



The International Standard for  
**RESULTS MANAGEMENT**

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## PART ONE: INTRODUCTION, CODE PROVISIONS AND DEFINITIONS

### 1.0 Introduction and Scope

The *International Standard for Results Management* is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The purpose of the *International Standard for Results Management* is to set out the core responsibilities of *Anti-Doping Organizations* with respect to *Results Management*. ~~In addition to explaining which Anti-Doping Organization is the Results Management Authority in a given case and~~In addition to describing certain general principles of *Results Management* (section 4), this *International Standard* also sets out the core obligations applicable to the various phases of *Results Management* from the initial review and notification of potential anti-doping rule violations (section 5), through ~~provisional suspensions~~Provisional Suspensions (section 6), the assertion of anti-doping rule violations and proposal of *Consequences* (section 7), the hearing process (section 8) until the issuance and notification of the decision (section 9) and appeal (section 10).

Notwithstanding the mandatory nature of this *International Standard* and the possibility that departures by *Anti-Doping Organizations* may give rise to compliance consequences under the *International Standard for Code Compliance by Signatories*, departures from this *International Standard* shall not ~~constitute a basis for Athletes or other Persons to invalidate or otherwise challenge analytical results or other evidence of~~ an anti-doping rule violation ~~or breach of Ineligibility, and shall not constitute a defense to an anti-doping rule violation, except as expressly provided for under Article 3.2.3 of the Code.~~

Terms used in this *International Standard* that are defined terms from the *Code* are written in italics. Terms that are defined in this or another *International Standard* are underlined.

### 2.0 Code Provisions

The following articles in the 2021 Code are directly relevant to the *International Standard for Results Management* (ISRM), they can be obtained by referring to the *Code* itself:

- *Code Article 2 Anti-Doping Rule Violations*
- *Code Article 3 Proof of Doping*
- *Code Article 5 Testing and Investigations*
- *Code Article 7 Results Management: Responsibility, Initial Review, Notice and Provisional Suspensions*

- Code Article 8 Results Management: Right to a Fair Hearing and Notice of Hearing Decision
- Code Article 9 Automatic Disqualification of Individual Results
- Code Article 10 Sanctions on Individuals
- Code Article 11 Consequences to Teams
- Code Article 13 Results Management: Appeals
- Code Article 14 Confidentiality and Reporting
- Code Article 15 Implementation of Decisions
- Code Article 20 Additional Roles and Responsibilities of Signatories and WADA

### 3.0 Defined Terms and Definitions Interpretation

#### 3.1 2021 Code Defined Terms

#### 3.2 ~~ISTI Defined Terms~~

#### 3.3 ~~ISL Defined Terms~~

#### 3.4 ~~ISRM Defined Terms~~

~~Hearing Process: The process encompassing the timeframe between the appointment of a hearing panel until the issuance and notification of a decision by the hearing panel.~~ 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,~~

~~Results Management: The process encompassing the timeframe between initial review (for an analytical case) or notification of (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) potential 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*.

**Anti-Doping Organization:** WADA or 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*, 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*, 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(s) is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* 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 sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment to Article 0 (for any other Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. 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. The categories of individuals who participate in sport are further described in Appendix 3.]*

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**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*.

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**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

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**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*.

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

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**CAS:** The Court of Arbitration for Sport.

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**Code:** The World Anti-Doping Code.

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**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.

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**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



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**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.

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

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**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*).

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

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

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**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; upon such approval by *WADA*, the alternative definition shall be followed by all Major *Event* Organizations for that particular sport.

[*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.*]

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

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**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*.

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**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*.

[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.]

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**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*.

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**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*.

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

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**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.

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

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

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**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.

[*Comment to Possession: Under this definition, anabolic 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 anabolic steroids and intended to have control over them. Similarly, in the example of anabolic 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 anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. 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.*]

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

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

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

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**Provisional Hearing:** For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 11 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

[*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.*]

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

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

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**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 5.5 and the *International Standard for Testing and Investigations*.

**Results Management:** The process encompassing the timeframe between notification and as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding, Athlete Biological Passport, Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the hearing and appeal process matter, including the end of the Hearing Process at first instance or on appeal (if an appeal was lodged).

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.

[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.]

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

**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 which subverts 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*, falsifying documents submitted to an *Anti-Doping Organization* or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-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*.

[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, 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 Code 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.]

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

**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.

**Threshold Substance:** An exogenous or endogenous Prohibited Substance, Metabolite or Marker of a Prohibited Substance which is analyzed quantitatively and for which an analytical result (concentration, ratio or score) in excess of a pre-determined *Decision Limit* constitutes an *Adverse Analytical Finding*. *Threshold Substances* are identified as such in the *Technical Document on Decision Limits (TD DL)*.

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

**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.

### **3.2 International Standard for Testing and Investigations (ISTI) Defined Terms**

**Athlete Biological Passport Documentation Package:** The material compiled by the Athlete Passport Management Unit to support an *Adverse Passport Finding* such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors as well as other relevant supporting information.

**Doping Control Officer (or DCO):** An official who has been trained and authorized by the Sample Collection Authority to carry out the responsibilities given to DCOs in the *International Standard for Testing and Investigations*.

**Expert:** The Expert(s) and/or Expert Panel, with knowledge in the concerned field, chosen by the Anti-Doping Organization and/or Athlete Passport Management Unit, are responsible for providing an evaluation of the Passport. The Expert Must be external to the Anti-Doping Organization. For the Haematological Module, the Expert Panel should consist of at least three (3) Experts who have qualifications in one or more of the fields of clinical and laboratory haematology, sports medicine or exercise physiology, as they apply to blood doping. For the Steroidal Module, the Expert Panel should be composed of at least three (3) individuals with qualifications in the fields of Laboratory steroid analysis, steroid doping and metabolism and/or clinical endocrinology. For both modules, an Expert Panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert Panel may include a pool of at least three appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the Anti-Doping Organization.

**Sample Collection Authority:** The organization that is responsible for the collection of Samples in compliance with the requirements of the International Standard for Testing and Investigations, whether (1) the Testing Authority itself; or (2) another organization (for example, a third-party contractor) to whom the authority to Test has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the Code for compliance with the requirements of the International Standard for Testing and Investigations relating to collection of Samples).

**Sample Collection Session:** All of the sequential activities that directly involve the Athlete from the point that initial contact is made until the Athlete leaves the Doping Control Station after having provided their Sample(s).

**Unsuccessful Attempt Report:** A detailed report of an unsuccessful attempt to collect a Sample from an Athlete in a Registered Testing Pool or Testing pool setting out the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the Athlete (including details of any contact made with third parties), and any other relevant details about the attempt.

**Whereabouts Filing:** Information provided by or on behalf of an Athlete in a Registered Testing Pool that sets out the Athlete's whereabouts during the following quarter, in accordance with Article I.3 of the International Standard for Testing and Investigations.

### **3.3 International Standard for Laboratories (ISL) Defined Terms**

**Adaptive Model:** A mathematical model that was designed to identify unusual longitudinal results from Athletes. The model calculates the probability of a longitudinal profile of Marker values assuming, that the Athlete has a normal physiological condition.

**Athlete Passport Management Unit (APMU):** A WADA-approved unit, associated with a Laboratory, that is designated by an *Anti-Doping Organization* for the administrative management of Passports for which the *Anti-Doping Organization* is Passport Custodian.

**Confirmation Procedure:** An analytical test procedure whose purpose is to identify the presence or to measure the concentration/ratio of one or more specific Prohibited Substances, Metabolite(s) of a Prohibited Substance, or *Marker(s)* of the Use of a Prohibited Substance or Method in a *Sample*.

**Documentation Package(s):** The material produced by the Laboratory to support an analytical result such as an *Adverse Analytical Finding* as set forth in the *WADA Technical Document for Laboratory Documentation Package*.

**Laboratory(ies):** (A) WADA-accredited laboratory(ies) applying test methods and processes to provide evidentiary data for the detection of Prohibited Substances, Methods or *Markers* on the *Prohibited List* and, if applicable, quantification of a *Threshold Substance* in *Samples* of urine and other biological matrices in the context of anti-doping activities.

### **3.4 International Standard for Therapeutic Use Exemptions (ISTUE) Defined Term**

**Therapeutic:** Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

### **3.5 International Standard for Protection of Privacy and Personal Information (ISPPPI) Defined Term**

**Personal Information:** Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable Participant or relating to other Persons whose information is Processed solely in the context of an *Anti-Doping Organization's* Anti-Doping Activities.

*[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an Athlete's name, date of birth, contact details and sporting affiliations, whereabouts, designated therapeutic use exemptions (if any), anti-doping test results, and Results Management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this Standard for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]*

### **3.6 International Standard for Code Compliance by Signatories (ISCCS) Defined Term**

**Anti-Doping Program:** The legislation, rules, regulations, processes and procedures, and other activities (including Anti-Doping Activities) that a Signatory is required to implement in order to achieve Code Compliance.

### **3.7 International Standard for Results Management (ISRM) Defined Terms**

**Expert Panel:** The Experts, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the Passport. For the Haematological Module, Experts should have knowledge in one or more of the fields of clinical haematology (diagnosis of blood pathological conditions), sports medicine or exercise physiology. For the Steroidal Module, the Experts should have knowledge in Laboratory analysis, steroid doping and/or endocrinology. For both modules, an Expert Panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert Panel may include a pool of at least three appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

**Failure to Comply:** A term used to describe anti-doping rule violations under Code Articles 2.3 and/or 2.5.



**Filing Failure:** A failure by the *Athlete* (or by a Third Party to whom the *Athlete* has delegated the task) to make an accurate and complete Whereabouts Filing that enables the *Athlete* to be located for *Testing* at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article I.3 of the *International Standard for Testing and Investigations*.

**Hearing Process:** The process encompassing the timeframe between the referral of a matter to a hearing panel or tribunal until the issuance and notification of a decision by the hearing panel (whether at first instance or on appeal).

**Missed Test:** A failure by the *Athlete* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8.6.13 of the *International Standard for Testing and Investigations*.

**Passport:** A collation of all relevant data unique to an individual *Athlete* that may include longitudinal profiles of *Markers*, heterogeneous factors unique to that particular *Athlete* and other relevant information that may help in the evaluation of *Markers*.

**Passport Custodian:** The *Anti-Doping Organization* responsible for Result Management of the *Athlete's* Passport and for sharing any relevant information associated to that *Athlete's* Passport with other *Anti-Doping Organization(s)*.

**Results Management Authority:** The *Anti-Doping Organization* responsible for conducting *Results Management* in a given case.

**Whereabouts Failure:** A Filing Failure or a Missed Test.

### **3.8 Interpretation**

**3.8.1** Unless otherwise specified, references below to Articles are references to Articles of the *International Standard for Results Management (ISRM)*.

**3.8.2** The comments annotating various provisions of the *International Standard for Results Management* shall be used to interpret the *International Standard*.

**3.8.3** The Annexes to the *International Standard for Results Management* have the same mandatory status as the rest of the *International Standard for Results Management*.

**3.8.4** The official text of the *International Standard for Results Management* 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.



