2027 Code & International Standard Update Process: Stakeholder Consultation Phase - International Standard for Results Management (ISRM)

Showing: **All (138 Comments)**

Article 3 (10)

International Olympic Committee SUBMITTED
Legal Affairs, Project Coordinator (Switzerland)
Sport - IOC

General Comments

3.1 (Atypical Finding)

Pierre Ketterer says :

According to the definition of International Standard, Technical Letters are not included in International Standards. The definition of International Standard should therefore be adapted.

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.[emphasis added]

3.3

Pierre Ketterer says :

The definition of "Decision Limit" is missing in the section "3.1 Defined Terms from the Code that are used in the International Standard for Results Management" and the abbreviation "DL" is not used in the Code.

Ministry of Health, Welfare and Sport SUBMITTED
Bram van Houten, Policy adviser (Netherlands)
Public Authorities - Government

General Comments

NB. Page numbers reference the redline document provided by WADA on WADAConnect

Consequences of Anti-Doping Rule Violations (p.8): under e it should read “Public Disclosure means the dissemination or distribution of information to other relevant stakeholders.”

Definition of NADO Operational Independence (p.10): there are some issues with the current text of this definition, and it should be deleted.
For a nado not to be able to delegate any part of results management to sport organisations is problematic, since in many countries sport organisations have an important role in disciplinary proceedings. This would be impossible with this definition, and therefore this part should be removed from the definition.
In the second sentence, no one involved in the operations of a government shall have any operational role or decision-making authority that affects how a nado’s funding is budgeted and spent. This is impossible to implement for those nado’s who are also a government entity: their funding is provided by government, which has the discretionary power to, at least at an abstract level, direct funding toward certain priorities if necessary. Maintaining this provision will make it impossible for governments to continue to fund nado’s (since funding without government oversight is politically untenable). Therefore, this provisions needs to be removed as well.
After these two deletions, what remains of this definition has very little added value, which is why we propose to delete this definition of nado’s operational independence in its entirety.

Definition of Registered Testing Pool (p.12): an addition to the definition is proposed, in which a minimum number of out-of-competition tests is defined. This is a level of specificity that should not be in an international standard, but up to the nado.

Suggested changes to the wording of the Article

NB. Page numbers reference the redline document provided by WADA on WADAConnect

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provided by government, which has the discretionary power to, at least at an abstract level, direct funding toward certain priorities if necessary. Maintaining this provision will make it impossible for governments to continue to fund nado's (since funding without government oversight is politically untenable). Therefore, this provisions needs to be removed as well.
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Definition of Registered Testing Pool (p.12): an addition to the definition is proposed, in which a minimum number of out-of-competition tests is defined. This addition should be deleted.

Reasons for suggested changes

Consequences of Anti-Doping Rule Violations (p.8): under e, the dissemination or distribution to the general public may not be lawful everywhere this Code is to be implemented. Any implementation of the Code is to be within applicable law, hence the rewording.

Definition of NADO Operational Independence (p.10): there are some issues with the current text of this definition, and it should be deleted.
For a nado not to be able to delegate any part of results management to sport organisations is problematic, since in many countries sport organisations have an important role in disciplinary proceedings. This would be impossible with this definition, and therefore this part should be removed from the definition.
In the second sentence, no one involved in the operations of a government shall have any operational role or decision-making authority that affects how a nado's funding is budgeted and spent. This is impossible to implement for those nado's who are also a government entity: their funding is provided by government, which has the discretionary power to, at least at an abstract level, direct funding toward certain priorities if necessary. Maintaining this provision will make it impossible for governments to continue to fund nado's (since funding without government oversight is politically untenable). Therefore, this provisions needs to be removed as well.
After these two deletions, what remains of this definition has very little added value, which is why we propose to delete this definition of nado's operational independence in its entirety.

Definition of Registered Testing Pool (p.12): an addition to the definition is proposed, in which a minimum number of out-of-competition tests is defined. We consider this micro-management, on a level that should have no place in an International Standard, and should therefore be deleted.

USADA SUBMITTED
Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

First Page Before Table of Contents – The is a typo as to the effective date. It states it becomes effective 1 January 2025 but should say 1 January 2027.

ONAD Communauté française SUBMITTED
Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

Remarque générale

De manière générale, par rapport à l'ensemble du processus de mise à jour du Code et des Standards, nous saluons cette première version du Code et des Standards révisés.

En particulier, nous saluons le fait qu'il s'agisse davantage d'une mise à jour plutôt que d'une révision profonde (le Code et les Standards étant arrivés à un bon niveau de maturité et aussi pour des raisons de sécurité juridique).

