In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize an *Anti-Doping Organization* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

10.7.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.<sup>67</sup>

10.7.3 Application of Multiple Grounds for Reduction of a Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5, and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

10.8 Results Management Agreements

10.8.1 Acknowledgement of an Intentional Anti-Doping Rule Violation by an *Athlete* or Other *Person*

Where an *Athlete* or other *Person*, after being confronted by an *Anti-Doping Organization* with an asserted anti-doping rule violation under Article 10.2.1 that carries an asserted period of *Ineligibility* of four or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the asserted violation no later than 10 calendar days after receiving notice of the B *Sample* analysis (or waiver of such analysis) or 10 calendar days from notice of another asserted anti-doping rule violation, the *Athlete* or other *Person* may receive a one-year reduction in the period of *Ineligibility* asserted by the *Anti-Doping Organization*. Where the *Athlete* or other *Person* receives the one-year reduction in the

<sup>67</sup> [Comment to Article 10.7.2: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organization* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had he or she not come forward voluntarily.]



asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.<sup>68</sup>

#### 10.8.2 Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by an *Anti-Doping Organization* and agrees to *Consequences* acceptable to the *Anti-Doping Organization* and WADA, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* down to a minimum of one half of the otherwise applicable maximum period of *Ineligibility* (based on an assessment by the *Anti-Doping Organization* and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation), depending on the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction. The decision by WADA and the *Anti-Doping Organization* to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, the *Anti-Doping Organization* with *Results Management* responsibility shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

#### 10.9 Multiple Violations

##### 10.9.1 Second or Third Anti-Doping Rule Violation

10.9.1.1 For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

(a) six months;

(b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.7; or

(c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.7.

10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for

<sup>68</sup> [Comment to Article 10.8.1: The purpose of this Article is to give the *Athlete* or other *Person* an incentive to quickly end the anti-doping rule violation *Results Management* process, thereby saving resources for all parties, by admitting an intentional violation in exchange for a one year reduction in the period of *Ineligibility* asserted by the *Anti-Doping Organization*. Where this Article is applied, the *Athlete* or other *Person* shall in no event receive more than a one year reduction in the period of *Ineligibility* that has been asserted by the *Anti-Doping Organization*. Whether the period of *Ineligibility* asserted by the *Anti-Doping Organization* is correct or not is not a matter subject to review or appeal for purposes of the application of this Article.]

elimination or reduction of the period of *Ineligibility* under Article 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

- 10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.
- 10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4 shall not be considered a violation for purposes of Article 10.9.
- 10.9.3 Additional Rules for Certain Potential Multiple Violations
- 10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after the *Anti-Doping Organization* made reasonable efforts to give notice of the first anti-doping rule violation. If the *Anti-Doping Organization* cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.<sup>69</sup>
- 10.9.3.2 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred 12 months or more before the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be the longer of: (i) the period of *Ineligibility* calculated under Article 10.9.3.1, and (ii) the period of *Ineligibility* calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served separately, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.
- 10.9.3.3 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served separately, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule

<sup>69</sup> [Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the *Anti-Doping Organization* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation—e.g., the *Anti-Doping Organization* shall impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]

violation. Where this Article is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 If an *Anti-Doping Organization* establishes that a *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### 10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

#### 10.10 *Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation*

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the duration of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.<sup>70</sup>

#### 10.11 Forfeited Prize Money

An *Anti-Doping Organization* or other *Signatory* that has recovered prize money forfeited as a result of an anti-doping rule violation shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. An International Federation may provide in its rules whether or not the redistributed prize money shall be considered for purposes of its ranking of *Athletes*.<sup>71</sup>

#### 10.12 *Financial Consequences*

*Anti-Doping Organizations* may, in their own rules, provide for proportionate recovery of costs or financial sanctions on account of anti-doping rule violations. However, *Anti-Doping Organizations* may only impose financial sanctions in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

<sup>70</sup> [Comment to Article 10.10: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

<sup>71</sup> [Comment to Article 10.11: This Article is not intended to impose an affirmative duty on the Anti-Doping Organization or other Signatory to take any action to collect forfeited prize money. If the Anti-Doping Organization elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by an International Federation and its Athletes.]

## 10.13 Commencement of *Ineligibility* Period<sup>72</sup>

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

### 10.13.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.<sup>73</sup>

### 10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.<sup>74</sup>

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with *Results Management* authority and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.<sup>75</sup>

10.13.2.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.

<sup>72</sup> [Comment to Article 10.13: Article 10.13 makes clear that delays not attributable to the *Athlete*, timely admission by the *Athlete* and *Provisional Suspension* are the only justifications for starting the period of *Ineligibility* earlier than the date of the final hearing decision.]

<sup>73</sup> [Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an *Anti-Doping Organization* to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or other *Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

<sup>74</sup> [Comment to Article 10.13.2.1: As provided in Articles 10.7 and 10.9, an *Athlete* or other *Person* who does not respect a *Provisional Suspension* is subject to an additional period of *Ineligibility* for aggravating circumstances and the *Disqualification* of all results with all of the resulting *Consequences*.]

<sup>75</sup> [Comment to Article 10.13.2.2: An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way to draw an adverse inference against the *Athlete*.]

10.13.2.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

#### 10.14 Status during *Ineligibility* or *Provisional Suspension*

##### 10.14.1 Prohibition against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared ineligible or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international- or national-level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.<sup>76</sup>

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

##### 10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory's* member organization during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.<sup>77</sup>

##### 10.14.3 Violation of the Prohibition of Participation during *Ineligibility*

<sup>76</sup> [Comment to Article 10.14.1: For example, subject to Article 10.14.2 below, *Ineligible Athletes* cannot participate in a training camp, exhibition or practice organized by their National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-*Signatory* International Event organization or a non-*Signatory* national-level Event organization without triggering the Consequences set forth in Article 10.14.4. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. *Ineligibility* imposed in one sport shall also be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). This Article means that an *Ineligible Athlete* or other *Person* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognized by a *Signatory* or its National Federations for any purpose.]

<sup>77</sup> [Comment to Article 10.14.2: In many *Team Sports* and some individual sports (e.g., ski jumping and gymnastics), *Athletes* cannot effectively train on their own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.14.1 other than training.]



Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, an *Anti-Doping Organization* with jurisdiction over such *Athlete Support Person* or other *Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

#### 10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organizations and governments.

#### 10.15 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

## ARTICLE 11 CONSEQUENCES TO TEAMS

#### 11.1 *Testing of Team Sports*

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

#### 11.2 *Consequences for Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

#### 11.3 *Event Ruling Body or International Federation may Establish Stricter Consequences for Team Sports*

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.<sup>78</sup> Similarly, an International Federation may elect to establish rules imposing stricter *Consequences* for *Team Sports* within its jurisdiction than those in Article 11.2.

<sup>78</sup> [Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require *Disqualification* of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]



## ARTICLE 12 SANCTIONS BY SIGNATORIES (OTHER THAN WADA) AGAINST OTHER SPORTING BODIES

Each *Signatory* shall take action under its own rules to enforce the obligation on any other sporting body over which it has authority to comply with, implement, uphold and enforce the *Code* within that body's area of competence.

A *Signatory's* action and rules shall include the possibility of excluding all, or some group of, members of that sporting body from specified future *Events* or all *Events* conducted within a specified period of time.<sup>79</sup>

## ARTICLE 13 RESULTS MANAGEMENT: APPEALS<sup>80</sup>

### 13.1 Decisions Subject to Appeal

Decisions made under the *Code* or under rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Except as provided in Article 13.1.3, before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below.

#### 13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

#### 13.1.2 CAS Shall Not Defer to the Findings Being Appealed

In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.<sup>81</sup>

#### 13.1.3 WADA Not Required to Exhaust Internal Remedies<sup>82</sup>

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organization's* process, WADA may appeal such

<sup>79</sup> [Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist. For sanctions against Signatories for noncompliance with the Code, see Article 23.5]

<sup>80</sup> [Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit from having another competitor Disqualified.]

<sup>81</sup> [Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

<sup>82</sup> [Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]

decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organization's* process.

### 13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, *Consequences*, *Provisional Suspensions*, Implementation of Decisions and Jurisdiction

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; a decision by WADA assigning *Results Management* under Article 7.1; a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance the *International Standard for Results Management*; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; an *Anti-Doping Organization's* failure to comply with Article 7.4; a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5; failure to comply with Article 10.8.1; a decision under Article 10.14.3; and a decision by an *Anti-Doping Organization* not to implement another *Anti-Doping Organization's* decision under Article 15 may be appealed exclusively as provided in this Article 13.2.

#### 13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.<sup>83</sup>

#### 13.2.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an arbitral body in accordance with rules established by the *National Anti-Doping Organization*.<sup>84</sup> The rules for such appeal shall respect the following principles:

- a timely hearing;
- a fair, impartial and independent hearing panel;
- the right to be represented by counsel at the *Person's* own expense; and
- a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the *Athlete* or other *Person* shall have a right to appeal to CAS.

#### 13.2.3 *Persons* Entitled to Appeal

<sup>83</sup> [Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

<sup>84</sup> [Comment to Article 13.2.2: The term "arbitral body" shall be interpreted in accordance with *The Convention on the Recognition and Enforcement of Foreign Arbitral Awards* and the *International Standard for Results Management*.]