## PART TWO: RESULTS MANAGEMENT ~~PROCESS~~ GENERAL PRINCIPLES

### 4.0 General Principles

#### 4.1 ~~Responsibility for Conducting Results Management~~

##### 4.1.1 ~~General Principle~~

4.1.1.1 ~~In principle and subject to the Specific Cases set out at 4.1.2 below Results Management shall be the responsibility, and shall be governed by the procedural rules, of:~~

- a) ~~For cases involving Sample collection, the Anti-Doping Organization that initiated and directed Sample collection.~~
- b) ~~For cases not involving Sample collection, the Anti-Doping Organization that first provides notice to the Athlete or other Person of an asserted anti-doping rule violation and then diligently pursues that violation.~~

4.1.1.2 ~~Any Anti-Doping Organization seeking to conduct Results Management outside of the authority provided in this Article 4.1 may seek approval to do so from WADA.~~

4.1.1.3 ~~If an Athlete or other Person retires while Results Management is underway, the Anti-Doping Organization with Results Management Authority retains jurisdiction for Results Management.~~

4.1.1.4 ~~If an Athlete or other Person retires before Results Management 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 jurisdiction for Results Management.~~

##### 4.1.2 ~~Specific Cases~~

###### 4.1.2.1 ~~National Anti-Doping Organization Testing for International Federations and/or Major Event Organizations~~

~~Where a National Anti-Doping Organization elects to collect additional Samples pursuant to Article 5.2.6 of the Code, 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.~~

###### 4.1.2.2 ~~National Anti-Doping Organization Testing of non-nationals, non-residents, etc.~~

~~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.~~

#### 4.1.2.3 — ~~Delegation by International Federation to National Anti-Doping Organization or National Federation~~

~~An International Federation may, if authorized by its anti-doping rules, delegate its authority for Results Management to a National Federation or a National Anti-Doping Organization, which will act as the Results Management Authority provided that it must apply the anti-doping rules of the International Federation.~~

#### 4.1.2.4 — ~~WADA-conducted Testing~~

~~For Results Management for a test of a further analysis conducted by WADA, 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.~~

#### 4.1.2.5 — ~~Major Events~~

~~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 of the Code, 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.~~

~~[Comment to Article 4.1.2.5: The anti-doping rules of the relevant Major Event Organization shall explicitly provide for this specific Results Management regime.]~~

#### 4.1.2.6 — ~~Whereabouts Failures~~

~~Results Management in relation to a potential Whereabouts Failure shall be undertaken by the International Federation or the National Anti-Doping Organization with whom the Athlete files whereabouts information, as provided at Annex I — Results Management for Whereabouts~~

~~Failures (To be drafted). The Anti-Doping Organization that determines a Whereabouts Failure shall submit that information to WADA through ADAMS, where it will be made available to other relevant Anti-Doping Organizations.~~

#### ~~4.1.2.7 — Results Management for Athlete Passport Cases~~

~~In accordance with Annex II — Results Management Requirements and Procedures for the Athlete Biological Passport (To be drafted), Results Management for cases involving the Athlete Biological Passport shall be the responsibility of the Passport Custodian regardless of whether another ADO was the Testing Authority of any test(s) that gave rise to an Atypical Passport Finding or Adverse Passport Finding.~~

~~[Comment to Article 4.1.2.7: The associated procedures shall be administered and managed by an Athlete Passport Management Unit (APMU) acting on behalf of or established within an Anti-Doping Organization.]~~

#### ~~4.1.2.8 — WADA Designation~~

~~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.~~

#### ~~4.1.2.9 — Disputes~~

~~4.1.2.9.1 If a dispute arises between Anti-Doping Organizations as to which Anti-Doping Organization is the Results Management Authority, WADA shall decide which organization has Results Management Authority.~~

~~4.1.2.9.2 The protocol for disputes regarding the applicable Results Management Authority is set out at Annex III to this International Standard (To be drafted).~~

~~4.1.2.9.3 WADA's decision may be appealed to CAS by any of the Anti-Doping Organizations involved in the dispute within seven days of notification of the decision. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a single arbitrator.~~

#### 4.24.1 Confidentiality of Results Management

Save for disclosures, including *Public Disclosure*, that are required or permitted under Article ~~4.3, 14~~ of the *Code*, all processes and procedures related to *Results Management* shall not be disclosed 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 details of the anti-doping rule violation are *Publicly Disclosed* by the *Results Management Authority* are confidential.

~~4.2.1~~ Except as provided in Article 4.3, no *Anti-Doping Organization* or any of its officials 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.

#### ~~4.3~~ **Public Disclosure**

~~4.3.1~~ ~~After~~ notice has been provided to the *Athlete* or other *Person* and to the applicable *Anti-Doping Organizations* in accordance with Article 4.3.5, the identity of the *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 such *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the *Results Management Authority*.

~~4.3.2~~ No later than twenty days after it has been determined in a final appellate decision, 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 *Results Management Authority* 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 *Results Management Authority* must also *Publicly Disclose* within twenty days the results of final appeal decisions concerning anti-doping rule violation, including the information described above.

~~4.3.3~~ 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 *Results Management Authority* 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.

~~4.3.4 — 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*.~~

~~4.3.5 — The mandatory *Public Disclosure* required in 4.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Vulnerable Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Vulnerable Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.~~

#### 4.44.2 **Timeliness**

In the interest of fair and effective sport justice, anti-doping rule violations should be prosecuted in a timely manner. Irrespective of the type of anti-doping rule violation involved, and save for cases involving complex issues or delays not in the control of the *Anti-Doping Organization* (e.g. delays attributable to the *Athlete* or other *Person*), *Anti-Doping Organizations* should be able to conclude *Results Management* (including the hearing process at first instance) within a maximum of six6 months from the notification under Article 5 below.

[Comment to Article 4.2: The 6 months' period is a guideline, which may lead to Consequences in terms of compliance for the *Results Management Authority* only in case of severe and/or repeated failure(s).]

## **PART THREE: RESULTS MANAGEMENT – PRE-ADJUDICATION**

### **5.0 First Results Management Phase**

This Article 5 sets out the procedures applicable for the first *Results Management* phase as follows: *Adverse Analytical Findings* (Article ~~5.1~~,~~5.1~~), *Atypical Findings* (Article ~~5.2~~,~~5.2~~) and other matters (Article ~~5.3~~,~~5.3~~), which include ~~Evading, refusing or failing potential Failures to submit to Sample collection or Tampering or Attempted Tampering with Doping Control~~ *Comply* (Article ~~5.3.1~~,~~5.3.1.1~~), *Whereabouts Failures* (Article ~~5.3.1.2~~) and *Athlete Biological Passport* findings (Article ~~5.3.2~~), *Whereabouts Failures* (Article ~~5.3.3~~), *Prohibited association* (Article ~~5.3.4~~) and ~~other anti-doping rule violations~~ (Article ~~5.3.5~~,~~5.3.1.3~~) and. The notification requirements in respect of ~~Articles 5.3.1 to 5.3.5~~ matters falling under the scope of Article 5.3 are described under Article ~~5.3.6~~,~~5.3.2~~.

[Comment to Article 5: Where the anti-doping rules of a Major Event Organization provide for an expedited resolution of the limited Results Management, the anti-doping rules of the Major Event Organization may provide that there will be only one notification to the Athlete or other Person. The content of the notification letter should reflect the provisions of Article 5 mutatis mutandis.]

### **5.1 Adverse Analytical Findings**

#### **5.1.1 Initial Review**

Upon receipt of an *Adverse Analytical Finding*, the Results Management Authority shall conduct a review to determine whether (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions* (Article ~~5.1.1.1~~,~~5.1.1.1~~) and/or (b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding* (Article ~~5.1.1.2~~) or (c) ~~the Adverse Analytical Finding resulted from an administration of a glucocorticoid through an authorized route~~ (Article ~~5.1.1.3~~,~~5.1.1.2~~).

#### **5.1.1.1 Therapeutic Use Exemption**

5.1.1.1.1 The Results Management Authority shall consult the *Athlete's* records in *ADAMS* and other *Anti-Doping Organizations* that might have approved a *TUE* for the *Athlete* (e.g., the *National Anti-Doping Organization* or the *International Federation*) to determine whether a *TUE* exists.

[Comment to Article 5.1.1.1.1: ~~In As per the event of a Prohibited List, the detection in an Athlete's Sample at all times or In-Competition, as applicable, of any quantity of the following substances subject to certain Threshold Limits: formoterol, salbutamol, cathine, ephedrine, methylephedrine and pseudoephedrine, Substances (identified in the Prohibited List), in conjunction with a diuretic or masking agent (S5 of the Prohibited List), the Results~~



~~Management Authority shall determine whether, will be considered as an Adverse Analytical Finding unless the Athlete has an approved Therapeutic Use Exemption (TUE) for that substance in addition to the one granted for the diuretic or masking agent. Therefore, in the Event of such detection, the Results Management Authority shall also determine whether the Athlete has an approved TUE for the detected Threshold Substance.]~~

5.1.1.1.2 If the initial review reveals that the Athlete has an applicable TUE, then the Results Management Authority shall conduct such follow up ~~investigation~~ review as necessary to determine if the specific requirements of the TUE have been complied with.

#### 5.1.1.2 Apparent Departure from ISTI and/or ISL

The Results Management Authority must review the Adverse Analytical Finding to determine if there has been any departure from the International Standard for Testing and Investigations and/or the International Standard for Laboratories. This may include a review of the Laboratory Documentation Package produced by the Laboratory to support the Adverse Analytical Finding (if available at the time of the review) and relevant Doping Control form(s) and Testing documents. The sole purpose of the review is to identify if there has been ~~a serious or obvious~~ an apparent departure from the International Standard for Testing and Investigations and/or the International Standard for Laboratories that ~~could have~~ caused the Adverse Analytical Finding.

#### ~~5.1.1.3 Glucocorticosteroids~~

~~In the event that the Adverse Analytical Finding relates to a glucocorticoid (S9 of the Prohibited List), the Results Management Authority shall review the Doping Control form to verify the route of administration. The Results Management Authority shall verify that any indication of the route of administration on the Doping Control form matches the level detected in the Sample with the Laboratory (or other relevant expert).~~

#### 5.1.2 Notification

5.1.2.1 If the review of the Adverse Analytical Finding does not reveal an applicable TUE or entitlement to the same as provided in the International Standard for Therapeutic Use Exemptions, or a departure from the ISTI or the ISL that caused the Adverse Analytical Finding ~~or does not involve a glucocorticoid administered through an authorized route~~, the Results Management Authority shall promptly notify the Athlete of:

- a) The Adverse Analytical Finding;

*[Comment to Article 5.1.2.1 a): In the event that the Adverse Analytical Finding relates to salbutamol, formoterol, urinary human chorionic gonadotrophin or ~~clenbuterol~~ another Prohibited Substance subject to specific Results Management*

requirements in a Technical Document, the Results Management Authority shall in addition indicate the information contained in comply with Article 5.1.2.2.]5.1.2.2. The Athlete shall be provided with any relevant documentation, including a copy of the Doping Control form and the laboratory results.]

- b) The fact that the Adverse Analytical Finding may result in an anti-doping rule violation of Article 2.1 and/or Article 2.2 of the Code and the applicable Consequences;

*[Comment to Article 5.1.2.1 b): The Results Management Authority should always refer to both Articles 2.1 and 2.2 of the Code in the notification and charging letter (Article 7.0)7) to an Athlete if the matter relates to an Adverse Analytical Finding. The Results Management Authority shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the applicable Consequences.]*

- c) The Athlete's right to request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed irrevocably waived;

*[Comment to Article 5.1.2.1 c): The Results Management Authority may still request the B Sample analysis even if the Athlete does not request the B Sample analysis or expressly or impliedly waives their right to analysis of the B Sample. The Results Management Authority may provide in its anti-doping rules that the costs of the B Sample analysis shall be covered by the Athlete.]*

- d) The scheduled date, time and place for the B Sample analysis if the Athlete or Results Management Authority chooses to request an analysis of the B Sample;

*[Comment to Article 5.1.2.1 d): In order to provide this information, the Results Management Authority shall immediately liaise with the Laboratory to determine a date for the B Sample analysis. ~~The Results Management Authority should provide information and/or instructions in writing to the Laboratory regarding the B Sample analysis within ten (10) working days following the notification of an A Sample Adverse Analytical Finding by the Laboratory.~~*

*The timing of the B Sample confirmation analysis may be strictly fixed at short term with no postponement possible, when circumstances so justify it. This can notably and without limitation be the case in the context of Testing during or immediately before or after Major Events, or when the further postponement of the B Sample analysis could significantly increase the risk of Sample degradation.*

- e) The opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis;

~~[Comment to Article 5.1.2.1 e): As per Article [To be determined] of the International Standard for Laboratories, the B Sample opening (and not analysis) may be witnessed through video conference.]~~

- f) The Athlete's right to request copies of the A Sample Laboratory Documentation Package which includes information as required by the *International Standard for Laboratories*;

~~[Comment to Article 5.1.2.1 f): The Results Management Authority may provide in its anti-doping rules that the costs relating to the issuance of the Laboratory Documentation Package(s) shall be covered by the Athlete.]~~

- g) The opportunity for the Athlete to provide an explanation within a short deadline;
- h) The opportunity for the Athlete to provide *Substantial Assistance* as set out under Article 10.7 of the Code ~~or~~, to admit the anti-doping rule violation and potentially benefit from a ~~timely admission~~one-year reduction in the period of Ineligibility under Article 10.8.1 of the Code (if applicable) or to seek to enter into a case resolution agreement under Article 10.8.2 of the Code; and

~~[Comment to 5.1.2.1 h): For the purposes of Article 10.8.1 of the Code, the Athlete shall admit the asserted anti-doping rule violation within ten calendar days from after receiving notice of the B Sample analysis (or waiver of/expiry of the deadline to request such analysis).]~~

- i) Any matters relating to *Provisional Suspension* (including the possibility for the Athlete or other Person to accept a voluntary Provisional Suspension) as per Article ~~6.06~~ (if applicable).