En revanche, nous regrettons le fait qu'aucune évaluation d'impact n'ait été réalisée, que ce soit par rapport aux règles et législations applicables ou par rapport aux ressources humaines et financières des signataires.

Aussi et comme l'AMA s'y était engagée au début du processus, nous lui redemandons à nouveau que cette évaluation d'impact soit réalisée et ce, le plus rapidement possible, afin que les différentes propositions de modifications (du Code et des Standards) puissent être examinées et évaluées de manière complète et sous tous leurs aspects.

Sans préjudice de ces remarques générales, nous avons apporté des commentaires spécifiques par rapport à certains articles spécifiques proposés à modification.

CHINADA
SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

Definition: NADO Operational Independence

We do not support the change. We believe that the revision to the Code should fully consider the specific circumstances of the Signatories and respect their national legal systems and operational realities, rather than requiring all Signatories to adopt exactly the same model for results management. Furthermore, Code Article 20.5.1 explicitly requires NADO Operational Independence, and the International Standard for Results Management explicitly requires the Operational Independence of hearing panels and the substantive independence of appellate bodies, which have proven to be effective in practice. Therefore, we do not support linking the NADO Operational Independence to the involvement of National Federations, nor do we support restricting the involvement of National Federations in Testing and Results Management.

Suggested changes to the wording of the Article

Definition: NADO Operational Independence

We do not support linking the NADO Operational Independence to the involvement of National Federations, nor do we support restricting the involvement of National Federations in Testing and Results Management.

Reasons for suggested changes

Definition: NADO Operational Independence

We believe that the revision to the Code should fully consider the specific circumstances of the Signatories and respect their national legal systems and operational realities, rather than requiring all Signatories to adopt exactly the same model for results management. Furthermore, Code Article 20.5.1 explicitly requires NADO Operational Independence, and the International Standard for Results Management explicitly requires the Operational Independence of hearing panels and the substantive independence of appellate bodies, which have proven to be effective in practice. Therefore, we do not support linking the NADO Operational Independence to the involvement of National Federations, nor do we support restricting the involvement of National Federations in Testing and Results Management.

Sport Integrity Australia
SUBMITTED
Andrew McCowan, Assistant Director Project Management Office (Australia)
NADO - NADO

General Comments

Atypical Finding

SIA suggest the following revisions to Article 3.1 Defined terms from the 2027 Code that are used in the International Standard for Laboratories:

Expert

SIA suggests that WADA considers providing guidance material to ensure that experts involved in the anti-doping process have the relevant qualifications and experience to be relied upon in providing critical functions.

Suggested changes to the wording of the Article

Atypical Finding

…prior to the final determination of about the finding (i.e., the establishing, or not, of an AAF and/or anti-doping rule violation)" Allows for change of ATF to AAF by Lab as well as Violation determination by ADO.

Reasons for suggested changes

Atypical Finding

This addition allows for the change of an ATF to an AAF by the lab as well as a violation determination by ADO

Sport Integrity Commission Te Kahu Raunui SUBMITTED
Jono McGlashan, GM Athlete Services (New Zealand)
NADO - NADO

General Comments

- We wish to suggest the inclusion of a WADA-approved panel of medical and scientific experts for Results Management cases. Expert opinion is a crucial part of determining a fair Anti-doping system, particularly when contamination cases are becoming more frequent due to increased analytical capacity.
- Benefits to athletes - A panel of approved experts would assist the athlete find appropriate expertise to assist their case. An inferior expert opinion may be costly, cause confusion, and may not benefit the athlete. Such an approved panel of experts could be accessed by the Athletes' Anti-Doping Ombuds, making the process independent and aligned with guidance and other legal advice.
- Benefits to ADOs - ADOs require significant resources, expertise in science, and investigations to understand and potentially refute inferior expert opinions. Refuting expert opinions increases the cost and time required in results management cases.

"This feedback was endorsed by the Athlete Commission of the Sport Integrity Commission Te Kahu Raunui."

NADA Austria SUBMITTED
Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

Language

Sadly enough, wars are a reality in countries in Europa and other parts of the world. Because words have meanings and contribute to an overall idea and understanding of a program, militaristic language should not be used in the clean sport community.

In anti-doping we do not fight or combat, we promote clean sport by working collaboratively to develop and deliver the World Anti-Doping Program which protects the right of all athletes and their support personnel to participate in a doping-free environment.

Additionally, omitting this kind of language from the WADC, Standards, Guidelines, etc. helps to harmonize the wording across the regulations since only the WADC, the ISRM, the ISDP and the ISCCS use words like fight, combat or the scourge of doping.