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal. The filing deadline for an appeal filed by WADA shall be the later of:

(a) Twenty-one days after the last day on which any other party in the case could have appealed,

or

(b) Twenty-one days after WADA's receipt of the complete file relating to the decision.<sup>85</sup>

Notwithstanding any other provision herein, the only *Person* who may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

#### 13.2.4 Cross Appeals and other Subsequent Appeals Allowed<sup>86</sup>

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

<sup>85</sup> [Comments to Article 13.2.3: Whether governed by CAS rules or Article 13.2.3, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

<sup>86</sup> [Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

### 13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization*<sup>87</sup>

Where, in a particular case, an *Anti-Doping Organization* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the *Anti-Doping Organization* had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organization*.

### 13.4 Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in Article 4.4.

### 13.5 Notification of Appeal Decisions

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

### 13.6 Appeals from Decisions under Article 23.5

A notice that is not disputed and so becomes a final decision under Article 23.5, finding a *Signatory* non-compliant with the *Code* and imposing *Consequences* for such non-compliance, as well as conditions for reinstatement of the *Signatory*, may be appealed to CAS as provided in the *International Standard for Code Compliance by Signatories*.

### 13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation

Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.

## ARTICLE 14 CONFIDENTIALITY AND REPORTING

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

### 14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and other Asserted Anti-Doping Rule Violations

#### 14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the *Anti-Doping Organization* with *Results Management* responsibility.

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<sup>87</sup> [Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation, Results Management and hearing process, it is not feasible to establish a fixed time period for an *Anti-Doping Organization* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the *Anti-Doping Organization* and give the *Anti-Doping Organization* an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an *International Federation* from also having rules which authorize it to assume jurisdiction for matters in which the *Results Management* performed by one of its *National Federations* has been inappropriately delayed.]

14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, International Federations and WADA

The *Anti-Doping Organization with Results Management* responsibility shall also notify the *Athlete's National Anti-Doping Organization*, International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the *Athlete* or other *Person*.

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the *International Standard for Testing and Investigations*, or, for anti-doping rule violations other than Article 2.1, the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Anti-Doping Organizations* referenced in Article 14.1.2 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, National Federation, and team in a *Team Sport*) until the *Anti-Doping Organization with Results Management* responsibility has made *Public Disclosure* as permitted by Article 14.3.<sup>88</sup>

14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.6, 8.4, 10.5, 10.6, 10.7, 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the *Anti-Doping Organization* shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.

14.3 *Public Disclosure*

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and nature of the violation involved, and whether the *Athlete* or

<sup>88</sup> [Comment to Article 14.1.5: Each *Anti-Doping Organization* shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the *Anti-Doping Organization*.]

other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the *Anti-Doping Organization* with *Results Management* responsibility.

- 14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the *Anti-Doping Organization* responsible for *Results Management* must *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The same *Anti-Doping Organization* must also *Publicly Disclose* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.<sup>89</sup>
- 14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with *Results Management* responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 14.3.4 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.5 Except as provided in Article 14.3.1, no *Anti-Doping Organization* or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.
- 14.3.6 The mandatory *Public Disclosure* required in 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.
- 14.4 Statistical Reporting
- Anti-Doping Organizations* shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities, with a copy provided to WADA. *Anti-Doping Organizations* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.
- 14.5 *Doping Control* Information Database and Monitoring of Compliance
- To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organizations*, WADA shall develop and manage a *Doping Control* information database, such as ADAMS, and *Anti-*

<sup>89</sup> [Comment to Article 14.3.2: Where *Public Disclosure* as required by Article 14.3.2 would result in a breach of other applicable laws, the *Anti-Doping Organization's* failure to make the *Public Disclosure* will not result in a determination of noncompliance with Code as set forth in Article 4.1 of the *International Standard for the Protection of Privacy and Personal Information*.]



*Doping Organizations* shall report to WADA through such database *Doping Control*-related information, including, in particular,

- a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- b) Whereabouts information for *Athletes* including those in *Registered Testing Pools*,
- c) *TUE* decisions, and
- d) *Results Management* decisions (including whereabouts failures).

14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests to WADA by entering the *Doping Control* forms into ADAMS within the timelines contained in the *International Standard for Testing and Investigations*.

14.5.2 To facilitate WADA's oversight and appeal rights for *TUEs*, each *Anti-Doping Organization* shall report all *TUE* decisions using ADAMS within the timelines outlined in the *International Standard for Therapeutic Use Exemptions*.

14.5.3 To facilitate WADA's oversight and appeal rights for *Results Management*, *Anti-Doping Organizations* shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization* and International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.<sup>90</sup>

#### 14.6 Data Privacy<sup>91</sup>

*Anti-Doping Organizations* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code* and *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), and in compliance with applicable law.

<sup>90</sup> [Comment to Article 14.5: WADA, which is supervised by Canadian privacy authorities, has developed and manages ADAMS to enable it to fulfill its monitoring role under Article 14.5. ADAMS is designed to be consistent with data privacy laws and norms applicable to WADA and other organizations using such system. Personal information regarding Athletes or other Persons maintained in ADAMS is and will be treated in strict confidence and in accordance with the International Standard for the Protection of Privacy and Personal Information.]

<sup>91</sup> [Comment to Article 14.6: Note that Article 22.2 provides that "Each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."]

[Drafting Note: Stakeholder feedback on Data Privacy has been forwarded to the WADA Data Privacy Working Group. After receiving their comments, any appropriate Code revisions will be made in the second draft of the 2021 Code.]

## ARTICLE 15 IMPLEMENTATION OF DECISIONS

### 15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organizations*

- 15.1.1 A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, a national arbitral body (Article 13.2.2) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon every *Signatory* in every sport with the effects described below:
- 15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.
- 15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.
- 15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.
- 15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 15.1.2 Each *Signatory* is under the obligation to recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed by WADA into ADAMS.
- 15.1.3 A decision by an *Anti-Doping Organization*, a national arbitral body or CAS to suspend or lift *Consequences* shall be binding upon, and shall be implemented by, each *Signatory* without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed by WADA into ADAMS
- 15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on other *Signatories* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.<sup>92</sup>

<sup>92</sup> [Comment to Article 15.1: By way of example, where the rules of the Major Event Organization give the Athlete or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organization is binding on other Signatories regardless of whether the Athlete or other Person chooses the expedited appeal option.]

## 15.2 Implementation of Other Decisions by Anti-Doping Organizations

*Signatories* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above, such as *Provisional Suspensions* prior to *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.<sup>93</sup>

## 15.3 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by each *Signatory* if the *Signatory* finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.<sup>94</sup>

## ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT

16.1 In any sport that includes animals in *Competition*, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.

16.2 With respect to determining anti-doping rule violations, *Results Management*, fair hearings, *Consequences*, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the *Code*.

## ARTICLE 17 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

<sup>93</sup> [Comment to Articles 15.1 and 15.2: Anti-Doping Organization decisions under Article 15.1 are implemented automatically by other Signatories without the requirement of any action on the Signatories' part. Implementation of Anti-Doping Organizations' decisions under Article 15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

<sup>94</sup> [Comment to Article 15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed. A Signatory's implementation of a decision, or its decision not to implement a decision, under Article 15.3 is appealable under Article 13.]



# PART TWO

## EDUCATION AND RESEARCH

## ARTICLE 18 EDUCATION

### 18.1 Principle and Primary Goal

The main principle for education programs is to actively contribute to the anti-doping system as one of the four prevention strategies intended to preserve the spirit of sport and to help foster a clean sport environment as described in the Introduction to the Code.

The primary activities of education are to raise awareness, provide accurate information and develop decision-making capability to prevent intentional and unintentional *Use of Prohibited Substances* and *Prohibited Methods*. These anti-doping related education activities shall be underpinned by values-based education through the focus of development on the individual's personal values and principles that will ultimately lead to the protection of the integrity of sport.

All *Signatories* shall, within their scope of responsibility and in cooperation with each other, plan, implement, monitor and evaluate education programs in line with the requirements set out in the *International Standard for Education*.

### 18.2 Education Program and Plan

#### 18.2.1 Education Program

The programs and associated activities shall promote the spirit of sport and focus on developing a clean sport environment to have a positive and long-term influence on the choices made by *Athletes* and other *Persons*.

The Education Program shall include the following components as outlined in the *International Standard for Education*: Awareness, Information, Values-Based Education, and Anti-Doping Education, and cover as a minimum the following topics where relevant for specific target groups:

- Principles and values associated with clean sport
- *Athlete* and *Athlete Support Personnel's* rights and responsibilities
- The Anti-Doping Charter of *Athlete* Rights
- Consequences of doping including health, social, psychological effects and sanctions
- Anti-doping rule violations
- Substances and Methods on the *Prohibited List*
- Risks with medications and supplements, including health consequences
- Therapeutic *Use Exemptions*
- *Testing* procedures, including urine, blood and the biological passports
- Requirements of a *Registered Testing Pool*, including applicable Whereabouts requirements and use of *ADAMS*
- Speaking up to share concerns about doping

For younger athletes, programs should be values-based, with a focus on instilling the spirit of sport, ideally through school programs.

#### 18.2.2 Education Plan

*Signatories* shall develop an education plan that demonstrates the Education Program activities as required in the *International Standard* for Education. Prioritization of target groups or activities should be justified based on a clear rationale as part of the Education Plan.