5.1.2.2 In addition, in the event that the *Adverse Analytical Finding* relates to the *Prohibited Substance* set out below, the Results Management Authority shall:

- a) Salbutamol or Formoterol: draw the attention of the Athlete in the notification letter that the Athlete can prove, through a controlled pharmacokinetic study, that the *Adverse Analytical Finding* was the consequence of a ~~therapeutic~~Therapeutic dose [by inhalation] up to the maximum dose indicated under S3 of the *Prohibited List*. The Athlete's attention shall in addition be drawn to the key guiding principles for a controlled pharmacokinetic study and he shall be provided with a list of laboratories, which could perform the controlled pharmacokinetic study. The Athlete shall be granted a deadline of 7 days to indicate whether he intends to undertake a controlled pharmacokinetic study, failing which the Results Management Authority may proceed with the Results Management;

- b) Urinary human chorionic gonadotrophin: follow the procedures set out at Article 6-0 of the TD2018CG/LH or any subsequent version of the *Technical Document*;
- c) ~~Glenbuterol~~Other Prohibited Substance subject to specific *Results Management* requirements in a *Technical Document*: follow the procedures set out at TD ~~(To be drafted)~~ in the relevant *Technical Document*.

*[Comment to 0 c): all Prohibited Substances subject to specific Results Management requirements in a Technical Document are identified as such on the Prohibited List.]*

- 5.1.2.3 If the *Athlete* requests the B *Sample* analysis but claims that ~~he~~they and/or his representative is not available on the scheduled date indicated by the Results Management Authority, the Results Management Authority shall liaise with the Laboratory and ~~reasonably attempt to find an alternative date convenient to both the Athlete and the Laboratory~~propose (at least) two alternative dates.

*[Comment to Article 5.1.2.3: The alternative dates should take into account (1) the reasons for the Athlete's unavailability and (2) the need to avoid any degradation of the Sample and ensure timely Results Management.]*

- 5.1.2.4 If the *Athlete* ~~declines to be present in person and/or through a~~and his representative, ~~or does not respond to the invitation or if the Athlete or the Athlete's representative claims~~claim not to be available on the ~~date of the opening, despite reasonable attempts to find an alternative date convenient both the Athlete and the Laboratory~~alternative dates proposed, the Results Management Authority shall instruct the Laboratory to proceed regardless and appoint an Independent Witness to verify that the B *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

*[Comment to Article 5.1.2.4: An Independent Witness may be appointed even if the Athlete has indicated that he/she/they will be present and/or represented.]*

- 5.1.2.5 If the results of the B *Sample* analysis confirm the results of the A *Sample* analysis, the Results Management Authority shall promptly notify the *Athlete* of such results and shall grant the *Athlete* a short deadline to provide or supplement ~~his/her~~their explanations. The *Athlete* shall also be ~~granted a deadline of 10 calendar days~~afforded the possibility to admit the anti-doping rule violation to potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 of the *Code* ~~if applicable, if applicable, and/or to voluntarily accept, within 10 days, a Provisional Suspension as per Article 7.4.4 of the Code.~~

- 5.1.2.6 Upon receipt of any explanation from an Athlete, the Results Management Authority may, without limitation, request further information and/or documents from the Athlete within a set deadline or liaise with third parties in order to assess the validity of the explanation.

[Comment to Article 5.1.2.6: If the positive finding involves a Prohibited Substance subject to a permitted route (e.g. by inhalation, by transdermal or by ophthalmic use) and the Athlete alleged that the positive finding came from the permitted route, the Results Management Authority should assess the credibility of the explanation by contacting third parties (including scientific experts) before deciding not to move forward with Results Management.]

~~5.1.2.6~~5.1.2.7 Any communication ~~notified~~provided to the Athlete under this Article 5.1.2 shall simultaneously be ~~notified~~provided by the Results Management Authority to the Athlete's National Anti-Doping Organization(s), International Federation and WADA and shall promptly be reported into ADAMS.

[Comment to Article 5.1.2.67: To the extent not already set out in the communication to the Athlete, this notification shall include the following information (if applicable): the Athlete's name, country, sport and discipline within the sport, 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.]

## 5.2 Atypical Findings

5.2.1 Upon receipt of an *Atypical Finding*, the Results Management Authority shall conduct a review to determine whether (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions* (see Article 5.1.1.1), by analogy and/or (b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Atypical Finding* (see Article 5.1.1.2), by analogy. If that review does not reveal an applicable *TUE* or departure that caused the *Atypical Finding*, the Results Management Authority shall conduct the required investigation.

[Comment to Article 5.2.1 : if the Prohibited Substance involved is subject to specific Results Management requirements in a Technical Document, the Results Management Authority shall also follow the procedures set out therein.]

[In addition, the Results Management Authority may contact WADA to determine which investigative steps should be undertaken.]

5.2.2 The Results Management Authority need not provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

- a) if the Results Management Authority determines that the B Sample should be analyzed prior to the conclusion of its investigation, the Results Management Authority may

conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 5.1.2.1-4 c) to f);

- b) if the Results Management Authority receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the Results Management Authority shall identify any *Athlete* after first providing notice of the *Atypical Finding* to the *Athlete*; or
- c) If the *Atypical Finding* is, in the opinion of qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention.

5.2.3 If after the investigation is completed the Results Management Authority decides to pursue the *Atypical Finding* as an *Adverse Analytical Finding*, then the procedure shall follow the provisions of Article 5.1 *mutatis mutandis*.

### 5.3 Matters not involving an *Adverse Analytical Finding* or *Atypical Finding*

#### ~~5.3.1 Evading, Refusing or Failing to Submit to Sample collection or Tampering or Attempted Tampering with Doping Control~~

~~5.3.1.1 Where an attempt to collect a *Sample* from an *Athlete* produces information (or other factual circumstance) indicating a possible evasion of *Sample* collection and/or refusal or failure to submit to *Sample* collection after due notification, in violation of Article 2.3 of the *Code*, or possible *Tampering* or *Attempted Tampering with Doping Control*, in violation of Article 2.5 of the *Code*, the matter shall be investigated in accordance with Annex IV – *Investigating a Possible Failure to Comply* (To be drafted).~~

~~5.3.1.2 The Results Management Authority shall, as a minimum, review all relevant documentary evidence (including *Doping Control* documentation where applicable) and shall attempt to interview as many persons as possible who were present at the time of the alleged anti-doping rule violation or whose evidence may be material to the determination of whether an anti-doping rule violation has been committed. This shall include obtaining the *Athlete's* or other *Person's* explanation (either through interview or in writing) for the alleged anti-doping rule violation.~~

#### ~~5.3.1 Specific cases~~

##### ~~5.3.1.1 Report of a potential Failure to Comply~~

The pre-adjudication phase of *Results Management* of a possible Failure to Comply shall take place as provided in the Annex A – Review of a possible Failure to Comply.

### ~~5.3.2~~ **Athlete Biological Passport Findings**

~~Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the Annex II – Results Management Requirements and Procedures for the Athlete Biological Passport (To be drafted) and the International Standard for Laboratories.~~

### ~~5.3.2.1~~ **5.3.1.2 Whereabouts Failures**

~~Review~~ The pre-adjudication phase of *Results Management* of potential *Whereabouts Failures* shall take place as provided in the Annex ~~B~~ – *Results Management for Whereabouts failures (To be drafted) Failures.*

### ~~5.3.1.2~~ **5.3.1.3 Athlete Biological Passport Findings**

The pre-adjudication phase of *Results Management* of *Atypical Passport Findings* or *Passports* submitted to an Expert by the APMU when there is no *Atypical Passport Finding* shall take place as provided in the Annex C – *Results Management Requirements and Procedures for the Athlete Biological Passport.*

### ~~5.3.1.3~~ **5.3.3 Notification Prohibited Association** for Specific Cases and other

~~Where a Results Management Authority becomes aware of a potential anti-doping rule violation for Prohibited Association (Article 2.10 of the Code), it shall, as a minimum, review all relevant documentary evidence and shall attempt to interview as many persons as possible (including the Athlete or other Person, the Athlete Support Person subject to disqualifying status and any other Persons whose evidence may be material) to establish whether the Athlete or other Person knew of the Athlete Support Person's disqualifying status, or knew that there was a significant risk that the Athlete Support Person had a disqualifying status and that the Athlete or other Person could reasonably avoid the association.~~

### ~~5.3.3~~ **5.3.4 Other Anti-Doping Rule Violations**

~~The Results Management Authority or other reviewing body established by it shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the Code or which the Results Management Authority otherwise considers appropriate.~~

article

### ~~5.3.5~~ **5.3.2 Notification under Article 5.3**

~~5.3.5.15.3.2.1~~ 5.3.2.1 At such time as the Results Management Authority considers that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s), the Results Management Authority shall promptly notify the *Athlete* of:

- a) The relevant anti-doping rule violation(s) and the applicable *Consequences*;
- b) The relevant factual circumstances ~~that upon which~~ the Results Management Authority ~~allegations are based~~ ;
- c) The relevant evidence in support of those facts that the Results Management Authority considers demonstrate that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s);
- d) The *Athlete* or other *Person's* right to provide an explanation within a reasonable deadline;
- e) The opportunity for the *Athlete* or other *Person* to provide *Substantial Assistance* as set out under Article 10.7 of the *Code*, to admit the anti-doping rule violation ~~within 10 calendar days from the notice~~ and potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 of the *Code* (if applicable) or seek to enter into a case resolution agreement under Article 10.8.2 of the *Code*; and
- f) Any matters relating to *Provisional Suspension* (including the possibility for the *Athlete* or other *Person* to accept a voluntary *Provisional Suspension*) as per Article ~~6.06~~ (if applicable).

5.3.2.2 Upon receipt of the *Athlete's* or other *Person's* explanation, the Results Management Authority may, without limitation, request further information and/or documents from the *Athlete* or other *Person* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

~~5.3.5.25.3.2.3~~ 5.3.2.3 The communication ~~notified~~ provided to the *Athlete* or other *Person* shall simultaneously be ~~notified~~ provided by the Results Management Authority to the *Athlete's* or other *Person's* *National Anti-Doping Organization(s)*, *International Federation* and *WADA* and shall promptly be reported into *ADAMS*.

*[Comment to Article 5.3.6.2:2.3: To the extent not already set out in the communication to the *Athlete* or other *Person*, this notification shall include the following information (if applicable): the *Athlete's* or other *Person's* name, country, sport and discipline within the sport.]*



#### 5.4 Decision not to move forward

If at any point during *Results Management* up until the charge under Article ~~7.0,7~~, the Results Management Authority decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*) and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3 of the *Code*.

#### 6.0 Provisional Suspensions

##### 6.1 Scope

6.1.1 In principle, a *Provisional Suspension* means that an *Athlete* or other *Person* is barred temporarily from participating in any capacity in any *Competition* or activity ~~in accordance with as per~~ Article 10.14.1 of the *Code* prior to the final decision at a hearing pursuant to Article ~~8.0-8~~.

6.1.2 Where the Results Management Authority is the ruling body of an *Event* or is responsible for team selection, the rules of such Results Management Authority shall provide that the *Provisional Suspension* is limited to the scope of the *Event*, respectively team selection. Upon notification under Article ~~5,5~~, the International Federation of the *Athlete* or other *Person* shall be responsible for *Provisional Suspension* beyond the scope of the *Event*.

##### 6.2 Imposition of a Provisional Suspension

###### 6.2.1 Mandatory Provisional Suspension

~~6.2.1.1~~ When ~~As per Article 7.4.1 of the Code, Signatories identified in the provision shall adopt rules providing that when~~ an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) is received for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance*, ~~the Results Management Authority shall impose or Specified Method, a Provisional Suspension in the shall be imposed promptly after the review and notification of required by Article 7.2 of the Code.~~

[Comment to Article 6.2.1.1: The review and notification required by Article 7.2 of the Code is set out in Article 5 or promptly after.]