Thus, the words "fight" must be removed from the ISRM (namely in the Definition of "NADO Operational Independence").

Chair
SUBMITTED
Athlete Council, WADA (Canada)
Other

General Comments

Overall comment for ISRM

In general, we notice that the ISRM overlaps significantly with the Code. This creates a risk of unnecessary duplication, and more importantly, of inconsistency.

WADA NADO Expert Advisory Group
SUBMITTED
Martin Holmlund Lauesen, member (Norge)
Other - Other (ex. Media, University, etc.)

General Comments

It seems that it is accepted in the worldwide anti-doping system that RM / adjudication of anti-doping cases is still done by National Federations. Also in light of NADO Operational Independence and Operational

It would be great to clarify in the ISRM or its guidelines if this approach is admissible / independent decision - making process is still guaranteed.

Article 4 (13)

Council of Europe
SUBMITTED
Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 4.1 Responsibility for conducting Results Management

Additional advice for NADOs, especially those which have no original responsibility for the Results Management in relation to National Federations, is strongly recommended.

Art. 4.2: Confidentiality of Results Management

The amendment is not supported. Because this comment remains quite unclear. Need more clarity on the terms by which it is decided that a case file is produced in breach of Article 4.2 confidentiality provision, i.e. who must decide whether a document has to be considered as inadmissible and in which stage of the process and proceedings. Does this mean that we cannot share information with another NADO or IF without the athlete's consent if the information is related to another case or if the case involves several athletes or ASP?

NADA
SUBMITTED
NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

General Comments

This comment to Art. 4.2 reamains unclear. Who must decide whether a document has to be considered as inadmissable and in which stage of the process and proceedings??

NADA Austria
SUBMITTED
Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

4.2

NADA Austria does not support the amendment of this provision, because first of all the comment remains quite unclear. More clearance is needed regarding the terms on which it is decided that a case file is produced in breach of Article 4.2. Who must decide whether a document has to be considered as inadmissible and at which stage of the process and proceedings? This comment would mean that evidence in one case which might result in opening further anti-doping cases could not be used without the consent of the athlete. Furthermore, relevant information might not be shared with other ADOs / law enforcement agencies / investigation departments.

4.3

CAS decisions take too long. There should be clear timeframes ajar to those in the Code / Standards (e.g. Art. 4.3 ISRM 2027).

NADA India SUBMITTED
NADA India, NADO (India)
NADO - NADO

General Comments

NADA India agrees with the proposed changes

Japan Anti-Doping Agency SUBMITTED
Chika HIRAI, Director of International Relations (Japan)
NADO - NADO

General Comments

4.2
It needs to be clarified who is included in the term “all parties”.

In case some observers (for example, National Sports Federation, interpreter, and so on) attended the hearing, are those observers included as "all parties"?

If all the observers are included as “all parties”, it should be clarified in the comment.

If the interpretation of “all parties” are left to the responsible hearing panel for individual cases, it also should be clarified in the comment.

Finnish Center for Integrity in Sports (FINCIS) SUBMITTED
Petteri Lindblom, Legal Director (Finland)
NADO - NADO

General Comments

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The amendment is not supported. Because this comment remains quite unclear. Need more clarity on the terms by which it is decided that a case file is produced in breach of Article 4.2 confidentiality provision, i.e. who must decide whether a document has to be considered as inadmissible and in which stage of the process and proceedings. Does it mean that we cannot share info without consent of athlete with another NADO or IF if the information is related to other case or if case incudes several athletes or ASP?

CHINADA SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

Article 4.2 Disclosure of Case Files

According to Comment to Article 4.2, any document of a case file produced in breach of this confidentiality provision (save with the consent of all parties involved) in another proceeding shall be considered inadmissible.

Who are the “all parties involved” referred to here? How should consent from all parties involved be obtained? If the relevant document of the case file is to be used as evidence in a criminal case relating to an ADRV, is the consent still required from all parties involved in the case? If an Athlete (the party involved) does not consent to the use of the case file as evidence in a criminal case, how should this be addressed?

LTUNADO SUBMITTED
Erika Petrutyte, Lawyer (Lithuania)
NADO - NADO

General Comments

Art. 4.2 It’s very unclear now.

1. If for example NADO during the RM process has information which can help for other NADO or IF. Does it mean that we cannot share info with them without consent of athlete?