*Signatories* shall make their education plans available to other *Signatories* upon request in order to avoid duplication of efforts where possible and to support the recognition process outlined in the *International Standard* for Education.<sup>95</sup>

### 18.3 Education Pool and Target Groups

#### 18.3.1 Education Pool

*Signatories* shall identify their target groups and form an Education Pool in line with the minimum requirements outlined in the *International Standard* for Education.<sup>96</sup>

#### 18.3.2 Athletes

*Athletes* as defined by each *Signatory* that are subject to anti-doping rules shall be considered for inclusion in the Education Pool in line with the requirements of the *International Standard* for Education.

*Signatories* shall include the *Registered Testing Pool* in the Education Pool as a minimum. For those *Athletes* (as defined by the *Signatory*) not included in the Education Pool following the process outlined in the *International Standard* for Education, *Signatories* shall provide a rationale in the education plan as to why they have been excluded from the Education Pool and how this will be addressed in the future.

#### 18.3.3 Athlete Support Personnel

*Athlete Support Personnel* shall be considered for inclusion in the Education Pool, in line with the requirements of the *International Standard* for Education.

For *Athlete Support Personnel* not included in the Education Pool following the process outlined in the *International Standard* for Education, *Signatories* shall provide a rationale in the education plan as to why they have been excluded from the Education Pool and how this will be addressed in the future.<sup>97</sup>

<sup>95</sup> [Comment to 18.2.2: The Technical Document for Sport Specific Analysis already provides sport specific knowledge relating to the risk of doping with a sport. Such information can be used to inform the assessment process to identify priority target groups for education programs. WADA also provides education resources for Signatories to use to support their program delivery.]

<sup>96</sup> [Comment to Article 18.3.1: The Education Pool should not be limited to National- or International-Level Athletes and should include all Persons, including youth, who participate in sport under the authority of any Signatory, government or other sports organization accepting the Code.]

<sup>97</sup> [Comment to Article 18.3.3: Signatories should identify, and where resources permit, implement education activities for wider Athlete Support Personnel such as: nutritional personnel, sport science personnel, teachers, athlete agents, commercial sponsors and the media. For international competitions, Athlete Support Personnel such as Chefs de Mission for National Teams, or Heads of Delegation, may benefit from inclusion in the Education Pool.]



#### 18.4 Education Program Implementation

Any education activity directed at the Education Pool should be delivered by a trained and authorized person according to the requirements set out in the *International Standard* for Education.<sup>98</sup>

Anti-Doping Organizations should ensure that education delivery is appropriately quality assured, and data, as specified in the *International Standard* for Education, should be collected on an annual basis and inform the following education plan.

#### 18.5 Coordination and Cooperation

The Education Program shall be coordinated by the *National Anti-Doping Organization* at the national level, working in collaboration with their respective national sports federations, *National Olympic Committee*, National Paralympic Committee, governments and educational institutions. This coordination should maximize the reach of education programs across sports, *Athletes* and *Athlete Support Personnel* and minimize duplication of effort.

*International-Level Athletes* should be the priority for International Federations, where event-based education should become a mandatory element of any anti-doping program associated with an *International Event*.

*National Anti-Doping Organizations*, *Regional Anti-Doping Organizations* and governments should cooperate to embed values-based education into school programs.

All *Signatories* shall proactively support participation by *Athletes* and *Athlete Support Personnel* in Education Programs.

WADA shall work with international partners to support the implementation of the *International Standard of Education* and act as a central repository for information and education resources and/or programs developed by WADA or *Signatories*. *Signatories* shall cooperate with each other and governments to coordinate their efforts

All *Signatories* shall cooperate with each other and governments to encourage relevant sports organizations, educational institutions, and professional associations to develop and implement appropriate Codes of Conduct that reflect good practice and ethics related to sport practice regarding anti-doping. Disciplinary policies and procedures should be clearly articulated and communicated, including sanctions which are consistent with the *Code*.<sup>99</sup>

## ARTICLE 19 RESEARCH

#### 19.1 Purpose and Aims of Anti-Doping Research

Anti-doping research contributes to the development and implementation of efficient programs within *Doping Control* and to information and education regarding doping-free sport.

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<sup>98</sup> [Comment to Article 18.4: The purpose of this provision is to introduce the concept of an Educator. Education should only be delivered by a trained and competent person, similar to testing whereby only trained and appointed Doping Control officers can conduct tests. In both cases, the requirement for trained personnel is to safeguard the Athlete and maintain consistent standards of delivery. Further details on instituting a simple accreditation program for Educators are outlined in the WADA Model Guidelines for Education, including best practice examples of interventions that can be implemented.]

<sup>99</sup> [Comment to Article 18.5: Such Codes of Conduct should make provision for appropriate disciplinary action to be taken by sports bodies to either support the implementation of any doping sanctions, or for an organization to take its own disciplinary action should insufficient evidence prevent an anti-doping rule violation being brought forward.]

All *Signatories and WADA* shall, in cooperation with each other and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *Code*.

#### 19.2 Types of Research

Relevant anti-doping research may include, for example, sociological, behavioral, juridical and ethical studies in addition to medical, analytical and physiological investigation. Studies on devising and evaluating the efficacy of scientifically-based physiological and psychological training programs that are consistent with the principles of the *Code* and respectful of the integrity of the human subjects, as well as studies on the *Use* of emerging substances or methods resulting from scientific developments should be conducted.

#### 19.3 Coordination of Research and Sharing of Results

Coordination of anti-doping research through *WADA* is essential. Subject to intellectual property rights, copies of anti-doping research results shall be provided to *WADA* and, where appropriate, shared with relevant *Signatories* and *Athletes* and other stakeholders.

#### 19.4 Research Practices

Anti-doping research shall comply with internationally-recognized ethical practices.

#### 19.5 Research Using *Prohibited Substances* and *Prohibited Methods*

Research efforts should avoid the *Administration of Prohibited Substances or Prohibited Methods to Athletes*.

#### 19.6 Misuse of Results

Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping purposes.



# PART THREE

## ROLES AND RESPONSIBILITIES

All *Signatories and WADA* shall act in a spirit of partnership and collaboration in order to ensure the success of the fight against doping in sport and the respect of the *Code*.<sup>100</sup>



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<sup>100</sup> [Comment: Responsibilities for Signatories and Athletes or other Persons are addressed in various Articles in the Code and the responsibilities listed in this part are additional to these responsibilities.]

## ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF SIGNATORIES AND WADA

Each *Anti-Doping Organization* may delegate aspects of *Doping Control* for which it is responsible but remains fully responsible for ensuring that any aspect it delegates is performed in compliance with the *Code*. To the extent such delegation is made to a service provider that is not a *Signatory*, the agreement with the service provider should require its compliance with applicable *Code* provisions, *International Standards* and *Technical Documents*.<sup>101</sup>

### 20.1 Roles and Responsibilities of the International Olympic Committee

- 20.1.1 To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code* and the *International Standards*.
- 20.1.2 To require as a condition of recognition by the International Olympic Committee, that International Federations and *National Olympic Committees* within the Olympic Movement are in compliance with the *Code* and the *International Standards*.
- 20.1.3 To withhold some or all Olympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 23.5.
- 20.1.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 23.5~~Error! Reference source not found.~~ and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.1.5 To authorize and facilitate the *Independent Observer Program*.
- 20.1.6 To require all *Athletes* and each *Athlete Support Person* or other *Person* who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Olympic Games, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.1.7 To require all its directors and officers, as well as its employees and volunteers who are involved in any aspect of *Doping Control* or medical issues or care, to agree to and be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of such position or involvement.<sup>102</sup>
- 20.1.8 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.1.9 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard for Education*.

<sup>101</sup> [Comment to Article 20: Obviously, an *Anti-Doping Organization* is not responsible for a failure to comply with the *Code* by its non-*Signatory* service provider if the service provider's failure is committed in connection with services provided to a different *Anti-Doping Organization*. For example, if FINA and FIBA both delegate aspects of *Doping Control* to the same non-*Signatory* service provider, and the provider fails to comply with the *Code* in performing the services for FINA, only FINA and not FIBA would be responsible for the failure.]

<sup>102</sup> [Comment: The obligation to require an employee to be bound by the *Code* is subject to the applicable country's employment law.]

- 20.1.10 To accept bids for the Olympic Games only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee*, *National Paralympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code* and the *International Standards*, where required under Article 23.5.
- 20.1.11 To promote anti-doping education.
- 20.1.12 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.1.13 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.1.14 To adopt a policy or rule implementing Article 2.11.
- 20.2 Roles and Responsibilities of the International Paralympic Committee
- 20.2.1 To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code* and the *International Standards*.
- 20.2.2 To require as a condition of membership of the International Paralympic Committee, that International Federations and National Paralympic Committees within the Paralympic Movement are in compliance with the *Code* and the *International Standards*.
- 20.2.3 To withhold some or all Paralympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 23.5.
- 20.2.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.2.5 To authorize and facilitate the *Independent Observer Program*.
- 20.2.6 To require all *Athletes* and each *Athlete Support Person* or other *Person* who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Paralympic Games, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.2.7 To require all of its directors and officers, as well as its employees who are involved in any aspect of *Doping Control* or medical issues or care, to agree to and be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of such position or involvement.<sup>103</sup>
- 20.2.8 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard for Education*.
- 20.2.9 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.

<sup>103</sup> [Comment: The obligation to require an employee to be bound by the Code is subject to the applicable country's employment law.]