~~6.2.1.4~~ 6.2.1.2 A mandatory *Provisional Suspension* may be ~~eliminated~~ lifted 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 10.2.4.1 of the *Code*. A hearing

body's decision not to ~~eliminate~~lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

## 6.2.2 ~~Discretionary~~Optional **Provisional Suspension**

~~6.2.2.1 For anti-doping rule violations not covered by art. 6.2.1, the Results Management Authority may decide to impose a Provisional Suspension on the Athlete or other Person.~~

6.2.2.1 As per Article 7.4.2 of the Code, 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 of the Code prior to analysis of the Athlete's B Sample or final hearing as described in Article 8 of the Code.

*[Comment to Article ~~6.2.2.1~~6.2.2.1: Whether or not to impose a Provisional Suspension is a matter for the Results Management Authority to decide in its discretion, taking into account all the facts and evidence. The Results Management Authority should keep in mind that if an Athlete continues to compete after being notified and/or charged in respect of an anti-doping, rule violation and is subsequently found to have committed an anti-doping rule violation, any results, prizes and titles achieved and awarded in that timeframe may be subject to Disqualification and forfeited.]*

6.2.2.2 A *Provisional Suspension* under this Article 6.2.2 may be imposed at any point during ~~the Results Management or Hearing Process phase~~, including prior to the analysis of the B Sample in respect of an asserted or potential anti-doping rule violation under ~~art.~~Article 2.1 of the Code. It may also be lifted at the discretion of the Results Management Authority at any time prior to the hearing panel decision under Article ~~8.0.8~~, unless provided otherwise.

*[Comment to Article 6.2.2: Nothing in this provision prevents provisional measures (including a lifting of the Provisional Suspension upon request of the Athlete or other Person) being ordered by the hearing panel.]*

## 6.2.3 **General Provisions**

6.2.3.1 Notwithstanding Articles 6.2.1 and 6.2.2, a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* or other Person 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*; or (b) an opportunity for a hearing conducted in an expedited fashion hearing in accordance with Article 8 of the Code on a timely basis after imposition of a *Provisional Suspension*; ~~or (c) the~~. The rules of the Anti-

Doping Organization shall also provide for an opportunity for an expedited appeal of ~~the~~ Provisional Suspension decision in accordance with Article 13 of the Code.

6.2.3.2 A *Provisional Suspension* shall start on the date on which it is notified (or deemed to be notified) by the Results Management Authority to the *Athlete* or other *Person*.

6.2.3.3 The period of *Provisional Suspension* shall end with the final decision of the hearing panel conducted under Article ~~8-0-8~~, unless earlier lifted in accordance with this Article ~~6-0-6~~. However, the period of *Provisional Suspension* shall not exceed the maximum length of the period of *Ineligibility* that may be imposed on the *Athlete* or other *Person* based on the relevant anti-doping rule violation(s).

6.2.3.4 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 Results Management Authority) 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 of the Code.

*[Comment to Article 6.2.3.4: The Results Management Authority may nonetheless decide to maintain and/or re-impose a Provisional Suspension on the Athlete based on another anti-doping rule violation notified to the Athlete, e.g. a violation of Article 2.2 of the Code.]*

6.2.3.5 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 an *Event* based on a violation of Article 2.1 of the Code and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinstated, the *Athlete* or team may continue to take part in the *Event*.

### 6.3 Voluntary Provisional Suspension

6.3.1 As per Article 7.4.4 of the Code, *Athletes* or other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension*, if done so within ~~ten (10) calendar~~ days from the report of the B *Sample* (or waiver of the B *Sample*) or within ~~ten (10) calendar~~ days from notification of any other anti-doping rule violation under Article 5.3. 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 6.2.1 or 6.2.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

### 6.4 Notification

- 6.4.1 Unless already notified under another provision of this *International Standard*, any imposition of a *Provisional Suspension* notified to the *Athlete* or other Person or voluntary acceptance of a *Provisional Suspension*, or lifting of either, shall promptly be notified by the Results Management Authority to the *Athlete's* or other Person's *National Anti-Doping Organization(s)*, *International Federation* and *WADA* and shall promptly be reported into *ADAMS*.

*[Comment to Article 6.4.1: To the extent not already set out in the communication to the Athlete, this notification shall include the following information (if applicable): the Athlete's or other Person name, country, sport and discipline within the sport.]*

## 7.0 Charge

- 7.1 If, after receipt of the *Athlete* or other *Person's* explanation or expiry of the deadline to provide such explanation, the Results Management Authority is (still) satisfied that the *Athlete* or other *Person* has committed (an) anti-doping rule violation(s), the Results Management Authority shall promptly charge the *Athlete* or other *Person* with the anti-doping rule violation(s) ~~he/she~~ isthey are asserted to have breached. In this letter of charge, the Results Management Authority:

- a) Shall set out the provision(s) of its anti-doping rules alleged to have been violated by the *Athlete* or other *Person*;

*[Comment to Article 7.1 a): The Results Management Authority is not limited by the anti-doping rules violation(s) set out in the notification under Article 5. In its discretion, the Results Management Authority may decide to assert further anti-doping rule violation(s) in its notice of charge.*

*Notwithstanding the above, whereas it is a Results Management Authority's duty to set out all and any asserted anti-doping rule violations against an *Athlete* or other *Person* in the notice of charge, a failure to formally charge an *Athlete* with an anti-doping rule violation that is in principle an integral part of a more specific (asserted) anti-doping rule violation (e.g. a Use violation (~~art.Article~~ Article 2.2 of the Code) as part of a Presence violation (~~art.Article~~ Article 2.1 of the Code), or a Possession violation (~~art.Article~~ Article 2.6 of the Code) as part of an asserted Administration violation (~~art.Article~~ Article 2.8 of the Code)) shall not prevent a hearing panel from finding that the *Athlete* or other Person committed a violation of the subsidiary anti-doping rule violation in the event that ~~he-isthey are~~ not found to have committed the explicitly asserted anti-doping rule violation.]*

- b) Shall provide a detailed summary of the relevant facts upon which the allegations are based, enclosing any additional underlying evidence not already provided in the notification under *Article 5*;

*[Comment to Article 7.1 b): ~~he~~The Results Management Authority shall, however, not be prevented from relying on other facts and/or adducing further evidence not contained*

in either the notification letter under Article ~~05~~ or the charge letter under Article ~~7.07~~ during the Hearing Process at first instance and/or on appeal.]

- c) Shall indicate the specific *Consequences* being sought in the event that the asserted anti-doping rule violation(s) is/are upheld and that such *Consequences* shall have binding effect on all *Signatories* in all sports and countries as per Article 15 of the Code;

[Comment to Article 7.1 c): The *Consequences* of an anti-doping rule violation set out in the letter of charge shall include as a minimum the relevant period of *Ineligibility* and *Disqualification*. The Results Management Authority shall refer to ADAMS ~~or another system approved by WADA~~ and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the relevant *Consequences*. The proposed *Consequences* shall in all circumstances be compatible with the provisions of the Code and shall be appropriate based on the explanations given by the Athlete or other Person or the facts as established by the Results Management Authority. For these purposes, it is expected that the Results Management Authority will investigatoreview the explanations given by the Athlete or other Person and assess their credibility (for example, by checking the authenticity of documentary evidence and the plausibility of the explanation from a scientific perspective) before proposing any *Consequences*. If the Results Management phase is substantially delayed by the investigationsreview, the Results Management Authority shall inform WADA, setting out the reasons for the substantial delay.]

- d) Shall grant a deadline of not more than ~~twenty~~20 days from receipt of the letter of charge (which may be extended only in exceptional cases) to the Athlete or other Person to admit the anti-doping rule violation asserted and to accept the proposed *Consequences* by signing, dating and returning ~~and dating~~ an Acceptance of *Consequences* form, which shall be enclosed to the letter;
- e) For the eventuality that the Athlete or other Person does not accept the proposed *Consequences*, shall already grant to the Athlete or other Person a deadline ~~of provided for in the Results Management Authority's anti-doping rules (which shall not be of~~ more than {20} days from receipt of the letter of charge ~~(which and~~ may be extended only in exceptional cases) to ~~the Athlete or other Person to challenge in writing the Results Management Authority's assertion of an anti-doping rule violation and/or proposed Consequences, and/or~~ make a written request for a hearing before the relevant hearing panel;
- f) Shall indicate that if the Athlete or other Person does not challenge the Results Management Authority's assertion of an anti-doping rule violation or proposed Consequences nor request a hearing within the prescribed deadline, ~~he/she/they~~ shall be deemed to have waived their right to a hearing and admitted the anti-doping rule violation ~~and to have~~ as well as accepted the *Consequences* set out by the Results Management Authority in the letter of charge;

- g) Shall indicate that the *Athlete* or other *Person* may be able to obtain a suspension of *Consequences* if ~~he/she provides~~they provide *Substantial Assistance* under Article 10.7 of the *Code*, may admit the anti-doping rule violation(s) within 20 days from receipt of the letter of charge and potentially benefit from a one-year reduction in the period of Ineligibility under Article 10.8.1 of the Code (if applicable) and/or seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under Article 10.8.2 of the *Code*;
- h) Shall set out any matters relating to *Provisional Suspension* as per Article ~~6.06~~ (if applicable).

7.2 The notice of charge notified to the *Athlete* or other Person shall simultaneously be notified by the Results Management Authority to the *Athlete's National Anti-Doping Organization(s)*, International Federation and WADA and shall promptly be reported into ADAMS.

*[Comment to Article 7.2: To the extent not already set out in the notice of charge, this notification shall contain the following information (wherever applicable): Athlete's or other Person's name, country, sport and discipline within the sport, and, for a violation of Article 2.1 of the Code, 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, and, for any other anti-doping rule violation, the anti-doping rule(s) violated and the basis for the asserted violation(s).]*

7.3 In the event that the *Athlete* or other *Person* either (i) admits the anti-doping rule violation and accepts the proposed *Consequences* or (ii) is deemed to have admitted the violation and accepted the *Consequences* ~~by failing to request a hearing within the relevant deadline, as per Article 7.1 f)~~, the Results Management Authority shall promptly issue the decision and notify it in accordance with Article ~~9.0.9~~.

7.4 If, after the *Athlete* or other *Person* has been charged, the Results Management Authority decides to withdraw the charge, it must notify the *Athlete* or other *Person* and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3 of the *Code*.

7.5 Subject to Article 7.6, in the event that the *Athlete* or other *Person* requests a hearing, the matter shall be referred to the Results Management Authority's hearing panel and be dealt with pursuant to Article ~~8.0.8~~.

*[Comment to Article 7.5: ~~In the event that an Athlete or other Person does not formally request Where a hearing but denies the charge in writing within the prescribed deadline, the Results Management Authority may in its discretion decide has delegated the adjudication part of Results Management to nonetheless hold a hearing before the hearing panel instead of~~*

~~issuing a decision at that stage~~ Service Provider the matter shall be referred to the Service Provider.

## 7.6 Sole instance before CAS

7.6.1 In its discretion, the Results Management Authority may propose to the *Athlete* or other *Person* that ~~his/her~~their case be heard by the CAS as a sole instance, with no requirement of a prior hearing, with the agreement of all *Anti-Doping Organizations* with a right of appeal pursuant to ~~art.~~Article 13.2.3 of the *Code*.

7.6.2 If the *Athlete* or other *Person* agrees with this proposal, it shall be the responsibility of the Results Management Authority to liaise in writing with all other *Anti-Doping Organizations* with a right of appeal to determine whether they agree to the proposal. Should one of the *Anti-Doping Organizations* with a right of appeal not agree (in its entire discretion), then the case shall be heard by the Results Management Authority's hearing panel at first instance.

*[Comment to Article 7.6.2: In the event that all Anti-Doping Organizations with a right of appeal agree to refer the case to the CAS as a sole instance, the proceedings shall be governed by the rules of the CAS: Anti-Doping Division. For these purposes, the Results Management Authority shall be considered as the claimant and the Athlete or other Person as the Respondent. The Results Management Authority shall promptly notify the other Anti-Doping Organizations with a right of appeal of its filing of the claim so that the latter may intervene in the proceedings (if they wish to). The final decision rendered by the CAS shall not be subject to any appeal, save to the Swiss Federal Tribunal.]*

## PART FOUR: RESULTS MANAGEMENT – ADJUDICATION

### 8.0 Hearing Process

- 8.1 **8.1** The Results Management Authority shall confer jurisdiction on hearing panels to hear and determine whether an *Athlete* or other *Person* subject to its anti-doping ~~rules~~rules has committed an anti-doping rule violation and, if applicable, to impose the relevant *Consequences*. The Results Management Authority (or a Service Provider upon delegation under article 20 of the Code) shall bring forward the charge before the hearing panel.