2. Code 2027 art. 14.1.5 states, that the recipient organizations shall not disclose this information beyond those

Persons with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, National Federation, and team in a

Team Sport) until the *Anti-Doping Organization* with *Results Management*

responsibility has made *Public Disclosure* as permitted by Article 14.3.)

It’s a conflict now with ISRM 4.2.

3. Code 2027 art. 3.2 states that Facts related to anti-doping rule violations may be established by any reliable means,including admissions.

So under “new” ISRM 4.2 means, that evidence/document or other info if there is no consent will be inadmissible even if it is strong and proved reliable information in other proceedings.

Agence française de lutte contre le dopage SUBMITTED
Adeline Molina, General Secretary Deputy (France)
NADO - NADO

General Comments

Le commentaire ajouté à l'article 4.2 mériterait des précisions ou clarifications, voire d'être retiré. Dans certaines hypothèses, la personne poursuivie pourrait fournir dans la procédure disciplinaire des éléments ou documents justifiant l'ouverture d'une procédure à l'égard d'un tiers par exemple. Dans ce cas, ces éléments devraient pouvoir être mobilisés sans restriction.

Swiss Sport Integrity SUBMITTED
Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

4.2.: SSI strongly disagrees with this amendment, especially with the comment to Art. 4.2. Therefore, SSI does not support the amendment. Relevant information legally received in one case should be possible to use in another case, if necessary for the case.

The comment to Art. 4.2 remains quite unclear. Need more clarity on the terms by which it is decided that a case file is produced in breach of Art. 4.2 confidentiality provision, i.e. who must decide whether a document has to be considered as inadmissible and in which stage of the process and proceedings. Does it mean that we cannot share info without consent of athlete with another NADO or IF if the information is related to other case or if case includes several athletes or ASP? As mentioned above, this should not be the case.

Anti-Doping Norway SUBMITTED
Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

General Comments

Comment to 4.2.

We strongly support the comments and proposals made by WADAs NADO EAG.

UK Anti-Doping SUBMITTED
UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

General Comments

Please reconsider the comment to Article 4.2. In practice Results Management Authorities to rely on decisions and documents from other cases and have utilised these on an anonymous/redacted basis. In certain circumstances such documents materially benefit the Athlete in question. It is not practicable nor realistic to expect every party to proceedings to consent to the use of parts of a case file in a subsequent case. We understand the rationale for this proposal, however, the requirement for consent in reality will mean that it is highly unlikely that useful material/jurisprudence in one case will be made available for future ones.

WADA NADO Expert Advisory Group SUBMITTED
Martin Holmlund Lauesen, member (Norge)
Other - Other (ex. Media, University, etc.)

General Comments

Genneral comment to the Comment to art. 4.2

We understand that due to Data Privacy, Results Management should be confidential.

However, we find it inappropriate that WADA or an ADO will have to consent to the admissibility of such files, which potentially could weaken the position of the athlete in Case B. It would be problematic if the athlete can veto the use of evidence in one case to opening further anti-doiping cases,

We suggest deleting the entire comment.

Genneral comment to art. 4.3

CAS decisions take too long. There should be clear timeframes ajar to those in the Code / Standards (e.g. Art. 4.3 ISRM 2027).

Article 5 (23)

Union Cycliste Internationale SUBMITTED
Union Cycliste Internationale Union Cycliste Internationale, Legal Anti-Doping Services (Switzerland)
Sport - IF – Summer Olympic

General Comments

In general, the idea of providing deadlines for the B-Sample analysis process is good.

However, depending on the complexity of the case, the initial review, and the laboratory's availability, these deadlines may not be realistic and may not always be met.

They should be considered as target dates rather than mandatory deadlines

World Aquatics SUBMITTED
Justin Lessard, Aquatics integrity unit Manager (Switzerland)
Sport - IF – Summer Olympic

General Comments

World Aquatics considers that there should be a specific deadline for the Anti-Doping Organisation responsible for Results Management to notify the Athlete of an Adverse Analytical Finding.

Suggested changes to the wording of the Article

5.1.2.1 If the review of the Adverse Analytical Finding does not reveal (i) an applicable TUE or entitlement to the same as provided in the International Standard for Therapeutic Use Exemptions, (ii) an apparent departure from the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding or (iii) that it is apparent that the Adverse Analytical Finding was caused by an ingestion of the relevant Prohibited Substance through an authorized route, the Results Management Authority shall promptly notify the Athlete of:

a) The Adverse Analytical Finding;

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

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

d) The opportunity for the Athlete and/or the Athlete's representative to attend the "B" Sample opening and analysis in accordance with the International Standard for Laboratories;

e) 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;

f) The opportunity for the Athlete to provide an explanation within a short deadline, and/or to admit the violation and potentially benefit from a reduction in the period of Ineligibility under Code Article 10.8.1;

g) The opportunity for the Athlete to provide Substantial Assistance as set out under Code Article 10.7.1, to provide other valuable information and assistance as set out under Code Article 10.7.2, or to seek to enter into a case resolution agreement under Code Article 10.8.2; and

h) Any matters relating to Provisional Suspension (including the possibility for the Athlete to accept a voluntary Provisional Suspension) as per Article 6 (if applicable).