- 20.2.10 To promote anti-doping education.
- 20.2.11 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.2.12 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.2.13 To adopt a policy or rule implementing Article 2.11.
- 20.3 Roles and Responsibilities of International Federations
- 20.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code* and *International Standards*.
- 20.3.2 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 that condition.
- 20.3.3 To require all *Athletes* and each *Athlete Support Person* or other *Person* who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by the International Federation or one of its member organizations, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.3.4 To require all directors and officers of the International Federation and its member organizations, as well as all employees and volunteers of the International Federation and its member organizations who are involved in any aspect of *Doping Control*, medical care or issues or sport performance, to agree to and be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of their position or involvement with the International Federation or its member organizations.<sup>104</sup>
- 20.3.5 To require *Athletes* who are not regular members of the International Federation or one of its member National Federations to be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as part of the International Federation's *Registered Testing Pool* consistent with the conditions for eligibility established by the International Federation or, as applicable, the *Major Event Organization*.<sup>105</sup>
- 20.3.6 To require each of their National Federations to establish rules requiring all *Athletes* and each *Athlete Support Person* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations to agree to be bound by anti-doping rules and *Anti-Doping Organization Results Management* authority in conformity with the *Code* as a condition of such participation.
- 20.3.7 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

<sup>104</sup> [Comment: The obligation to require an employee to be bound by the *Code* is subject to the applicable country's employment law.]

<sup>105</sup> [Comment to Article 20.3.4: This would include, for example, *Athletes* from professional leagues.]



- 20.3.8 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories* and (b) by any other sporting body over which they have authority, in accordance with Article 12.
- 20.3.9 To authorize and facilitate the *Independent Observer Program* at *International Events*.
- 20.3.10 To withhold some or all funding to their member National Federations that are not in compliance with the *Code* and/or the *International Standards*.
- 20.3.11 To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, to ensure proper enforcement of *Consequences*, and to conduct an automatic investigation of *Athlete Support Personnel* in the case of any anti-doping rule violation involving a *Protected Person* or *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.
- 20.3.12 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard for Education*, including requiring National Federations to conduct anti-doping education in coordination with the applicable *National Anti-Doping Organization*.
- 20.3.13 To accept bids for World Championships and other *International Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code* and the *International Standards* where required under Article 23.5.
- 20.3.14 To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable *National Anti-Doping Organization*.
- 20.3.15 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.3.16 To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.11.
- 20.3.17 To have disciplinary rules in place and require National Federations to have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the International Federation's or National Federation's authority.
- 20.3.18 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.3.19 To adopt a policy or rule implementing Article 2.11.
- 20.4 Roles and Responsibilities of *National Olympic Committees* and National Paralympic Committees
- 20.4.1 To ensure that their anti-doping policies and rules conform with the *Code* and the *International Standards*.
- 20.4.2 To require as a condition of membership or recognition that National Federations' anti-doping policies and rules are in compliance with the applicable provisions of the *Code*

- and the *International Standards*, and to take appropriate action to enforce that condition.
- 20.4.3 To respect the autonomy of the *National Anti-Doping Organization* in their country and not to interfere in its operational decisions and activities.
- 20.4.4 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 20.4.5 To require as a condition of participation in the Olympic Games and Paralympic Games that, at a minimum, *Athletes* who are not regular members of a National Federation be available for *Sample* collection and to provide whereabouts information as required by the *International Standard for Testing and Investigations* as soon as the *Athlete* is identified on the long list or subsequent entry document submitted in connection with the Olympic Games or Paralympic Games.
- 20.4.6 To cooperate with their *National Anti-Doping Organization* and to work with their government to establish a *National Anti-Doping Organization* where one does not already exist, provided that in the interim, the *National Olympic Committee* or its designee shall fulfill the responsibility of a *National Anti-Doping Organization*.
- 20.4.6.1 For those countries that are members of a *Regional Anti-Doping Organization*, the *National Olympic Committee*, in cooperation with the government, shall maintain an active and supportive role with their respective *Regional Anti-Doping Organizations*.
- 20.4.7 To require each of their National Federations to establish rules (or other means) requiring each *Athlete Support Person* or other *Person* who participates or is involved as a coach, trainer, manager, team staff, official, medical or para-medical personnel in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, to agree to and be bound by anti-doping rules and *Anti-Doping Organization Results Management* authority in conformity with the *Code* as a condition of such participation or involvement.
- 20.4.8 To require all directors and officers of the *National Olympic Committee* and National Paralympic Committee and of each National Federation and its member organizations, as well as all employees and volunteers of the *National Olympic Committee* and National Paralympic Committee and of each National Federation and its member organizations who are involved in any aspect of *Doping Control*, medical care or issues or sport performance, to agree to and be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of their position or involvement with these organizations.<sup>106</sup>
- 20.4.9 To withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.4.10 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.
- 20.4.11 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard for Education*, including requiring National Federations to

<sup>106</sup> [Comment: The obligation to require an employee to be bound by the Code is subject to the applicable country's employment law.]

- conduct anti-doping education in coordination with the applicable *National Anti-Doping Organization*.
- 20.4.12 To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.4.13 To promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the applicable *National Anti-Doping Organization*.
- 20.4.14 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.4.15 To have disciplinary rules in place to prevent *Athlete Support Personnel* who are Using *Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the *National Olympic Committee's* or *National Paralympic Committee's* authority.
- 20.4.16 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.4.17 To adopt a policy or rule implementing Article 2.11.
- 20.4.18 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 23.5 and the *International Standard for Code Compliance by Signatories* and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.5 Roles and Responsibilities of *National Anti-Doping Organizations*<sup>107</sup>
- 20.5.1 To be independent in their operational decisions and activities, including without limitation the adoption and enforcement of a conflict of interest policy prohibiting any involvement by its directors and officers in the management or operations of any International Federation, National Federation, *Major Event Organization* or *National Olympic Committee*.
- 20.5.2 To adopt and implement anti-doping rules and policies which conform with the *Code* and the *International Standards*.
- 20.5.3 To cooperate with other relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.5.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations*.
- 20.5.5 To promote anti-doping research.
- 20.5.6 Where funding is provided, to withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.

<sup>107</sup> [Comment to Article 20.5: For some smaller countries, a number of the responsibilities described in this Article may be delegated by their National Anti-Doping Organization to a Regional Anti-Doping Organization.]

- 20.5.7 To vigorously pursue all potential anti-doping rule violations within their jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.
- 20.5.8 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard* for Education.
- 20.5.9 Each *National Anti-Doping Organization* shall be the authority on education within their respective countries.
- 20.5.10 To require all of its directors, officers, employees and volunteers to agree to and be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of their position or involvement with the *National Anti-Doping Organization*.<sup>108</sup>
- 20.5.11 To promote anti-doping education.
- 20.5.12 To conduct an automatic investigation of *Athlete Support Personnel* within their jurisdiction in the case of any anti-doping rule violation by a *Protected Person* and to conduct an automatic investigation of any *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.
- 20.5.13 To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.11.
- 20.5.14 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.
- 20.5.15 To adopt a policy or rule implementing Article 2.11.
- 20.5.16 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 23.5 and the *International Standard* for Code Compliance by *Signatories* and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.6 Roles and Responsibilities of *Major Event Organizations*
- 20.6.1 To adopt and implement anti-doping policies and rules for its *Events* which conform with the *Code*.
- 20.6.2 To take appropriate action to discourage non-compliance with the *Code* (a) by *Signatories*, in accordance with Article 23.5 and the *International Standard* for Code Compliance by *Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.6.3 To authorize and facilitate the *Independent Observer Program*.
- 20.6.4 To require all *Athletes* and each *Athlete Support Person* or other *Person* who participates or is involved as coach, trainer, manager, team staff, official, medical or paramedical personnel in the *Event*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.6.5 To require all of its directors and officers, as well as its employees and volunteers who are involved in any aspect of *Doping Control* or medical issues or care, to agree to and

<sup>108</sup> [Comment: The obligation to require an employee to be bound by the *Code* is subject to the applicable country's employment law.]

be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of their position or involvement with the *Major Event Organization*.<sup>109</sup>

- 20.6.6 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.6.7 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard* for Education.
- 20.6.8 To accept bids for *Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention* and the *National Olympic Committee* and *National Anti-Doping Organization* are in compliance with the *Code*, where required under Article 23.5.
- 20.6.9 To promote anti-doping education.
- 20.6.10 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations*.
- 20.6.11 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.
- 20.6.12 To adopt a policy or rule implementing Article 2.11.
- 20.6.13 To take appropriate action to discourage non-compliance with the *Code* (a) by *Signatories*, in accordance with Article 23.5 and the *International Standard* for Code Compliance by *Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.7 Roles and Responsibilities of WADA<sup>110</sup>
  - 20.7.1 To adopt and implement policies and procedures which conform with the *Code* and the *International Standards*.
  - 20.7.2 To provide support and guidance to *Signatories* in their efforts to comply with the *Code* and the *International Standards* and monitor such compliance in accordance with Article 23.5 of the *Code* and with the *International Standard* for Code Compliance by *Signatories*.
  - 20.7.3 To approve *International Standards* applicable to the implementation of the *Code*.
  - 20.7.4 To accredit and reaccredit laboratories to conduct *Sample* analysis or to approve others to conduct *Sample* analysis.
  - 20.7.5 To develop and publish guidelines and models of best practice.
  - 20.7.6 To promote, conduct, commission, fund and coordinate anti-doping research and to promote anti-doping education.