*[Comment to Article 8.1: Results Management Authorities may also delegate the adjudication part of Results Management to Service Providers.*

*Where an Anti-Doping Organization provides for a post-decision review as per article 13.1 of the Code, such post-decision review shall be subject to the requirements of this article 8 mutatis mutandis.*

*It is not a Code requirement that a hearing should take place in person. Hearings may also take place remotely by the participants joining together using technology. There are no restrictions as to the technology that can or should be used, but include means such as conference calling, video conferencing technology or other online communication tools. Depending on the circumstances of a case, it may also be fair or necessary – for example, where all the facts are agreed and the only issue is as to the Consequences - to conduct a hearing “in writing,” based on written materials without an oral hearing.]*

- 8.2 **8.2** ~~Appointment of hearing panel members~~For the purposes of Article 8.1, Anti-Doping Organizations shall establish a wider pool of hearing panel members and designate amongst them a chairperson as well as a vice-chairperson of the pool. Appointment to the pool must be made based on relevant expertise and experience, including legal, sports, medical and scientific expertise. At least one member must have a legal background. All members of the pool shall be appointed for a period of no less than two years (which may be renewable).

*[Comment to Article 8.2: How a hearing panel is appointed depends on the anti-doping rules of the Anti-Doping Organization that has charged the Athlete or other Person. It will generally be appointed from a wider pool of hearing panel members.]*  
*[Comment to Article 8.2: The number of potential hearing panel members that an Anti-Doping Organization should appoint to the wider pool depends on the number of affiliates and the anti-doping history (including the number of anti-doping rule violations committed in the past years) of the Anti-Doping Organization. At the very least, the number of potential hearing panel members shall be sufficient to ensure that Hearing Processes are timely conducted and provide for replacement possibilities in the event of a conflict of interest. Members of the pool of hearing panel members should receive regular anti-doping education.]*



**8.3** The size and composition of a particular hearing panel shall be determined in their discretion either by the chairperson of the pool (or the vice-chairperson in the event of a conflict of interest, or, if both are in a situation of conflict, the most senior hearing panel member with no conflict of interest), by the parties themselves or by any other independent institution as provided for in the rules of the *Anti-Doping Organization*. At least one appointed hearing panel member must have a legal background.

*[Comment to Article 8.3: The size and composition of the hearing panel may vary depending on the nature of the charge and the evidence put forward. ~~Members of the pool of hearing panel members should receive regular anti-doping education~~The hearing panel may be composed of a single adjudicator. The chairperson of the pool can be appointed (or appoint himself if applicable) to sit as single adjudicator or hearing panel member. If a single adjudicator is appointed, he shall have a legal background.]*

**8.38.4** ~~8.3~~ Upon appointment to a hearing panel, each hearing panel member shall sign a declaration that there are no facts or circumstances known to him/her which might call into question ~~his/her~~their impartiality in the eyes of any of the parties, other than any circumstances disclosed in the declaration. If such facts or circumstances arise at a later stage of the Hearing Process, the relevant hearing panel member shall promptly disclose them to the parties.

*[Comment to Article ~~8.3:8.4~~: For example, any member who is in any way connected with the case and/or the parties – such as family or close personal/professional ties and/or an interest in the outcome of the case and/or having expressed an opinion as to the outcome of the particular case – ~~must~~ must openly disclose on the declaration all circumstances that might interfere with the impartial performance of ~~his/her functions~~ their functions. To assess whether a hearing panel member is impartial, the Results Management Authority may take into account the principles set out in the IBA Guidelines on Conflicts of Interest in International Arbitration as updated from time to time available at <https://www.ibanet.org>.]*

**8.48.5** ~~8.4~~ The parties shall be notified of the identity of the hearing panel members appointed to hear and determine the matter and be provided with their declaration at the outset of the Hearing Process. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within 7 days from ~~notification~~the ground for the challenge having become known. Any challenge shall be decided upon by an independent ~~person~~Person from the wider pool of hearing panel members, to be agreed upon by the Results Management Authority and relevant *Athlete* or other *Person*, or by an independent institution.

**8.58.6** ~~8.5~~ The rules governing the activities of the Results Management Authority shall guarantee the operational independence of hearing panel members.

*[Comment to Article 8.5: ~~Persons who are an organ or sit in a~~8.6: Staff members, commission members, consultants and officials of the Results Management Authority or its affiliates (eg.*

*member federation or confederation), as well as any Person involved in the pre-adjudication of the matter cannot be appointed as members and/or clerks of hearing panels of that Results Management Authority. Further, hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Results Management Authority or any third party.]*

**8.68.7** ~~8.6~~ *Anti-Doping Organizations shall provide adequate resources to ensure that hearing panels are able to fulfil their tasks efficiently and independently and otherwise in accordance with this Article **8.0.8**.*

*8.7—[Comment to Article 8.7: All agreed fees and reasonable expenses of the hearing panels shall be timely paid by the Results Management Authority.]*

**8.78.8** The Hearing Process shall respect, at a minimum, all of the following principles:

- a) The hearing panel ~~members~~ must remain fair ~~and~~ impartial and operationally independent at all times;
- b) The Hearing Process shall be accessible and affordable;

*[Comment to Article **8.78.8** b): Procedural fees, if any, shall be set at a level that does not prevent the accused ~~person~~ Person from accessing the hearing. When necessary, the Results Management Authority and/or the relevant hearing panel should consider establishing a legal aid mechanism in order to ensure such access.]*

- c) The Hearing Process shall be conducted within a reasonable time;

*[Comment to Article **8.78.8** c): All decisions shall be issued and notified promptly after the hearing in person or, if no hearing in person is requested, after the parties have filed their written submissions. Save in ~~very~~ complex matters, this timeframe should not exceed two months.]*

- d) The right to be informed in a fair and timely manner of the asserted anti-doping rule violation(s), the right to be represented by counsel at the Athlete or other Person's own expense, the right of access to and to present relevant evidence, the right to submit written and oral submissions, the right to call and examine witnesses, and the right to an interpreter at the hearing at the Athlete or other Person's own expense.

*[Comment to Article **8.78.8** d): In principle, where the hearing is in person, it should be composed of an opening phase, where the parties are given an opportunity to briefly present their case, an evidentiary phase, where the evidence is assessed and witnesses and experts (if any) are heard and a closing phase, where all parties are given an opportunity to present their final arguments in light of the evidence.]*

e) 8.8—The right for the Athlete or the other Person to request a public hearing.

[Comment to Article 8.8 e): However, the Athlete or other Person's request may be denied by the hearing panel in the interest of morals, public order, national security, where the interests of minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice or where the proceedings are exclusively related to questions of law.]

8.8.9 Hearing Processes 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.

## 9.0 Decisions

### 9.1 Content

9.1.1 9.1.1 ~~—All Results Management~~ decisions ~~rendered, including~~ adjudications by *Anti-Doping Organizations*, other than decisions ~~where the Athlete or other Person has waived his right to a hearing, has admitted the anti-doping rule violation and accepted (or refused) the Consequences~~ adjudications by *Major Event Organizations*, must not purport to be limited ~~in~~ to a particular geographic area or sport and shall ~~be reasoned. For these purposes, they shall include at least~~ address and determine the following ~~content~~ issues:

- a) Jurisdictional basis and applicable rules;
- b) Detailed factual background;

*[Comment to Article 9.1.1 b): For instance, where the violation is based on an Adverse Analytical Finding, the decision shall set out inter alia the date and place of the Sample Collection Session, the type of Sample collection (blood or urine), whether the control was Out-of-Competition or In-Competition, the Prohibited Substance detected, the WADA-accredited laboratory that performed the analysis, if the B Sample analysis was requested and/or performed as well as the results of the analysis. For any other violation, a full and detailed description of the facts shall be made.]*

- c) Anti-doping rule violation(s) committed;

*[Comment to Article 9.1.1 c): Where the violation is based on an Adverse Analytical Finding, the decision shall inter alia set out that there was no departure from the International Standards, or that the alleged departure(s) did or did not cause the Adverse Analytical Finding and demonstrate that the violation of Article 2.1 of the Code is made out (see Article 2.1.2 of the Code). For any other violation, the hearing panel shall assess the evidence presented and explain why it considers that the evidence presented by the Results Management Authority meets or does not meet the required standard of proof.*

*In case the hearing panel considers that the anti-doping rule violation(s) is/are established, it shall expressly indicate the anti-doping rule(s) violated.]*

d) Applicable Consequences;

*[Comment to Article 9.1.1 d): The decision shall ~~identity~~identify the specific provisions on which the sanction, including any reduction or suspension, is based and provide reasons justifying the imposition of the relevant Consequences. In particular, where the applicable rules grant discretion to the hearing panel (e.g. for Specified or Contaminated Substances under Article 10.56.1.1 and 10.56.1.2 of the Code), the decision shall explain why the period of Ineligibility imposed is appropriate. The decision shall also indicate the start date of the period of Ineligibility (if any) and provide justifications in the event that this date is earlier than the date of the decision (see Article 10.4213.1 of the Code). The decision shall also indicate the period of Disqualification, with justification in the event that certain results are not Disqualified for reasons of fairness (Article 10.910 of the Code), and any forfeiture of medals or prizes. The decision shall also set if (and to what extent) any period of Provisional Suspension is credited against any period of Ineligibility ultimately imposed, and set out any other relevant Consequences based on the applicable rules, including Financial Consequences.]*

e) Appeal routes and deadline to appeal for the Athlete or other Person

*[Comment to Article 9.1.1 e): The decision shall indicate whether the Athlete is an International-Level Athlete for the purposes of the appeal route under Article 13 of the Code. If this information is not available to the hearing panel, the hearing panel shall request the Results Management Authority to liaise with the relevant Anti-Doping Organization (e.g. the International Federation of the Athlete). The decision shall then set out the appropriate appeal route (including the address to which any appeal should be sent to) and the deadline to appeal.]*

9.1.2 *—[Comment to Article 9.1.1 : Results Management decisions include Provisional Suspension.]*

- 9.1.2 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 of the Code, with any resulting forfeiture of medals, points and prizes.

*[Comment to Article 9.1.2: 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 of the Code (which*

is left to the ruling body for an Event). Pursuant to Article 15 of the Code, 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 of the Code 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 of the Code; 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 of the Code.]

## 9.2 Notification

- 9.2.1 Decisions shall be promptly notified by the Results Management Authority to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right of appeal under Article 13.2.3 of the Code and shall promptly be reported into ADAMS. Where the decision is not in English or French, the Results Management Authority shall provide an English or French summary of the decision and of the supporting reasons as well as a searchable version of the decision.
- 9.2.2 An *Athlete* or other *Person* subject to a period of *Ineligibility* shall be made aware by the Results Management Authority of his/hers/their status during *Ineligibility*, including the ~~consequences~~Consequences of a violation of the prohibition of participation during *Ineligibility*, pursuant to ~~art.~~Article 10.1214 of the Code. The Results Management Authority shall ensure that the period of *Ineligibility* is duly respected. The Athlete or other Person should also be made aware that they may still provide Substantial Assistance.
- 9.2.3 An *Athlete* subject to a period of *Ineligibility* should also be made aware by the Results Management Authority that ~~he/she remainsthey remain~~ subject to *Testing* during the period of *Ineligibility*.
- 9.2.4 If the decision concerns an *Adverse Analytical Finding* or *Atypical Finding*, and after any deadline to appeal has elapsed and no appeal has been filed against the decision, the Results Management Authority shall promptly notify the relevant Laboratory that the matter has been finally disposed of.
- 9.2.5 Where, further to notification of the decision, an *Anti-Doping Organization* with a right of appeal requests a copy of the full case file pertaining to the decision, it shall be provided promptly by the Results Management Authority.

*[Comment to Article 9.2.5: The case file shall contain all documents relating to the case. For an analytical case, it shall include at a minimum the ~~doping control~~Doping Control form, laboratory results and/or laboratory documentation package(s) (if issued), any submissions and exhibits and/or correspondence of the parties and all other documents relied upon by the*

hearing body. The case file should be sent by email in an organized manner with a table of contents.]