In any event, such notification must occur within 45 days of receipt of the Adverse Analytical Finding by the Laboratory, unless WADA agrees to extend this deadline. Failure to respect this deadline by an Anti-Doping Organisation shall not, under any circumstances whatsoever, invalidate the Adverse Analytical Finding. It should only be addressed by WADA as part of its compliance program.

World Rugby SUBMITTED
David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

General Comments

World Rugby supports the proposed changes to 5.1.2 permitting the athlete to request the laboratory documentation package only after the B analysis procedure, as this will prevent unnecessary delays to the results management process without prejudicing the athlete.

In addition World Rugby requests that the wording of Code Article 14.1.5 be adapted (or a comment added) to explicitly allow signatories to directly notify professional clubs and leagues of an athlete's suspension where these bodies have a contractual relationship with the athlete. This would reduce the risk of an athlete competing while suspended as currently the Code provides no obligation for these parties to be informed as part of the initial notification process.

Riksidrottsförbundet SUBMITTED
Ida Nilsson, Legal advisor (Sverige)
Sport - National Olympic Committee

General Comments

5.1.2.1 c) SSC assess that a final deadline for a B-sample request should be explicit in the article (no later than 15 days after the notification).

International Tennis Integrity Agency SUBMITTED
Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

General Comments

Article 5.2.1 Atypical Finding - More clarity is sought regarding which ATFs require a follow-up investigation, e.g., what is required of a sub threshold nandrolone ATF? There is, as far as the ITIA is aware, no formal document stipulating the follow up steps that should be taken by an ADO. What

might these look like for these types of substances?

Council of Europe SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 5.1.2 Notification

In general, regarding article 5.1.2, it is appreciated that the revision foreseen is limited and preserves the freedom of ADOs to organize their RM (see also comment on and correspondence with art 10.8.1 of the Code) but:

1) the implementation of substantial assistance in practice is already not obvious. There is a need to clarify what substantial assistance means and how it differs from other valuable information;

2) there is a need for more clarity as to why the LAB doc pack cannot be obtained before the B sample;

3) the lack of a time limit for requesting the opening of the B sample can cause problems with harmonisation in different countries - there is a need to harmonise the time limits for requesting the analysis of the B sample.

NADA SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

General Comments

Include an Art. 5.1.1.3 which either transfers Art. 6.15 ISTUE to the ISRM

*"Where an Adverse Analytical Finding is issued shortly after a TUE for the Prohibited Substance in question has expired or has been withdrawn or reversed, the Anti-Doping Organization conducting the initial review of the Adverse Analytical Finding, in accordance with Article 5.1.1.1 of the International Standard for Results Management shall consider whether the finding is consistent with Use of the Prohibited Substance prior to the expiry, withdrawal or reversal of the TUE. If so, such Use (and any resulting presence of the Prohibited Substance in the Athlete's Sample) i****s not an anti-doping rule violation."***

or at least

refers to Article 6.15 ISTUE

NADA Austria SUBMITTED

Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

5.1.2

NADA Austria agrees with the proposed amendments, although it will be difficult for ADOs to assess the value of an information given by athletes and afterwards suspend consequences. It would be appreciated if there is some guidance by WADA regarding this process in the Guidelines for RM.

5.4

This clarification is much appreciated by NADA Austria. Maybe there should be more examples listed in the Guidelines for RM (e.g. how about PAAFs? Does WADA have to be informed? How should this information look like?)

NADA India SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

NADA India agrees with the proposed changes

USADA SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

Article 5.1.2.1(f) Comment – The provision should be modified to base the 25% off on the consequences proposed by the anti-doping organization in the letter of charge, not the notice letter.

Suggested changes to the wording of the Article

Article 5.1.2.1(f)

Recommended Change (in bold):

Comment to Article 5.1.2.1(f): For the application of *Code* Article 10.8.1, the twenty-five percent (25%) reduction from the period of ineligibility **shall be based** on the period asserted in the notice of potential anti-doping rule violation **charge** and/or violation of prohibition of participation during *Ineligibility*. If circumstances so allow, *Aggravating Circumstances* may be added to the standard period of *Ineligibility*.