<sup>109</sup> [Comment: The obligation to require an employee to be bound by the *Code* is subject to the applicable country's employment law.]

<sup>110</sup> [Drafting Note to Article 20.7: A number of stakeholders offered comments on whether or how WADA's fulfillment of its *Code* responsibilities should be monitored and whether the *Code* should specify good governance principles applicable to WADA. These comments have been forwarded to the Working Group on WADA Governance. These issues will be addressed, if at all, following receipt of feedback from that group.]

- 20.7.7 To design and conduct an effective *Independent Observer Program* and other types of *Event* advisory programs.
- 20.7.8 To conduct, in exceptional circumstances and at the direction of the WADA Director General, *Testing* on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.<sup>111</sup>
- 20.7.9 To approve, in consultation with International Federations, *National Anti-Doping Organizations*, and *Major Event Organizations*, defined *Testing* and *Sample* analysis programs.
- 20.7.10 To require all of its directors, officers, employees and volunteers to agree to and be bound by anti-doping rules as *Persons* in conformity with the *Code* as a condition of their position or involvement with WADA.<sup>112</sup>
- 20.7.11 To initiate its own investigations of anti-doping rule violations, noncompliance of *Signatories* and WADA accredited laboratories and other activities that may facilitate doping.

## ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

### 21.1 Roles and Responsibilities of *Athletes*

- 21.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*.
- 21.1.2 To be available for *Sample* collection at all times.<sup>113</sup>
- 21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.
- 21.1.5 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.
- 21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.<sup>114</sup>

### 21.2 Roles and Responsibilities of *Athlete Support Personnel*

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<sup>111</sup> [Comment to Article 20.7.8: WADA is not a *Testing* agency, but it reserves the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant *Anti-Doping Organization* and have not been satisfactorily addressed.]

<sup>112</sup> [Comment: The requirement to require an employee to be bound by the *Code* is subject to any country's employment law that may prohibit the imposition of such a condition on an employee.]

<sup>113</sup> [Comment to Article 21.1.2: With due regard to an *Athlete's* human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* Use low doses of *EPO* during these hours so that it will be undetectable in the morning.]

<sup>114</sup> [Comment to Article 21.1.6 Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a stakeholder's rules.]



- 21.2.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.
- 21.2.2 To cooperate with the *Athlete Testing* program.
- 21.2.3 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 21.2.4 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten years.
- 21.2.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.<sup>115</sup>
- 21.2.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.<sup>116</sup>
- 21.3 Roles and Responsibilities of other *Persons* Subject to the *Code*
- 21.3.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them.
- 21.3.2 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten years.
- 21.3.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.
- 21.4 Roles and Responsibilities of *Regional Anti-Doping Organizations*
- 21.4.1 To ensure member countries adopt and implement rules, policies and programs which conform with the *Code*.
- 21.4.2 To require as a condition of membership that a member country sign an official *Regional Anti-Doping Organization* membership form which clearly outlines the delegation of anti-doping responsibilities to the *Regional Anti-Doping Organization*.
- 21.4.3 To cooperate with other relevant national and regional organizations and agencies and other *Anti-Doping Organizations*.
- 21.4.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and *Regional Anti-Doping Organizations*.
- 21.4.5 To promote anti-doping research.
- 21.4.6 To plan, implement and evaluate anti-doping education in line with the requirements of the *International Standard* for Education.

<sup>115</sup> [Comment to Article 21.2.5 Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a stakeholder's rules.]

<sup>116</sup> [Comment to Article 21.2.6: In those situations where *Use* or personal *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without justification is not an anti-doping rule violation under the *Code*, it should be subject to other sport disciplinary rules. Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope.]

21.4.7 To promote anti-doping education.

## ARTICLE 22 INVOLVEMENT OF GOVERNMENTS<sup>117</sup>

Each government's commitment to the *Code* will be evidenced by its signing the Copenhagen Declaration on Anti-Doping in Sport of 3 March 2003, and by ratifying, accepting, approving or acceding to the *UNESCO Convention*. The following Articles set forth the expectations of the *Signatories*.

- 22.1 Each government will take all actions and measures necessary to comply with the *UNESCO Convention*.
- 22.2 Each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with *Anti-Doping Organizations*, sharing of data among *Anti-Doping Organizations* as provided in the *Code*, unrestricted transport of urine and blood *Samples*, unrestricted entry and exit of *Doping Control* officials and unrestricted access for *Doping Control* officials to all areas where *International-Level Athletes* or *National-Level Athletes* live or train.
- 22.3 Each government will require that all government officials or employees directly involved in the governance or operations of a sport subject to the *Code* agree to be bound by the *Code* as a condition of such involvement.
- 22.4 Each government will encourage cooperation between all of its public services or agencies and *Anti-Doping Organizations* to timely share information with *Anti-Doping Organizations* which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.
- 22.5 Each government will respect arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable national law.
- 22.6 Each government that does not have a *National Anti-Doping Organization* in its country will work with its *National Olympic Committee* to establish one.
- 22.7 Each government will respect the autonomy of a *National Anti-Doping Organization* in its country and not interfere in its operational decisions and activities.
- 22.8 Each government shall not limit or restrict WADA's access to any doping or anti-doping records or information held or controlled by any *Signatory*, member of a *Signatory* or WADA-accredited laboratory.
- 22.9 A government should meet the expectations of Article 22.2 no later than 1 January 2022. The other sections of this Article should already have been met.
- 22.10 Failure by a government to ratify, accept, approve or accede to the *UNESCO Convention*, or to comply with the *UNESCO Convention* thereafter may result in ineligibility to bid for *Events* as provided in Articles 20.1.10, 20.3.13, and 20.6.8 and may result in additional consequences, e.g., forfeiture of offices and positions within WADA; ineligibility or non-admission of any candidature to hold any *International Event* in a country, cancellation of *International Events*; symbolic consequences and other consequences pursuant to the Olympic Charter.

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<sup>117</sup> [Comment to Article 22: Most governments cannot be parties to, or be bound by, private non-governmental instruments such as the *Code*. For that reason, governments are not asked to be *Signatories* to the *Code* but rather to sign the Copenhagen Declaration and ratify, accept, approve or accede to the *UNESCO Convention*. Although the acceptance mechanisms may be different, the effort to combat doping through the coordinated and harmonized program reflected in the *Code* is very much a joint effort between the sport movement and governments.]

This Article sets forth what the *Signatories* clearly expect from governments. However, these are simply "expectations" since governments are only "obligated" to adhere to the requirements of the *UNESCO Convention*.]



**PART FOUR**  
**ACCEPTANCE, COMPLIANCE,  
MODIFICATION AND  
INTERPRETATION**

## ARTICLE 23 ACCEPTANCE, COMPLIANCE AND MODIFICATION

### 23.1 Acceptance of the Code

23.1.1 The following entities shall be *Signatories* accepting the Code: the International Olympic Committee, International Federations, the International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. These entities shall accept the Code by signing a declaration of acceptance upon approval by each of their respective governing bodies.<sup>118</sup>

23.1.2 Other sport organizations that may not be under the control of a *Signatory* may, upon WADA's invitation, also become a *Signatory* by accepting the Code.<sup>119</sup>

23.1.3 A list of all acceptances will be made public by WADA.

### 23.2 Implementation of the Code

23.2.1 The *Signatories* shall implement applicable Code provisions through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.

23.2.2 The following Articles as applicable to the scope of the anti-doping activity which the *Anti-Doping Organization* performs must be implemented by *Signatories* without substantive change (allowing for any non-substantive changes to the language in order to refer to the organization's name, sport, section numbers, etc.):<sup>120</sup>

- Article 1 (Definition of Doping)
- Article 2 (Anti-Doping Rule Violations)
- Article 3 (Proof of Doping)
- Article 4.2.2 (*Specified Substances or Specified Methods*)
- Article 4.2.3 (*Substances of Abuse*)
- Article 4.3.3 (*WADA's Determination of the Prohibited List*)
- Article 7.7 (Retirement from Sport)
- Article 9 (*Automatic Disqualification of Individual Results*)
- Article 10 (Sanctions on Individuals)

<sup>118</sup> [Comment to Article 23.1.1: Each accepting Signatory will separately sign an identical copy of the standard form common declaration of acceptance and deliver it to WADA. The act of acceptance will be as authorized by the organic documents of each organization. For example, an International Federation by its Congress and WADA by its Foundation Board.]

<sup>119</sup> [Drafting Note to Article 23.1.2: WADA will publish a Guideline for considering which sport organizations shall be invited or permitted to become Signatories to the Code.]

<sup>120</sup> [Comment to Article 23.2.2: Nothing in the Code precludes an Anti-Doping Organization from adopting and enforcing its own specific disciplinary rules for conduct by Athlete Support Personnel related to doping but which does not, in and of itself, constitute an anti-doping rule violation under the Code. For example, a National or International Federation could refuse to renew the license of a coach when multiple Athletes have committed anti-doping rule violations while under that coach's supervision.]

- Article 11 (*Consequences to Teams*)
- Article 13 (Appeals) with the exception of 13.2.2, 13.6, and 13.7
- Article 15.1 (Automatic Binding Effect of Decisions)
- Article 17 (Statute of Limitations)
- Article 24 (Interpretation of the *Code*)
- Appendix 1 - Definitions

No additional provision may be added to a *Signatory's* rules which changes the effect of the Articles enumerated in this Article. A *Signatory's* rules must expressly acknowledge the Commentary of the *Code* and endow the Commentary with the same status that it has in the *Code*.