## 10.0 Appeals

10.1 The rules governing appeal rights and avenues are set out at Article 13 of the Code.

10.2 With respect to national appellate instances within the meaning of article 13.2.2 of the Code ~~(i.e. independent and impartial national level arbitral bodies):~~

- a) The appointment of hearing panel members and the Hearing Process on appeal are governed by Article ~~8.08~~ *mutatis mutandis*. In addition to being fair ~~and~~, impartial, ~~and operationally independent,~~ a hearing panel ~~members sitting~~ on appeal shall also be ~~independent and the hearing panel on appeal shall constitute an arbitral body for the purposes of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards~~ institutionally independent;

~~[Comment to Article 10.2 a): To assess whether a~~ For the purposes of this provision, hearing panel member is panels on appeal shall be fully independent, institutionally from the Results Management Authority is advised. They must therefore not in any way be administered by, connected or subject to refer to the Guidelines on Conflicts of Interest in International Arbitration.] ~~the Results Management Authority.]~~

- b) The appeal decision rendered by an appeal body shall comply with the requirements of Article 9.1;
- c) The appeal decision shall promptly be notified by the Results Management Authority to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal the prior instance decision under Article 13.2.3;
- d) The further notification requirements at Article 9.2 shall apply *mutatis mutandis*.

10.3 With respect to appeals before CAS:

- a) The appeal procedure shall be governed by the *Code* of Sports-related Arbitration;
- b) All parties to any CAS appeal must ensure that WADA and any other party, which would have had a right of appeal and is not a party to the CAS appeal, has been given timely notice of the appeal;
- c) No settlement embodied in an arbitral award rendered by consent of the parties as per R56 of the *CAS Code* shall be entered into by an *Anti-Doping Organization* without WADA's written approval. Where the parties to the *CAS* proceedings are envisaging settling the matter by way of a settlement embodied in an arbitral award rendered by

consent of the parties, the *Anti-Doping Organization* that is a party to the proceedings shall immediately notify *WADA* and provide it with all necessary information in this respect;

- d) Any *Anti-Doping Organization* that is a party to an appeal before *CAS* shall promptly provide the *CAS* award to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 of the *Code*;
- e) The requirements of Articles 9.2.2 to 9.2.4 shall apply *mutatis mutandis*.

## **11.0 Violation of the prohibition against participation during *Ineligibility***

**11.1** In the event that an *Athlete* or other *Person* is asserted to have violated the prohibition against participation during *Ineligibility* pursuant to Article 10.14 of the *Code*, the *Results Management* relating to this alleged violation shall comply with the principles of this *International Standard mutatis mutandis*.

[Comment to Article 11.1: In particular, the *Athlete* or other *Person* shall receive a notification letter in accordance with Article 5.3.2 *mutatis mutandis*, a letter of charge in accordance with Article 7 *mutatis mutandis* and be afforded the right to a hearing as per Article 8.]

## Annex A – Review of a Possible Failure to Comply

### A.1 Responsibility

A.1.1 The Results Management Authority or *Testing Authority* (as applicable) is responsible for ensuring that:

- a) When the possible Failure to Comply comes to its attention, it notifies *WADA*, and instigates review of the possible Failure to Comply based on all relevant information and documentation;
- b) The *Athlete* or other *Person* is informed of the possible Failure to Comply in writing and has the opportunity to respond in accordance with Article 5.3.2 of the *International Standard for Results Management*;
- c) The review is conducted without unnecessary delay and the evaluation process is documented; and
- d) If it decides not to move forward with the matter, its decision is notified in accordance with Article 5.4 of the *International Standard for Results Management*.

A.1.2 The DCO is responsible for providing a detailed written report of any possible Failure to Comply.

### A.2 Requirements

A.2.1 Any potential Failure to Comply shall be reported by the DCO to the Results Management Authority (or *Testing Authority* as applicable) and/or followed up by the *Testing Authority* and reported to the Results Management Authority as soon as practicable.

A.2.2 If the Results Management Authority determines that there has been a potential Failure to Comply, the *Athlete* or other *Person* shall be promptly notified in accordance with Article 5.3.2 of the *International Standard for Results Management* and further *Results Management* shall be conducted as per Article 5 *et seq.* of the *International Standard for Results Management*.

A.2.3 Any additional necessary information about the potential Failure to Comply shall be obtained from all relevant sources (including the *Athlete* or other *Person*) as soon as possible and recorded.

A.2.4 The Results Management Authority (and *Testing Authority* as applicable) shall establish a system for ensuring that the outcomes of its reviews into potential Failures to Comply are considered for *Results Management* action and, if applicable, for further planning and *Target Testing*.





## Annex B – Results Management for Whereabouts Failures

### B.1 Determining a Potential Whereabouts Failure

B.1.1 Three Whereabouts Failures by an *Athlete* within any 12-month period amount to an anti-doping rule violation under Article 2.4 of the *Code*. The Whereabouts Failures may be any combination of Filing Failures and/or Missed Tests declared in accordance with Article B.3 and adding up to three in total.

[Comment to Article B.1.1: While a single Whereabouts Failure will not amount to an anti-doping rule violation under Article 2.4 of the *Code*, depending on the facts it could amount to an anti-doping rule violation under Article 2.3 (Evading Sample Collection) of the *Code* and/or Article 2.5 (Tampering or Attempted Tampering with Doping Control) of the *Code*.]

B.1.2 The 12-month period referred to in Article 2.4 of the *Code* starts to run on the date that an *Athlete* commits the first Whereabouts Failure being relied upon in support of the allegation of a violation of Article 2.4 of the *Code*. If two more Whereabouts Failures occur during the ensuing 12-month period, then a Article 2.4 of the *Code* anti-doping rule violation is committed, irrespective of any *Samples* successfully collected from the *Athlete* during that 12-month period. However, if an *Athlete* who has committed one Whereabouts Failure does not go on to commit a further two Whereabouts Failures within 12 months of the first, at the end of that 12-month period the first Whereabouts Failure “expires” for purposes of Article 2.4 of the *Code*, and a new 12-month period begins to run from the date of their next Whereabouts Failure.

B.1.3 For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in Article 2.4 of the *Code*:

- a) A Filing Failure will be deemed to have occurred on the first day of the quarter for which the *Athlete* fails to make an accurate and (sufficient)-filing or where the *Athletes* fails to provide an updated filing during the quarter, in which case it will be deemed to be effective from the date of discovery; and
- b) A Missed Test will be deemed to have occurred on the date that the *Sample* collection was unsuccessfully attempted.

B.1.4 Whereabouts Failures committed by the *Athlete* prior to retirement as defined in Article 4.8.6.7 of the *International Standard* for Testing and Investigations may be combined, for purposes of Article 2.4 of the *Code*, with Whereabouts Failures committed by the *Athlete* after they again becomes available for *Out-of-Competition* Testing.

[Comment to Article B.1.4: For example, if an Athlete committed two Whereabouts Failures in the 6 months prior to their retirement, then if they commit another Whereabouts Failure in the first 6 months in which they are again available for Out-of-Competition Testing, that amounts to a Article 2.4 of the Code anti-doping rule violation.]

## **B.2 Results Management for a Potential Filing Failure or Missed Test**

**B.2.1 An Athlete may only be declared to have committed a Filing Failure where the Results Management Authority establishes each of the following:**

- a) That the Athlete was duly notified (i) that they had been designated for inclusion in a Registered Testing Pool; (ii) of the consequent requirement to make Whereabouts Filings; and (iii) of the Consequences of any failure to comply with that requirement;**
- b) That the Athlete failed to comply with that requirement by the applicable deadline;**

[Comment to Article B.2.1(b): An Athlete fails to comply with the requirement to make Whereabouts Filings (i) where they do not make any such filing, or where they fails-to update the filing as required by Article I.3.6 of the International Standard for Testing and Investigations; or (ii) where they make the filing or update but do not include all of the required information in that filing or update (e.g. they do not include the place where they will be staying overnight for each day in the following quarter, or for each day covered by the update, or omit to declare a regular activity that they will be pursuing during the quarter, or during the period covered by the update); or (iii) where they include information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organization to locate them for Testing (e.g., “running in the Black Forest”).]

- c) (in the case of a second or third Filing Failure) that they were given notice, in accordance with Article B.3.2(d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure they must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and**

[Comment to Article B.2.1(c): The requirement is to give the Athlete notice of the first Filing Failure and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against them. But that is all that is required. In particular, it is not necessary to complete the results management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Athlete.]

d) That the *Athlete's* failure to file was at least negligent. For these purposes, the *Athlete* will be presumed to have committed the failure negligently upon proof that they were notified of the requirements yet did not comply with them. That presumption may only be rebutted by the *Athlete* establishing that no negligent behaviour on their part caused or contributed to the failure.

B.2.2 While Article 5.2 of the *Code* specifies that every *Athlete* must submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with *Testing* authority over them, in addition an *Athlete* in a *Registered Testing Pool* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day in their *Whereabouts Filing*, at the location that the *Athlete* has specified for that time slot in such filing. Where this requirement is not met by the *Athlete* it shall be pursued as an apparent Missed Test. If the *Athlete* is tested during such a time slot, the *Athlete* must remain with the *DCO* until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of Article 2.3 of the *Code* (refusal or failure to submit to *Sample* collection).

B.2.3 To ensure fairness to the *Athlete*, where an unsuccessful *attempt* has been made to test an *Athlete* during one of the 60-minute time slots specified in their *Whereabouts Filing*, any subsequent unsuccessful *attempt* to test that *Athlete* (by the same or any other *Anti-Doping Organization*) during one of the 60-minute time slots specified in their *Whereabouts Filing* may only be counted as a Missed Test (or, if the unsuccessful *attempt* was because the information filed was insufficient to find the *Athlete* during the time slot, as a *Filing Failure*) against that *Athlete* if that subsequent *attempt* takes place after the *Athlete* has received notice, in accordance with Article B.3.2(d), of the original unsuccessful *attempt*.

[Comment to Article B.2.3: The requirement is to give the *Athlete* notice of one Missed Test or *Filing Failure* before a subsequent Missed Test or *Filing Failure* may be pursued against them. But that is all that is required. In particular, it is not necessary to complete the results management process with respect to the first Missed Test or *Filing Failure* before pursuing a second Missed Test or *Filing Failure* against the *Athlete*.]

B.2.4 An *Athlete* may only be declared to have committed a Missed Test where the Results Management Authority can establish each of the following:

a) That when the *Athlete* was given notice that they had been designated for inclusion in a *Registered Testing Pool*, they were advised that they would be liable for a Missed Test if they were unavailable for *Testing* during the 60-minute time slot specified in their *Whereabouts Filing* at the location specified for that time slot;

b) That a *DCO* attempted to test the *Athlete* on a given day in the quarter, during the 60-minute time slot specified in the *Athlete's* *Whereabouts Filing* for that day, by visiting the location specified for that time slot;

c) That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the Athlete, short of giving the Athlete any advance notice of the test;

[Comment to Article B.2.4(c): Because the making of a telephone call is discretionary rather than mandatory, and is left entirely to the absolute discretion of the Sample Collection Authority, proof that a telephone call was made is not a requisite element of a Missed Test, and the lack of a telephone call does not give the Athlete a defense to the assertion of a Missed Test.]

d) That Article B.2.3 does not apply or (if it applies) was complied with; and

e) That the Athlete's non-availability for Testing at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the Athlete will be presumed to have been negligent upon proof of the matters set out at sub-Articles B.2.4 (a) to (d). That presumption may only be rebutted by the Athlete establishing that no negligent behaviour on their part caused or contributed to their failure (i) to be available for Testing at such location during such time slot, and (ii) to update their most recent Whereabouts Filing to give notice of a different location where they would instead be available for Testing during a specified 60-minute time slot on the relevant day.

### **B.3 Results Management for a Potential Whereabouts Failure**

B.3.1 In accordance with Articles 7.1.6 of the Code, the Results Management Authority in relation to potential Whereabouts Failures shall be the International Federation or the National Anti-Doping Organization with whom the Athlete in question files their whereabouts information.

[Comment to Article B.3.1: If an Anti-Doping Organization that receives an Athlete's Whereabouts Filings (and so is their Results Management Authority for whereabouts purposes) removes the Athlete from its Registered Testing Pool after recording one or two Whereabouts Failures against them, then if the Athlete is put in another Anti-Doping Organization's Registered Testing Pool, and that other Anti-Doping Organization starts receiving their Whereabouts Filings, then, that other Anti-Doping Organization becomes the Results Management Authority in respect of all Whereabouts Failures by that Athlete, including those recorded by the first Anti-Doping Organization. In that case, the first Anti-Doping Organization shall provide the second Anti-Doping Organization with full information about the Whereabouts Failure(s) recorded by the first Anti-Doping Organization in the relevant period, so that if the second Anti-Doping Organization records any further Whereabouts Failure(s) against that Athlete, it has all the information it needs to bring proceedings against them, in accordance with Article B.3.4, for violation of Article 2.4 of the Code.]