Reasons for suggested changes

Article 5.1.2.1(f)

Reasons for Change:

Basing the 25% reduction off of the period of *Ineligibility* asserted in the "notice of potential anti-doping rule violation" is problematic and makes little sense. The 25% reduction should be based on the period of *Ineligibility* asserted in the anti-doping rule violation charge, not the notice letter because the anti-doping organization does not have a complete picture of the violation to include source and mitigating factors at the time of the notice letter. Although the picture may not be complete at the time of charge, it often will be substantially more complete given the additional interactions between the anti-doping organization and witnesses and the athlete alleged to have committed the violation that may shed light on the source of the positive test, which is often impossible prior to notification. There appears little reason or benefit to deprive an athlete of the benefit of context, facts, notice, and source.

ONAD Communauté française SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

En général, concernant l'article 5.1.2, il est apprécié que la révision proposée est de portée limitée et qu'elle préserve la liberté des OADs d'organiser leur système pour la gestion des résultats. Nous renvoyons à ce sujet à nos commentaires liés et sur la même thématique, relatifs aux articles 10.8.1 et 10.8.2 du Code tels que proposés à modification.

A propos de l'aide substantielle et des autres informations précieuses, nous renvoyons à nos commentaires relatifs aux articles 10.7, 10.7.1 et 10.7.2 du Code.

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)
NADO - NADO

General Comments

5.1.2, 5.1.2.f
・Agree to the proposed change.
・In order for all stakeholders to operate based on the same standards, the duration referred to as the "standard period" should be clearly specified.

5.1.2.1.g
Agree to the proposed change

In order for all stakeholders to operate based on the same standards, it needs to be clarified what kind of information and assistance is considered to be "other valuable information and assistance" and how it differs from Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body as set out in the current WADC Article 10.7.1.

CHINADA SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

1. Article 5.1.2.1 (c) Deadline for Deciding Whether to Request the Analysis of B Sample

According to Comment to Article 5.1.2.1 (c), the Results Management Authority should inform the Laboratory in writing within 15 days following the reporting of an A Sample AAF by the Laboratory, whether the B Sample Analysis shall be conducted. Should the Laboratory also be informed in writing if the B Sample Analysis is not to be conducted? In addition, upon receipt of the AAF reported by a Laboratory, the Results Management Authority needs time to conduct an initial review, to issue a notification of an AAF, and to provide the Athlete with a reasonable deadline to decide whether or not to perform the analysis of B Sample. Therefore, the period of 15 days is too short, and it is recommended that this deadline be extended to 30 days.

For Atypical Findings for diuretics, clenbuterol etc., which are treated as positive cases according to WADA's Technical Document, can a request for B Sample analysis be made? We recommend that this be clearly specified.

2. Article 5.1.2.1 Analysis of B Sample

Considering that there have been many cases in recent years where Laboratories have reported inconsistent A and B Sample results, we recommend that it be clearly specified in the appropriate section of this International Standard how to handle cases where the results of the B Sample cannot confirm those of the A Sample.

3. Article 5.1.2.1(f) and Article 5.1.2.1 (g) Admission of the ADRVs

We support the changes to Article 5.1.2.1(f) and Article 5.1.2.1(g), which clarify the reduction in the period of Ineligibility for early admission and acceptance of sanction, as well as the provision of other valuable information by

the Athlete. These newly added Articles will facilitate ADOs uncovering potential ADRVs.

4. Article 5.1.2.5 Timing for B Sample Analysis

According to Article 5.1.2.5, if an Athlete and their representative claim not to be available on the alternative dates proposed, or no agreement has been reached on all relevant matters relating to the B Sample analysis within 30 days of the date of the Athlete's request for the B Sample analysis, the Results Management Authority shall instruct the Laboratory to proceed regardless. We believe that the 30-day period is too long and could delay the proceedings of charges, hearings, etc. In addition, as the results management process must be completed within 6 months from the date of the notification of an AAF, as required by the International Standard, this change may lead to an overdue results management process. Therefore, we recommend that the period specified in this Article be reduced to 15 days, or that the results management process be extended to 9 months.

5. Article 5.4 Notice of Decision Not to Move Forward

We support the new Comment to Article 5.4, which clarifies the notification requirements for a decision not to move forward, in particular about the possibility of issuing a simplified decision in specific cases (e.g., TUEs or Atypical Findings). This may help ADOs alleviate the burdens of results management, enhance efficiency, and better protect the legitimate rights and interests of Athletes.