23.2.3 In implementing the *Code*, the *Signatories* are encouraged to use the models of best practice recommended by WADA.

### 23.3 Implementation of Anti-Doping Programs

*Signatories* shall devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the *Code* and the *International Standards*.

### 23.4 Compliance with the *Code*

*Signatories* shall not be considered in compliance with the *Code* until they have accepted and implemented the *Code* in accordance with Articles 23.1, 23.2, and 23.3. They shall no longer be considered in compliance once acceptance has been withdrawn.

### 23.5 Monitoring and Enforcing Compliance by *Signatories*

23.5.1 Compliance by *Signatories* with the *Code* and the *International Standards* shall be monitored by WADA in accordance with the *International Standard for Code Compliance by Signatories*.

23.5.2 To facilitate such monitoring, each *Signatory* shall report to WADA on its compliance with the *Code* and the *International Standards* as and when required by WADA. As part of that reporting, the *Signatory* shall provide accurately all of the information requested by WADA and shall explain the actions it is taking to correct any *Non-Conformities*.

23.5.3 Failure by a *Signatory* to provide accurate information in accordance with Article 23.5.2 itself constitutes an instance of *Non-Conformity* with the *Code*, as does failure by a *Signatory* to submit accurate information to WADA where required by other Articles of the *Code* or by the *International Standard for Code Compliance by Signatories*.

23.5.4 In cases of *Non-Conformity* (whether with reporting obligations or otherwise), WADA shall follow the corrective procedures set out in the *International Standard for Code Compliance by Signatories*. If the *Signatory* or its delegate fails to correct the *Non-Conformities* within the specified timeframe, then (following approval of such course by WADA's Executive Committee) WADA shall send a formal notice to the *Signatory*, asserting that the *Signatory* is non-compliant, specifying the consequences that WADA proposes should apply for such non-compliance, and specifying the conditions that WADA proposes the *Signatory* should have to satisfy in order to be *Reinstated* to the list of *Code-*

compliant *Signatories*. That notice will be publicly reported in accordance with the *International Standard for Code Compliance by Signatories*.

- 23.5.5 If the *Signatory* does not dispute WADA's assertion of non-compliance or the consequences or *Reinstatement* conditions proposed by WADA within twenty-one days of receipt of the formal notice, the non-compliance asserted will be deemed admitted and the consequences and *Reinstatement* conditions proposed will be deemed accepted, the notice will automatically become and will be issued by WADA as a final decision, and (without prejudice to any appeal filed in accordance with Article 13.6) it will be enforceable with immediate effect in accordance with Article 23.5.9. The decision will be publicly reported as provided in the *International Standard for Code Compliance by Signatories*
- 23.5.6 If the *Signatory* wishes to dispute WADA's assertion of non-compliance, and/or the consequences and/or the *Reinstatement* conditions proposed by WADA, it must notify WADA in writing within twenty-one days of its receipt of the notice from WADA. In that event, WADA shall file a formal notice of dispute with CAS, and that dispute will be resolved by the CAS Ordinary Arbitration Division in accordance with the *International Standard for Code Compliance by Signatories*. WADA shall have the burden of proving to the CAS Panel, on the balance of probabilities, that the *Signatory* is non-compliant (if that is disputed). If the CAS Panel decides that WADA has met that burden, and if the *Signatory* has also disputed the consequences and/or the *Reinstatement* conditions proposed by WADA, the CAS Panel will also decide (a) what consequences should be imposed from the list of potential consequences set out in Article 23.5.12 of the *Code*; and (b) what conditions the *Signatory* should be required to satisfy in order to be *Reinstated*.
- 23.5.7 WADA will publicly report the fact that the case has been referred to CAS for determination. Each of the following *Persons* shall have the right to intervene and participate as a party in the case, provided it gives notice of its intervention within ten days of such publication by WADA:
- 23.5.7.1 the International Olympic Committee and/or the International Paralympic Committee (as applicable), and the *National Olympic Committee* and/or the National Paralympic Committee (as applicable), where the decision may have an effect in relation to the Olympic Games or Paralympic Games (including decisions affecting eligibility to attend/participate in the Olympic Games or Paralympic Games); and
- 23.5.7.2 an International Federation, where the decision may have an effect on participation in the International Federation's World Championships and/or other *International Events* and/or on a bid that has been submitted for a country to host the International Federation's World Championships and/or other *International Events*.
- Any other *Person* wishing to participate as a party in the case must apply to CAS within ten days of publication by WADA of the fact that the case has been referred to CAS for determination. CAS shall permit such intervention (i) if all other parties in the case agree; or (ii) if the applicant demonstrates a sufficient legal interest in the outcome of the case to justify its participation as a party.
- 23.5.8 CAS's decision resolving the dispute will be publicly reported by CAS and by WADA. Subject to the right under Swiss law to challenge that decision before the Swiss Federal Tribunal, the decision shall be final and enforceable with immediate effect in accordance with Article 23.5.9.



- 23.5.9 Final decisions issued in accordance with Article 23.5.5 or Article 23.5.8, determining that a *Signatory* is non-compliant, and/or imposing consequences for such non-compliance, and/or setting conditions that the *Signatory* has to satisfy in order to be *Reinstated* to the list of *Code-compliant Signatories*, and decisions by CAS further to Article 23.5.19, are applicable worldwide, and shall be recognized, respected and given full effect by all other *Signatories* in accordance with their authority and within their respective spheres of responsibility.
- 23.5.10 If a *Signatory* wishes to dispute WADA's assertion that the *Signatory* has not yet met all of the *Reinstatement* conditions imposed on it and therefore is not yet entitled to be *Reinstated* to the list of *Code-compliant Signatories*, the *Signatory* must file a formal notice of dispute with CAS (with a copy to WADA) within twenty-one days of its receipt of the assertion from WADA. The dispute will be resolved by the CAS Ordinary Arbitration Division in accordance with Articles 23.5.6 to 23.5.8. WADA will be the claimant and it will be WADA's burden to prove on the balance of probabilities that the *Signatory* has not yet met all of the *Reinstatement* conditions imposed on it and therefore is not yet entitled to be *Reinstated*. Subject to the right under Swiss law to challenge CAS's decision before the Swiss Federal Tribunal, CAS's decision shall be final and enforceable with immediate effect in accordance with Article 23.5.9.
- 23.5.11 The various requirements imposed on *Signatories* by the *Code* and the *International Standards* shall be classified either as *Critical*, or as *High Priority*, or as *Other*, in accordance with the *International Standard for Code Compliance by Signatories*, depending on their relative importance to the fight against doping in sport. That classification shall be a key factor in determining what consequences should be imposed in the event of non-compliance with such requirement(s), in accordance with Article 11 of the *International Standard for Code Compliance by Signatories*. The *Signatory* has the right to dispute the classification, in which case CAS will decide on the appropriate classification of the requirement.
- 23.5.12 The following consequences may be imposed, individually or cumulatively, on a *Signatory* that has failed to comply with the *Code* and/or the *International Standards*, based on the particular facts and circumstances of the case at hand, and the provisions of Article 11 of the *International Standard for Code Compliance by Signatories*:
- 23.5.12.1 Ineligibility or withdrawal of funding:
- (a) in accordance with the relevant provisions of WADA's Statutes, the *Signatory's Representatives* being ruled ineligible for a specified period to hold any WADA office or any position as a member of any WADA board or committee or other body (including but not limited to WADA's Foundation Board, the Executive Committee, and any Standing Committee) (although WADA may exceptionally permit *Representatives* of the *Signatory* to remain as members of WADA expert groups where there is no effective substitute available);
  - (b) the *Signatory* being ruled ineligible to host any event organized or co-hosted or co-organized by WADA;
  - (c) the *Signatory's Representatives* being ruled ineligible to participate in any WADA *Independent Observer Program* or WADA Outreach program or other WADA activities;
  - (d) withdrawal of WADA funding to the *Signatory* (whether direct or indirect) relating to the development of specific activities or participation in specific programs; and

(e) the *Signatory's Representatives* being ruled ineligible for a specified period to hold any office of or position as a member of the board or committees or other bodies of any other *Signatory* (or its members) or association of *Signatories*.

23.5.12.2 *Special Monitoring* of some or all of the *Signatory's Anti-Doping Activities*, until WADA considers that the *Signatory* is in a position to implement such *Anti-Doping Activities* in a compliant manner without such monitoring.

23.5.12.3 *Supervision and/or Takeover* of some or all of the *Signatory's Anti-Doping Activities* by an *Approved Third Party*, until WADA considers that the *Signatory* is in a position to implement such *Anti-Doping Activities* itself in a compliant manner without such measures.

(a) If the non-compliance involves non-compliant rules, regulations and/or legislation, then the *Anti-Doping Activities* in issue shall be conducted under other applicable rules (of one or more other *Anti-Doping Organizations*, e.g., International Federations or *National Anti-Doping Organizations* or *Regional Anti-Doping Organizations*) that are compliant, as directed by WADA. In that case, while the *Anti-Doping Activities* (including any *Testing* and *Results Management*) will be administered by the *Approved Third Party* under and in accordance with those other applicable rules at the cost of the non-compliant *Signatory*, any costs incurred by the *Anti-Doping Organizations* as a result of the use of their rules in this manner shall be reimbursed by the non-compliant *Signatory*.