B.3.2 When a Whereabouts Failure appears to have occurred, results management shall proceed as follows:

a) If the apparent Whereabouts Failure has been uncovered by an *attempt* to test the *Athlete*, the *Testing Authority* shall obtain an Unsuccessful Attempt Report from the DCO. If the *Testing Authority* is different from the Results Management Authority, it shall provide the Unsuccessful Attempt Report to the Results Management Authority without delay, and thereafter it shall assist the Results Management Authority as necessary in obtaining information from the DCO in relation to the apparent Whereabouts Failure.

b) The Results Management Authority shall review the file (including any Unsuccessful Attempt Report filed by the DCO) to determine whether all of the Article B.2.1 requirements (in the case of a Filing Failure) or all of the Article B.2.4 requirements (in the case of a Missed Test) are met. It shall gather information as necessary from third parties (e.g., the DCO whose test *attempt* uncovered the Filing Failure or triggered the Missed Test) to assist it in this task.

[Comment to B.3.2(b): WADA's Results Management, Hearings and Decisions Guidelines include guidance as to what explanations may or may not excuse an apparent Filing Failure or Missed Test.]

c) If the Results Management Authority concludes that any of the relevant requirements have not been met (so that no Whereabouts Failure should be declared), it shall so advise WADA, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with Article 13 of the *Code*.

d) If the Results Management Authority concludes that all of the relevant requirements as set out in B.2.1 (*Filing Failure*) and B.2.4 (*Missed Test*) have been met, it should notify the *Athlete* within fourteen days of the date of the apparent Whereabouts Failure. The notice shall include sufficient details of the apparent Whereabouts Failure to enable the *Athlete* to respond meaningfully, and shall give the *Athlete* a reasonable deadline to respond, advising whether they admit the Whereabouts Failure and, if not, then why not. The notice should also advise the *Athlete* that three Whereabouts Failures in any 12-month period is a Article 2.4 anti-doping rule violation of the *Code*, and should note whether they had any other Whereabouts Failures recorded against them in the previous 12 months. In the case of a Filing Failure, the notice must also advise the *Athlete* that in order to avoid a further Filing Failure they must file the missing whereabouts information by the deadline specified in the notice, which must be within 48 hours after receipt of the notice.

e) If the *Athlete* does not respond within the specified deadline, the Results Management

Authority shall record the notified Whereabouts Failure against them.

If the *Athlete* does respond within the deadline, it shall consider whether they response changes its original decision that all of the requirements for recording a Whereabouts Failure have been met.

- i. If so, it shall so advise the *Athlete*, WADA, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with Article 13 of the *Code*.
- ii. If not, it shall so advise the *Athlete* (with reasons) and specify a reasonable deadline by which they may request an administrative review of its decision. The Unsuccessful Attempt Report should be provided to the *Athlete* at this point if it has not been provided to them earlier in the process.
- f) If the *Athlete* does not request an administrative review by the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against them. If the *Athlete* does request an administrative review before the deadline, it shall be carried out, based on the papers only, by one or more *Persons* not previously involved in the assessment of the apparent Whereabouts Failure. The purpose of the administrative review shall be to determine anew whether or not all of the relevant requirements for recording a Whereabouts Failure are met.
- g) If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, the Results Management Authority shall so advise the *Athlete*, WADA, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with Article 13 of the *Code*. On the other hand, if the conclusion is that all of the requirements for recording a Whereabouts Failure are met, it shall notify the *Athlete* and shall record the notified Whereabouts Failure against them.

B.3.3 The Results Management Authority shall report a decision to record a Whereabouts Failure against an *Athlete* to WADA and all other relevant *Anti-Doping Organizations*, on a confidential basis, via ADAMS or other system approved by WADA.

[Comment to Article B.3.3: For the avoidance of doubt, the Results Management Authority is entitled to notify other relevant *Anti-Doping Organizations* (on a strictly confidential basis) of the apparent Whereabouts Failure at an earlier stage of the results management process, where it considers it appropriate (for test planning purposes or otherwise). In addition, an *Anti-*

*Doping Organization may publish a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been recorded in respect of Athletes under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the Athletes involved. Prior to any proceedings under Article 2.4 of the Code, an Anti-Doping Organization should not Publicly Disclose that a particular Athlete does (or does not) have any Whereabouts Failures recorded against them (or that a particular sport does, or does not, have Athletes with Whereabouts Failures recorded against them).]*

*B.3.4 Where three Whereabouts Failures are recorded against an Athlete within any 12-month period, the Results Management Authority shall notify the Athlete in accordance with Article 5.3.2 of the International Standard for Results Management alleging violation of Article 2.4 of the Code and proceed with Results Management in accordance with Article 5 et seq. of the International Standard for Results Management. If the Results Management Authority fails to bring such proceedings against an Athlete within thirty days of WADA receiving notice of the recording of that Athlete's third Whereabouts Failure in any 12-month period, then the Results Management Authority shall be deemed to have decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at Article 13.2 of the Code.*

*B.3.5 An Athlete alleged to have committed a Article 2.4 anti-doping rule violation of the Code shall have the right to have such allegation determined at a full evidentiary hearing in accordance with Article 8 of the Code and Articles 8 and 10 of the International Standard for Results Management. The hearing panel shall not be bound by any determination made during the Results Management process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the Anti-Doping Organization bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure to the comfortable satisfaction of the hearing panel. If the hearing panel decides that one (or two) Whereabouts Failure(s) have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no Article 2.4 anti-doping rule violation of the Code shall be found to have occurred. However, if the Athlete then commits one (or two, as applicable) further Whereabouts Failure(s) within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in accordance with Article 3.2.3 of the Code) and the Whereabouts Failure(s) subsequently committed by the Athlete.*

*[Comment to Article B.3.5: Nothing in Article B.3.5 is intended to prevent the Anti-Doping Organization challenging an argument raised on the Athlete's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the Results Management process.]*



B.3.6 A finding that an *Athlete* has committed a Article 2.4 anti-doping rule violation of the *Code* has the following *Consequences*: (a) imposition of a period of *Ineligibility* in accordance with Article 10.3.2 (first violation) of the *Code* or Article 10.9 (subsequent violation(s)) of the *Code*; and (b) in accordance with Article 10.10 (*Disqualification*, unless fairness requires otherwise) of the *Code* of all individual results obtained by the *Athlete* from the date of the Article 2.4 anti-doping rule violation of the *Code* through to the date of commencement of any *Provisional Suspension* or *Ineligibility* period, with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes. For these purposes, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure found by the hearing panel to have occurred. The impact of any Article 2.4 anti-doping rule violation of the *Code* by an individual *Athlete* on the results of any team for which that *Athlete* has played during the relevant period shall be determined in accordance with Article 11 of the *Code*.

## Annex C – Results Management Requirements and Procedures for the Athlete Biological Passport

### C.1 Administrative Management

C.1.1 The requirements and procedures described in this Annex apply to all modules of the Athlete Biological Passport (ABP) except where expressly stated or implied by the context.

C.1.2 These processes shall be administered and managed by an Athlete Passport Management Unit (APMU) on behalf of the Passport Custodian. The APMU will initially review profiles to facilitate targeting recommendations for the Passport Custodian when appropriate or refer to the Experts as required. Management and communication of the biological data, APMU reporting and Expert reviews shall be recorded in ADAMS and be shared by the Passport Custodian with other Anti-Doping Organizations (ADO(s) with Testing authority over the Athlete to coordinate further Passport Testing as appropriate. A key element for ABP management and communication is the APMU Report in ADAMS which provides an overview of the current status of the Athlete's Passport including the latest targeting recommendations and a summary of the Expert reviews.

C.1.3 This Annex describes a step-by-step approach to the review of an Athlete's Passport:

- a) The review begins with the application of the Adaptive Model.
- b) In case of an Atypical Passport Finding (ATPF) or when the APMU considers that a review is otherwise justified, an Expert conducts an initial review and returns an evaluation based on the information available at that time.
- c) In case of a "Likely doping" initial review, the Passport is then subjected to a review by three Experts including the Expert who conducted the initial review.
- d) In case of a "Likely doping" consensus of the three Experts, the process continues with the creation of an ABP Documentation Package.
- e) An APF is reported by the APMU to the Passport Custodian if the Experts' opinion is maintained after review of all information available at that stage, including the ABP Documentation Package.
- f) The Athlete is notified of the APF and offered the opportunity to provide explanations.
- g) If after review of the explanations provided by the Athlete, the Experts maintain their unanimous conclusion that it is highly likely that the Athlete used a Prohibited Substance or a Prohibited Method, an anti-doping rule violation (ADRV) is asserted

against the *Athlete* by the Passport Custodian.

## C.2 Initial Review Phase

### C.2.1 Review by the Adaptive Model

C.2.1.1 In ADAMS, the Adaptive Model automatically processes biological *Markers* of the ABP. These *Markers* include primary *Markers* that are defined as the most specific to doping and secondary *Markers* that provide supporting evidence of doping in isolation or in combination with other *Markers*. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values outside of the 99%-range, from a lower limit corresponding to the 0.5<sup>th</sup> percentile to an upper limit corresponding to the 99.5<sup>th</sup> percentile (1:100 chance or less that this result is due to normal physiological variation). A specificity of 99% is used to identify both haematological and steroidal ATPFs. In the case of sequence deviations (sequence ATPFs), the applied specificity is 99.9% (1:1000 chance or less that this is due to normal physiological variation).

C.2.1.2 An ATPF is a result generated by the Adaptive Model in ADAMS which identifies either a primary *Marker*(s) value(s) as being outside the *Athlete*'s intra-individual range or a longitudinal profile of a primary *Marker* values (sequence deviations) as being outside expected ranges, assuming a normal physiological condition. An ATPF requires further attention and review.

C.2.1.3 The APMU may also submit a Passport to the Expert when there is no ATPF (see C.2.2.4 below).

#### C.2.1.4 ATPF – Haematological Module

C.2.1.4.1 For the Haematological Module, the Adaptive Model automatically processes in ADAMS two primary *Markers*, haemoglobin concentration (HGB) and stimulation index OFF-score (OFFS), and two secondary *Markers*, the reticulocyte percentage (RET%) and the Abnormal Blood Profile Score (ABPS). An ATPF is generated when a HGB and /or OFFS value of the last test falls outside the expected intra-individual ranges. Furthermore, the longitudinal profile composed of (up to) the last five valid HGB and/or OFFS values is also considered as an ATPF when deviating from the expected ranges, as determined by the Adaptive Model (sequence ATPF). An ATPF is only generated by the Adaptive Model based on values of the primary *Markers* HGB and OFFS or the sequence thereof.

C.2.1.4.2 In case of an ATPF the APMU shall advise the Results Management Authority (or Testing Authority as applicable) in the APMU report, or via the Passport Custodian where appropriate,

on whether the *Sample*, or any accompanying urine *Sample*, should be subjected to analysis for Erythropoietic Stimulating Agents (ESAs). The APMU should also provide recommendations for ESA analysis when the Adaptive Model detects an abnormality in the secondary *Markers* RET% and/or ABPS.

#### C.2.1.5 ATPF – Steroidal Module

C.2.1.5.1 For the Steroidal Module, the Adaptive Model automatically processes in ADAMS one primary *Marker*, the T/E ratio, and four secondary *Markers*, the ratios A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol and 5 $\beta$ Adiol/E.

C.2.1.5.2 Ratios coming from a *Sample* that showed signs of heavy microbial degradation, and ratios for which one or both of the concentrations were not measured accurately by the Laboratory as established in the *Technical Document* for Endogenous Anabolic Androgenic Steroids (TDEAAS), shall not be processed by the Adaptive Model. In the case where the Laboratory reports a factor that may otherwise cause an alteration in the steroid profile, such as the presence of ethanol glucuronide in the *Sample*, the APMU shall evaluate whether the steroid profile can still be processed by the Adaptive Model and the *Sample* be subjected to a Confirmation Procedure (see TDEAAS).

C.2.1.5.3 An ATPF is generated when a value of the T/E ratio falls outside the expected intra-individual ranges. In addition, the “*longitudinal steroid profile*” composed of (up to) the last 5 valid values of the T/E ratio is also considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model (sequence ATPF).