Suggested changes to the wording of the Article

1. Article 5.1.2.1 (c) Deadline for Deciding Whether to Request the Analysis of B Sample

The period of 15 days is too short, and it is recommended that this deadline be extended to 30 days.

For Atypical Findings for diuretics, clenbuterol etc., which are treated as positive cases according to WADA's Technical Document, can a request for B Sample analysis be made? We recommend that this be clearly specified.

2. Article 5.1.2.1 Analysis of B Sample

Considering that there have been many cases in recent years where Laboratories have reported inconsistent A and B Sample results, we recommend that it be clearly specified in the appropriate section of this International Standard how to handle cases where the results of the B Sample cannot confirm those of the A Sample.

3. Article 5.1.2.5 Timing for B Sample Analysis

We recommend that the period specified in this Article be reduced to 15 days, or that the results management process be extended to 9 months.

Reasons for suggested changes

1. Article 5.1.2.1 (c) Deadline for Deciding Whether to Request the Analysis of B Sample

According to Comment to Article 5.1.2.1 (c), the Results Management Authority should inform the Laboratory in writing within 15 days following the reporting of an A Sample AAF by the Laboratory, whether the B Sample Analysis shall be conducted. Should the Laboratory also be informed in writing if the B Sample Analysis is not to be conducted? In addition, upon receipt of the AAF reported by a Laboratory, the Results Management Authority needs time to conduct an initial review, to issue a notification of an AAF, and to provide the Athlete with a reasonable deadline to decide whether or not to perform the analysis of B Sample. Therefore, the period of 15 days is too short, and it is recommended that this deadline be extended to 30 days.

For Atypical Findings for diuretics, clenbuterol etc., which are treated as positive cases according to WADA's Technical Document, can a request for B Sample analysis be made? We recommend that this be clearly specified.

2. Article 5.1.2.1 Analysis of B Sample

Considering that there have been many cases in recent years where Laboratories have reported inconsistent A and B Sample results, we recommend that it be clearly specified in the appropriate section of this International Standard how to handle cases where the results of the B Sample cannot confirm those of the A Sample.

3. Article 5.1.2.5 Timing for B Sample Analysis

According to Article 5.1.2.5, if an Athlete and their representative claim not to be available on the alternative dates proposed, or no agreement has been reached on all relevant matters relating to the B Sample analysis within 30 days of the date of the Athlete's request for the B Sample analysis, the Results Management Authority shall instruct the Laboratory to proceed regardless. We believe that the 30-day period is too long and could delay the proceedings of charges, hearings, etc. In addition, as the results management process must be completed within 6 months from the date of the notification of an AAF, as required by the International Standard, this change may lead to an overdue results management process. Therefore, we recommend that the period specified in this Article be reduced to 15 days, or that the results management process be extended to 9 months.

Canadian Centre for Ethics in Sport
Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

SUBMITTED

General Comments

Comment to Article 5.1.2.1.b: Consider changing "The Results Management Authority **should** always refer to both Code Articles 2.1 and 2.2 in the notification and charge letter" to "**shall"** to ensure more consistent approaches to notification amongst signatories.

Additionally, the step of contacting WADA and other ADOs to determine whether any prior violations exist would be a duplication of efforts. Ideally all past violations are captured in ADAMS but since all parties are copied on the Notification letters they could identify if a past violation was not listed in ADAMS.

Article 5.1.2.1.c: The CCES welcomes the addition of the reference to a timeline but notes that it would be more helpful to include a specific timeline by which the athlete **should** request the B sample analysis. Keeping in mind the comment regarding the ISL where the RMA "**should**" inform the laboratory within 15 days. The inclusion of "should" in each case still permits flexibility for the ADO in working with the athlete on their decision to request the B sample analysis or not.

The comment to this article references "CP" but the definition of CP (Confirmation Procedure) has been deleted. This should be spelled out.

Article 5.1.2.1.f: The CCES recommends clarifying what is intended as a "short deadline."

Article 5.1.2.3: Consider adding a specific deadline by which the B sample must be analyzed in recognition of the concern raised regarding sample degradation.

Comment to Article 5.1.2.8: Considers whether the comment should be its own Article and move it towards the beginning of Article 5.

Comment to Article 5.3.2.3: Considers whether the comment should be its own Article and move it towards the beginning of Article 5.