(b) If it is not possible to fill the gap in *Anti-Doping Activities* in this way (for example, because national legislation prohibits it, and the *National Anti-Doping Organization* has not secured an amendment to that legislation or other solution), then it may be necessary as an alternative measure to exclude *Athletes* who would have been covered by the *Signatory's Anti-Doping Activities* from participating in the Olympic Games/Paralympic Games/other *Events*, in order to protect the rights of clean *Athletes* and to preserve public confidence in the integrity of competition at those events.

23.5.12.4 A *Fine*.

23.5.12.5 Loss of eligibility to receive some or all funding and/or other benefits from the International Olympic Committee or the International Paralympic Committee or any other *Signatory* for a specified period (with no right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).

23.5.12.6 Recommendation to the relevant public authorities to withhold some or all public and/or other funding and/or other benefits from the *Signatory* for a specified period (with no right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).<sup>121</sup>

<sup>121</sup> [Comment to Article 23.5.12.7: *Public authorities are not Signatories to the Code. In accordance with Article 11(c) of the UNESCO Convention, however, State Parties shall, where appropriate, withhold some or all financial or other sport-related support from any sports organization or anti-doping organization that is not in compliance with the Code.*]

- 23.5.12.7 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*: the *Signatory's* country being ruled ineligible to host or co-host an Olympic Games and/or Paralympic Games and/or to be awarded the right to host or co-host a World Championship and/or other *International Event(s)*.
- (a) If the right to host or co-host a World Championship and/or other *International Event(s)* has already been awarded to the country in question, the *Signatory* that awarded that right must assess whether it is legally and practically possible to withdraw that right and re-assign the event to another country. If it is legally and practically possible to do so, then the *Signatory* shall do so.
- (b) *Signatories* shall ensure that they have due authority under their statutes, rules and regulations, and/or hosting agreements, to comply with this requirement (including a right in any *Event* hosting agreement to cancel the agreement without penalty where the relevant country has been ruled ineligible to host the *Event*).
- 23.5.12.8 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* or a *National Paralympic Committee*: exclusion of the following *Persons* from participation in or attendance at the Olympic Games and the Paralympic Games and/or other specified *Events* for a specified period
- (a) the *National Olympic Committee* and/or *National Paralympic Committee* of the *Signatory's* country;
- (b) the *Representatives* of that country and/or of the *National Olympic Committee* and/or *National Paralympic Committee* of that country; and/or
- (c) the *Athletes* and *Athlete Support Personnel* affiliated to that country and/or to the *National Olympic Committee* and/or *National Paralympic Committee* and/or *National Federation* of that country.
- 23.5.12.9 Where the *Signatory* is an *International Federation*: exclusion of the following *Persons* from participation in or attendance at the Olympic Games and the Paralympic Games and/or other multi-sport *Events* for a specified period – the *Representatives* of that *International Federation* and/or the *Athletes* and *Athlete Support Personnel* participating in the *International Federation's* sport (or in one or more disciplines of that sport).
- 23.5.12.10 Where the *Signatory* is a *Major Event Organization*:
- (a) *Special Monitoring* or *Supervision* or *Takeover* of the *Major Event Organization's Anti-Doping Program* at the next edition(s) of its *Event*; and/or
- (b) loss of eligibility to receive funding and other benefits from and/or the recognition/membership/patronage (as applicable) of the *International Olympic Committee*, the *International Paralympic Committee*, the *Association of National Olympic Committees*, or other patron body; and/or

(c) loss of recognition of its *Event* as a qualifying event for the Olympic Games or the Paralympic Games.

23.5.12.11 Suspension of recognition by the Olympic Movement and/or of membership of the Paralympic Movement.

23.5.13 Other Consequences

Governments and Signatories and associations of Signatories may impose additional consequences within their respective spheres of authority for non-compliance by Signatories, provided that this does not compromise or restrict in any way the ability to apply consequences in accordance with this Article 23.5.<sup>122</sup>

23.5.14 Definitions Specific to Article 23.5

**Aggravating Factors:** This term encompasses a deliberate attempt to circumvent or undermine the *Code* or the *International Standards* and/or to corrupt the anti-doping system, an attempt to cover up non-compliance, or any other form of bad faith on the part of the *Signatory* in question; a persistent refusal or failure by the *Signatory* to make any reasonable effort to correct *Non-Conformities* that are notified to it by WADA; repeat offending; and any other factor that aggravates the *Signatory's* failure to comply with the *Code* and/or *International Standards*.

**Anti-Doping Activities:** Anti-doping education and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, hearings, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of a *Signatory*, as set out in the *Code* and/or the *International Standards*.

**Approved Third Party:** One or more *Anti-Doping Organizations* and/or service providers selected or approved by WADA, following consultation with the non-compliant *Signatory*, to *Supervise* or *Takeover* some or all of that *Signatory's* *Anti-Doping Activities*. As a last resort, if there is no other suitable body available, then WADA may carry out this function itself.

**Critical:** A requirement that is considered to be critical to the fight against doping in sport. See further Annex A of the *International Standard for Code Compliance by Signatories*.

**Fine:** Payment by the *Signatory* of an amount that reflects the seriousness of the non-compliance/*Aggravating Factors*, their duration, and the need to deter similar conduct in future, but in any event the fine shall not exceed the lower of (a) 10% of the *Signatory's* annual income and (b) US \$100,000. The fine will be applied by WADA to finance further *Code* compliance monitoring activities.

<sup>122</sup> [Comment to Article 23.5.13: For example, the International Olympic Committee may decide to impose symbolic or other consequences on an International Federation or a National Olympic Committee pursuant to the Olympic Charter, such as withdrawal of eligibility to organize an International Olympic Committee Session or an Olympic Congress; while an International Federation may decide to cancel International Events that were scheduled to be held in the country of a non-compliant Signatory, or move them to another country.

**High Priority:** A requirement that is considered to be high priority but not *Critical* in the fight against doping in sport. See further Annex A of the *International Standard for Code Compliance by Signatories*.

**Non-Conformity:** Where a *Signatory* is not complying with the *Code* and/or the *International Standards* but the opportunities provided in the *International Standard for Code Compliance by Signatories* to correct the *Non-Conformity/Non-Conformities* have not yet expired and so WADA has not yet formally asserted that the *Signatory* is non-compliant.

**Reinstatement:** When a *Signatory* that was previously declared non-compliant with the *Code* and/or the *International Standards* is determined to have corrected that non-compliance and to have met all of the other conditions imposed in accordance with Article 12 of the *International Standard for Code Compliance by Signatories* for reinstatement of its name to the list of *Code-compliant Signatories* (and *Reinstated* shall be interpreted accordingly).

**Representatives:** Officials, directors, officers, elected members, employees, and committee members of the *Signatory* or other body in question, and also (in the case of a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*) representatives of the government of the country of that *National Anti-Doping Organization* or *National Olympic Committee*.

**Other:** A requirement that is considered to be important to the fight against doping in sport but does not fall into the categories of *Critical* or *High Priority*. See further Annex A of the *International Standard for Code Compliance by Signatories*.

**Special Monitoring:** Where, as part of the consequences imposed on a non-compliant *Signatory*, WADA applies a system of specific and ongoing monitoring to some or all of the *Signatory's Anti-Doping Activities*, to ensure that the *Signatory* is carrying out those activities in a compliant manner.

**Supervision:** Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* oversees and supervises the *Signatory's Anti-Doping Activities*, as directed by WADA, at the *Signatory's* expense (and *Supervise* shall be interpreted accordingly).

**Takeover:** Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* takes over all or some of the *Signatory's Anti-Doping Activities*, as directed by WADA, at the *Signatory's* expense.

## 23.6 Monitoring Compliance with the *UNESCO Convention*

Compliance with the commitments reflected in the *UNESCO Convention* will be monitored as determined by the Conference of Parties to the *UNESCO Convention*, following consultation with the State Parties and WADA. WADA shall advise governments on the implementation of the *Code* by the *Signatories* and shall advise *Signatories* on the ratification, acceptance, approval or accession to the *UNESCO Convention* by governments.

## 23.7 Modification of the *Code*

23.7.1 WADA shall be responsible for overseeing the evolution and improvement of the *Code*. *Athletes* and other stakeholders and governments shall be invited to participate in such process.



- 23.7.2 WADA shall initiate proposed amendments to the Code and shall ensure a consultative process to both receive and respond to recommendations and to facilitate review and feedback from Athletes and other stakeholders and governments on recommended amendments.
- 23.7.3 Amendments to the Code shall, after appropriate consultation, be approved by a two-thirds majority of the WADA Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall, unless provided otherwise, go into effect three months after such approval.
- 23.7.4 Signatories shall modify their rules to incorporate the 2021 Code on or before 1 January 2021, to take effect on 1 January 2021. Signatories shall implement any subsequent applicable amendment to the Code within one year of approval by the WADA Foundation Board.<sup>123</sup>
- 23.8 Withdrawal of Acceptance of the Code
- Signatories may withdraw acceptance of the Code after providing WADA six-month written notice of their intent to withdraw.

## ARTICLE 24 INTERPRETATION OF THE CODE

- 24.1 The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 24.2 The comments annotating various provisions of the Code shall be used to interpret the Code.
- 24.3 The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.
- 24.4 The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.
- 24.5 The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as “First violations” or “Second violations” for purposes of determining sanctions under Article 10 for subsequent post-Code violations.
- 24.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the Code and Appendix 1, Definitions and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the Code.