C.2.1.5.4 In the case of a “*longitudinal steroidal profile*”, an ATPF caused by an atypically high T/E value will trigger an ATPF Confirmation Procedure Request notification through ADAMS as established in the TDEAAS. When the Adaptive Model determines an abnormality in any of the other ratios of the “*steroid profile*” (A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol and 5 $\beta$ Adiol/E), the APMU should advise the Results Management Authority (or *Testing Authority* as applicable) in the APMU report, or via the Passport Custodian where appropriate, on whether the *Sample* should be subjected to a Confirmation Procedure.

#### C.2.1.6 Departure from WADA ABP requirements

C.2.1.6.1 If there is a departure from WADA ABP requirements for *Sample* collection, transport and analysis, the biological *Marker* result obtained from this *Sample* affected by the non-conformity shall not be considered in the Adaptive Model calculations (for example, RET% can be affected but not HGB under certain transportation conditions).

C.2.1.6.2 A Marker result which is not affected by the non- conformity can still be considered in the Adaptive Model calculations. In such case, the APMU shall provide the specific explanations supporting the inclusion of the result(s). In all cases, the Sample shall remain recorded in the Athlete's Passport. The Experts may include all results in their review provided that their conclusions may be validly supported when taking into account the effects of the non-conformity.

## C.2.2 The Initial Expert Review

C.2.2.1 A Passport generating an ATPF, or for which a review is otherwise justified, shall be sent by the APMU to an Expert for review in ADAMS. This should take place within 7 working days following the generation of the ATPF in ADAMS. The review of the Passport shall be conducted based on the Passport and other basic information (e.g. Competition schedules), which may be available, such that the Expert is blinded to the identity of the Athlete.

[Comment to Article C.2.2.1: If a result rendered by a Laboratory represents an ATPF caused by an atypically high T/E value, the Sample will undergo a Confirmation Procedure, including GC-C-IRMS analysis. If the result of the GC-C-IRMS Confirmation Procedure is negative or inconclusive then the APMU shall seek an Expert review. An APMU or Expert review is not required when the GC-C-IRMS Confirmation Procedure renders an Adverse Analytical Finding (AAF).]

C.2.2.2 If a Passport has been recently reviewed by an Expert and the Passport Custodian is in the process of executing a specific multi-Sample Testing strategy on the Athlete, the APMU may delay the review of a Passport generating an ATPF triggered by one of the Samples collected in this context until completion of the planned series of tests. In such situations, the APMU shall clearly indicate the reason for delaying the review of the Passport in the APMU report.

C.2.2.3 If the first and unique result in a Passport is flagged as an ATPF by the Adaptive Model, the APMU may recommend the collection of an additional Sample before initiating the initial Expert review.

### C.2.2.4 Review in the absence of an ATPF

C.2.2.4.1 A Passport may also be sent for Expert review in the absence of an ATPF where the Passport includes other elements otherwise justifying a review.

These elements may include, without limitation:

- a) Data not considered in the Adaptive Model;
- b) Any abnormal levels and/or variations of Marker(s);

- c) Signs of hemodilution in the haematological Passport;
- d) Steroid levels in urine below the corresponding limit of quantification (LOQ) of the assay;
- e) Intelligence in relation to the *Athlete* concerned.

C.2.2.4.2 An Expert review initiated in the above-mentioned situations may result in the same consequences as an Expert review triggered by an ATPF.

#### C.2.2.5 Expert Evaluation

C.2.2.5.1 When evaluating a Passport, an Expert weighs the likelihood that the Passport is the result of the Use of a Prohibited Substance or Prohibited Method against the likelihood that the Passport is the result of a normal physiological or pathological condition in order to provide one of the following opinions: “Normal”, “Suspicious”, “Likely doping” or “Likely medical condition”. For a “Likely doping” opinion, the Expert shall come to the conclusion that the likelihood that the Passport is the result of the Use of a Prohibited Substance or Prohibited Method outweighs the likelihood that the Passport is the result of a normal physiological or pathological condition.

[Comment to Article C.2.2.5.1: When evaluating competing propositions, the likelihood of each proposition is evaluated by the Expert based on the evidence available for that proposition. It is acknowledged that it is the relative likelihoods (i.e., likelihood ratio) of the competing propositions that ultimately determine the Expert’s opinion. For example, where the Expert is of the view that a Passport is highly likely the result of the Use of a Prohibited Substance or Prohibited Method, it is necessary for a “Likely doping” evaluation that the Expert consider that it is unlikely that it may be the result of a normal physiological or pathological condition. Similarly, where the Expert is of the view that a Passport is likely the result of the Use of a Prohibited Substance or Prohibited Method, it is necessary for a “Likely doping” evaluation that the Expert consider that it is highly unlikely that it may be the result of a normal physiological or pathological condition.]

C.2.2.5.2 To reach a conclusion of “Likely doping” in the absence of an ATPF, the Expert shall come to the opinion that it is highly likely that the Passport is the result of the Use of a Prohibited Substance or Prohibited Method and that it is highly unlikely that the Passport is the result of a normal physiological or pathological condition.

#### C.2.3 Consequences of the Initial Review

Depending on the outcome of the initial review, the APMU will take the following action:

<u>Expert Evaluation</u>	<u>APMU Action</u>
<u>“Normal”</u>	<u>Continue normal Testing plan.</u>
<u>“Suspicious”</u>	<u>Provide recommendations to the Passport Custodian for Target Testing, Sample analysis and/or requesting further information as required.</u>
<u>“Likely doping”</u>	<u>Send to a panel of three Experts, including the initial Expert, as per section C.2 of this Annex C.</u>
<u>“Likely medical condition”</u>	<u>Inform the Athlete via the Passport Custodian (or send to other Experts).</u>

[Comment to Article C.2.3: The ABP is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s) and it is not intended as a health check or for medical monitoring. It is important that the Passport Custodian educates the Athletes to ensure that they undergo regular health monitoring and not rely on the ABP for this purpose. Nevertheless, the Passport Custodian should inform the Athlete in case the Passport indicates a likely pathology as determined by the Experts.]

### C.3 Review by Three Experts

C.3.1 In the event that the opinion of the appointed Expert in the initial review, pending other explanation to be provided at a later stage, is that of “Likely doping”, the Passport shall then be sent by the APMU to two additional Experts for review. This should take place within 7 working days after the reporting of the initial review. These additional reviews shall be conducted without knowledge of the initial review. These three Experts now constitute the Expert Panel, composed of the Expert appointed in the initial review and these two other Experts.

C.3.2 The review by the three Experts must follow the same procedure, where applicable, as presented in section C.2.2 of this Annex. The three Experts shall each provide their individual reports in ADAMS. This should take place within 7 working days after receipt of the request.

C.3.3 The APMU is responsible for liaising with the Experts and for advising the Passport Custodian of the subsequent Expert assessment. The Experts can request further information, as they deem relevant for their review, notably information related to medical conditions, Competition

schedule and/or *Sample(s)* analysis results. Such requests are directed via the APMU to the Passport Custodian.

C.3.4 A unanimous opinion among the three Experts is necessary in order to proceed further towards declaring an *APF*, which means that all three Experts render an opinion of “*Likely doping*”. The conclusion of the Experts must be reached with the three Experts assessing the *Athlete’s* Passport with the same data.

[Comment to Article C.3.4: The three Expert opinions cannot be accumulated over time based on different data.]

C.3.5 To reach a conclusion of “*Likely doping*” in the absence of an *ATPF*, the Expert Panel shall come to the unanimous opinion that it is highly likely that the Passport is the result of the *Use of a Prohibited Substance or Method* and that there is no reasonably conceivable hypothesis under which the Passport is the result of a normal physiological condition and highly unlikely that it is the result of pathological condition.

C.3.6 In the case when two Experts evaluate the Passport as “*Likely doping*” and the third Expert as “*Suspicious*” asking for more information, the APMU shall confer with the Expert Panel before they finalize their opinion. The group can also seek advice from an appropriate outside Expert, although this must be done while maintaining strict confidentiality of the *Athlete’s* Personal Information.

C.3.7 If no unanimity can be reached among the three Experts, the APMU shall report the Passport as “*Suspicious*”, update the APMU report, and recommend that the Passport Custodian pursue additional *Testing* and/or gather intelligence on the *Athlete* (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate.

#### **C.4 Conference Call, Compilation of the *Athlete Biological Passport* Documentation Package and Joint Expert Report**

C.4.1 If a unanimous opinion of “*Likely doping*” is rendered by all three Experts, the APMU shall declare a “*Likely doping*” evaluation in the APMU report in *ADAMS* and [should] organize a conference call with the Expert Panel to initiate the next steps for the case, including proceeding with the compilation of the *ABP* Documentation Package (see *Technical Document for Athlete Passport Management Units*) and drafting of the joint Expert report. In preparation for this conference call, the APMU should coordinate with the Passport Custodian to compile any potentially relevant information to share with the Experts (e.g. suspicious analytical findings, relevant intelligence and relevant pathophysiological information).



C.4.2 Once completed, the ABP Documentation Package shall be sent by the APMU to the Expert Panel, who will review it and provide a joint Expert report to be signed by all three Experts. The conclusion within the joint Expert report shall be reached without interference from the Passport Custodian. If necessary, the Expert Panel may request complementary information from the APMU.

C.4.3 At this stage, the identity of the *Athlete* is not mentioned but it is accepted that specific information provided may allow to identify the *Athlete*. This shall not affect the validity of the process.

### **C.5 Issuing an Adverse Passport Finding (APF)**

C.5.1 If the Expert Panel confirms their unanimous position of "*Likely doping*", the APMU shall declare an *APF* in *ADAMS* that includes a written statement of the *APF*, the ABP Documentation Package and the joint Expert report.

C.5.2 After reviewing the ABP Documentation Package and joint Expert report, the Passport Custodian shall:

- a) Notify the *Athlete* of the *APF* in accordance with Article 5.3.2 of *International Standard for Results Management*;
- b) Provide the *Athlete* the ABP Documentation Package and the joint Expert report;
- c) Invite the *Athlete* to provide their own explanation, in a timely manner, of the data provided to the Passport Custodian.

### **C.6 Review of Explanation from Athlete and Disciplinary Proceedings**

C.6.1 Upon receipt of any explanation and supporting information from the *Athlete*, which should be received within the specified deadline, the APMU shall forward it to the Expert Panel for review with any additional information that the Expert Panel considers necessary to render its opinion in coordination with both the Passport Custodian and the APMU. At this stage, the review is no longer anonymous. The Expert Panel shall reassess or reassert the case and reach one of the following conclusions:

- a) Unanimous opinion of "*Likely doping*" by the Experts based on the information in the Passport and any explanation provided by the *Athlete*; or
- b) Based on the available information, the Experts are unable to reach a unanimous opinion of "*Likely doping*" set forth above.

[Comment to Article C.6.1: Such a reassessment shall also take place when the Athlete does not provide any explanation.]

C.6.2 If the Expert Panel expresses the opinion set forth in section C.6.1(a), then the Passport Custodian shall be informed by the APMU, shall charge the Athlete in accordance with Article 7 of the International Standard for Results Management and continue with Results Management in accordance the International Standard for Results Management.

C.6.3 If the Expert Panel expresses the opinion set forth in section C.6.1(b), the APMU shall update the APMU report and recommend the Passport Custodian to pursue additional Testing and/or gather intelligence on the Athlete (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate. The Passport Custodian shall notify the Athlete and WADA of the outcome of the review.

## C.7 Passport Re-setting

C.7.1 In the event the Athlete has been found to have committed an ADRV based on the Passport, the Athlete's Passport shall be reset by the Passport Custodian at the start of the relevant period of Ineligibility and a new Biological Passport ID shall be assigned in ADAMS. This maintains the Athlete's anonymity for potential APMU and Expert Panel reviews conducted in the future.

C.7.2 When an Athlete is found to have committed an ADRV on any basis other than the ABP, the haematological and/or Steroidal Passport will remain in effect, except in those cases where the Prohibited Substance or Prohibited Method resulted in an alteration of the haematological or steroidal Markers, respectively (e.g. for AAF reported for anabolic androgenic steroids, which may affect the Markers of the steroid profile, or for the Use of ESAs or blood transfusions, which would alter the haematological Markers). The Passport Custodian shall consult with their APMU following an AAF to determine whether a Passport reset is warranted. In such instances, the Athlete's profile(s) would be reset from the time of the beginning of the sanction.