## ARTICLE 25 TRANSITIONAL PROVISIONS<sup>124</sup>

- 25.1 General Application of the 2021 Code

<sup>123</sup> [Comment to Articles 23.7.3 and 23.7.4: Under Article 23.7.3, new or changed obligations imposed on Signatories automatically go into effect three months after approval unless provided otherwise. In contrast, Article 23.7.4 addresses new or changed obligations imposed on Athletes or other Persons which can only be enforced against individual Athletes or other Persons by changes to the anti-doping rules of the relevant Signatory (e.g., an International Federation). For that reason, Article 23.7.4 provides for a longer period of time for each Signatory to conform its rules to the 2021 Code and take any necessary measures to ensure the appropriate Athletes and other Persons are bound by the rules.]

<sup>124</sup> [Drafting Note: Final modifications to the Transitional Provisions will need to be made as the release date for the 2021 Code gets closer.]



The 2021 *Code* shall apply in full as of 1 January 2021 (the “Effective Date”).

25.2 Non-Retroactive except for Articles 10.9.4 and 17 or Unless Principle of “Lex Mitior” Applies

Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in this 2021 *Code*, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 17 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in the 2021 *Code* (provided, however, that Article 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).

25.3 Application to Decisions Rendered Prior to the 2021 *Code*

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the 2021 *Code*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The 2021 *Code* shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

25.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2021

For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on pre-2021 *Code* rules, the period of *Ineligibility* which would have been assessed for that first violation had 2021 *Code* rules been applicable, shall be applied.<sup>125</sup>

25.5 Additional *Code* Amendments

Any additional *Code* Amendments shall go into effect as provided in Article 23.7.

<sup>125</sup> [Comment to Article 25.4: Other than the situation described in Article 25.4, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the Code or under the Code in force before the 2021 Code and the period of Ineligibility imposed has been completely served, the 2021 Code may not be used to re-characterize the prior violation.]



# APPENDIX 1

## DEFINITIONS

## DEFINITIONS<sup>126</sup>

**ADAMS:** The Anti-Doping *Administration* and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method* used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard* for Laboratories and related *Technical Documents*, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Aggravating Circumstances:** Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person* failed to respect a *Provisional Suspension*; the *Athlete* or other *Person* *Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management* or the hearing process. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

**Anti-Doping Organization:** A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organizations*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, or are *Recreational Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in

<sup>126</sup> [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.<sup>127</sup>

*Athlete Biological Passport*: The program and methods of gathering and collating data as described in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*.

*Athlete Support Personnel*: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

*Attempt*: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

*Atypical Finding*: A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

*Atypical Passport Finding*: A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

CAS: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

*Competition*: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

*Consequences of Anti-Doping Rule Violations* (“*Consequences*”): An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

<sup>127</sup> [Comment to Athlete: This definition makes it clear that all International-and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]

**Contaminated Product:** A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

**Disqualification:** See *Consequences of Anti-Doping Rule Violations* above.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigation, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, hearings and appeals, and investigations or proceedings relating to violations of Article 10.14 (*Status During Ineligibility or Provisional Suspension*).

**Event:** A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

**Event Venues:** Those venues so designated by the ruling body for the *Event*.

**Event Period:** The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.<sup>128</sup>

**Financial Consequences:** See *Consequences of Anti-Doping Rule Violations* above.

**In-Competition:** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport. In the case of an *Athlete's* withdrawal from a *Competition* after 11:59 p.m. the day before the *Athlete* is scheduled to participate, the *Athlete* shall remain subject to *In-Competition Testing* for twenty-four hours after withdrawal unless released earlier by written notification.<sup>129</sup>

**Independent Observer Program:** A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of WADA's compliance monitoring program.

**Individual Sport:** Any sport that is not a *Team Sport*.

<sup>128</sup> [Comment to *Fault*: The criteria for assessing an *Athlete's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under 10.6.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that No Significant *Fault* or *Negligence* on the part of the *Athlete* or other *Person* was involved.]

<sup>129</sup> [Comment to *In-Competition*: Having a universally accepted definition for *In-Competition* provides greater harmonization among *Athletes* across all sports, eliminates or reduces confusion among *Athletes* about the relevant timeframe for *In-Competition Testing*, avoids inadvertent *Adverse Analytical Findings* in between *Competitions* during an *Event* and assists in preventing any potential performance enhancement benefits from substances prohibited *Out-of-Competition* being carried over to the *Competition* period.]



*Ineligibility:* See *Consequences of Anti-Doping Rule Violations* above.

*International Event:* An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

*International-Level Athlete:* *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.<sup>130</sup>

*International Standard:* A standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

*Major Event Organizations:* The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

*Marker:* A compound, group of compounds or biological variable(s) that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

*Metabolite:* Any substance produced by a biotransformation process.

*National Anti-Doping Organization:* The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

*National Event:* A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

*National-Level Athlete:* *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

*National Olympic Committee:* The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

*No Fault or Negligence:* The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Protected Person*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

*No Significant Fault or Negligence:* The *Athlete* or other *Person's* establishing that any *Fault* or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault* or *Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a

<sup>130</sup> [Comment to *International-Level Athlete:* Consistent with the *International Standard for Testing and Investigations*, the *International Federation* is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the *International Federation* must publish a list of those *International Events*.]



*Protected Person*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

*Out-of-Competition*: Any period which is not *In-Competition*.

*Participant*: Any *Athlete* or *Athlete Support Person*.

*Person*: A natural *Person* or an organization or other entity.

*Possession*: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.<sup>131</sup>

*Prohibited List*: The List identifying the *Prohibited Substances* and *Prohibited Methods*.

*Prohibited Method*: Any method so described on the *Prohibited List*.

*Prohibited Substance*: Any substance, or class of substances, so described on the *Prohibited List*.

*Protected Person*: An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen years; (ii) has not reached the age of eighteen years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in the open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.<sup>132</sup>

*Provisional Hearing*: For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 10 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.<sup>133</sup>

*Provisional Suspension*: See *Consequences of Anti-Doping Rule Violations* above.

*Publicly Disclose*: See *Consequences of Anti-Doping Rule Violations* above.

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<sup>131</sup> [Comment to Possession: Under this definition, steroids found in an *Athlete's* car would constitute a violation unless the *Athlete* establishes that someone else used the car; in that event, the *Anti-Doping Organization* must establish that, even though the *Athlete* did not have exclusive control over the car, the *Athlete* knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an *Athlete* and spouse, the *Anti-Doping Organization* must establish that the *Athlete* knew the steroids were in the cabinet and that the *Athlete* intended to exercise control over the steroids. The act of purchasing a *Prohibited Substance* alone constitutes *Possession*, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

<sup>132</sup> [Comment to Protected Persons: The Code treats *Protected Persons* differently than other *Athletes* or *Persons* in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an *Athlete* or other *Person* may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic athlete with a documented lack of legal capacity due to an intellectual impairment.]

<sup>133</sup> [Comment to Provisional Hearing: A *Provisional Hearing* is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a *Provisional Hearing*, the *Athlete* remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]

**Recreational Athlete:** A natural *Person* who is so defined by the relevant International Federation, *National Anti-Doping Organization* or *Major Event Organization*; provided, however, the term shall not include any *Person* who, within the five years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.<sup>134</sup>

**Regional Anti-Doping Organization:** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of educational programs at a regional level.

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 and the *International Standard for Testing and Investigations*.

**Results Management:** The process encompassing the timeframe beginning with administrative review and notification of a potential anti-doping rule violation through notification, charge and final resolution of the hearing and appeal process.

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.<sup>135</sup>

**Signatories:** Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23.

**Specified Method:** See Article 4.2.2.

**Specified Substance:** See Article 4.2.2.

**Strict Liability:** The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organization* in order to establish an anti-doping rule violation.

**Substance of Abuse:** See Article 4.2.3.

**Substantial Assistance:** For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Tampering:** Intentional conduct taken for the purpose of subverting the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, committing a fraudulent act upon the *Anti-*

<sup>134</sup> [Drafting Note to Definition of *Recreational Athlete*: The *International Standard for Testing and Investigations* should include a definition of *National Level Athlete* to be applied where the *National Anti-Doping Organization* has failed to adopt a definition of *National Level Athlete* consistent with the *International Standard*.]

<sup>135</sup> [Comment to *Sample or Specimen*: It has sometimes been claimed that the collection of blood *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

*Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.<sup>136</sup>

*Target Testing*: Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

*Team Sport*: A sport in which the substitution of players is permitted during a *Competition*.

*Technical Document*: A document adopted and published by WADA from time to time containing specific mandatory technical requirements for the implementation of an *International Standard*.

*Testing*: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

*Trafficking*: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of “bona fide” medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

*TUE*: Therapeutic Use Exemption, as described in Article 4.4.

*UNESCO Convention*: The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005, including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

*Use*: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA: The World Anti-Doping Agency.

*Without Prejudice Agreement*: For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in such setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization* from using against the *Athlete* or other *Person* any information or evidence gathered from any source other than from the *Athlete* or other *Person* during the specific time-limited setting described in the agreement.

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<sup>136</sup> [Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, providing fraudulent information to an Anti-Doping Organization (such as falsifying documents or procuring false testimony from witnesses) or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management and hearing process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]



# APPENDIX TWO

## EXAMPLES OF THE APPLICATION OF ARTICLE 10<sup>137</sup>



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<sup>137</sup> [Drafting Note: Examples will be updated and included in the third draft of the 2021 Code.]

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