LTUNADO SUBMITTED

Erika Petrutyte, Lawyer (Lithuania)

NADO - NADO

General Comments

Art. 5.1. 2 Necessary guidance in ISRM guidelines regarding of application Code Art. 10.7.1 vs 10.7.2 vs 10.8.2

Sport Integrity Australia SUBMITTED

Andrew McCowan, Assistant Director Project Management Office (Australia)

NADO - NADO

General Comments

Comment to Article 5.1.2.1 (e)

SIA does not agree with the way this comment is drafted as the intent is not clear and it is difficult to interpret. SIA expects that it is intended to ensure the Athlete cannot use the excuse that they are awaiting receipt of a requested Lab Pack to delay requesting the B sample analysis. However, SIA is seeking clarity from the Drafting Team on the purpose of this proposed comment.

If SIA's assessment of the intent this drafting is correct, SIA suggests the comment be redrafted to note that for the avoidance of doubt the Athlete cannot delay a request for B sample analysis where a requested Lab Pack has not yet been received.

Comment to Article 5.1.2.3

SIA agrees with the proposed amendments to this provision and supports the fact the one-month time frame for performing the B sample analysis is a recommendation rather than a requirement.

Article 5.1.2.4

This provision includes no proposed changes, and SIA agrees with the current drafting. However, SIA suggests the comment should be expanded to note the two recommended dates may fall outside the timeframe outlined under Article 5.1.2.3.

Suggested changes to the wording of the Article

Comment to Article 5.1.2.1 (e)

SIA suggests the comment be redrafted to note that for the avoidance of doubt the Athlete cannot delay a request for B sample analysis where a requested Lab Pack has not yet been received.

Draft wording for 5.1.2.3

SIA agrees with the drafting and encourage that the drafting team keep the recommendation for the B sample to be analysed within one month of reporting the A sample remain a recommendation not a must. Logistically, there are circumstances where the B sample will not be able to be analysed within a one-month time frame.

Draft wording 5.1.2.4:

SIA agrees with drafting as written noting that the comment should be expanded to note that the two recommended dates may fall outside the timeframe of 5.1.2.3.

Reasons for suggested changes

Comment to Article 5.1.2.1 (e)

Athlete right to request lab pack should not impact the timeframes for reasonable deadline.

Anti-Doping Sweden SUBMITTED
Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

5.1.2.1 c) ADSE suggests that a final deadline for a B-sample request should be explicit in the article (no later than 15 days after the notification). Possibly open up for an extended time limit in exceptional cases and if circumstances justify it.

Swiss Sport Integrity SUBMITTED
Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

5.1.2.1: The absence of deadline to request the B sample opening can cause issues with harmonization in different countries. There should be a clear deadline, for example, at the latest within 10 days of reception of the notification.

UAE National Anti-Doping Committee SUBMITTED
Amr Adel, Lead - Testing & Athlete's Services (UAE)
NADO - NADO

General Comments

[Comment to Article 5.1.2.1 c]:

When setting a "reasonable deadline", the Results Management Authority should keep in mind that, per Article 5.3.4.2.2.3 of the International Standard for Laboratories, "The RMA should inform the Laboratory, in writing, within fifteen (15) days following the reporting of an "A" Sample AAF by the Laboratory, whether the "B" CP shall be conducted".

I recommend extending the time frame to one month and updating the ISL accordingly. Alternatively, we could introduce a provision for "exceptional circumstances" that may cause a delay in submitting the AAF report to the RMA.

Agence française de lutte contre le dopage SUBMITTED
Adeline Molina, General Secretary Deputy (France)
NADO - NADO

General Comments

Le commentaire sous le e) de l'article 5.2.1.2 prévoit que le sportif ne peut accéder à la documentation analytique de l'échantillon A tant qu'il n'a pas pris sa décision quant à l'analyse de l'échantillon B et/ou que cette analyse de l'échantillon B a eu lieu. Dans la mesure où le sportif pourrait avoir besoin de cette documentation pour contester les conditions d'analyse, y compris rapidement, notamment dans le cadre de procédures d'urgence, lui en empêcher l'accès, même temporairement, apparaît délicat en termes de droits de la défense et de droit au procès-équitable.

UK Anti-Doping SUBMITTED
UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

General Comments

Article 5.1.2.2(a) - The Athlete's attention shall in addition be drawn to the key guiding principles for a controlled pharmacokinetic study and, should they shall wish to conduct such a study, should be provided with a list the contact details of one or more Laboratories, which could perform the controlled pharmacokinetic study. The Athlete shall be granted a deadline of seven (7) days to indicate whether they intend to undertake a controlled pharmacokinetic study, failing which the Results Management Authority may proceed with the Results Management;

We are aware from a recent case that WADA does not possess a "list of Laboratories" which can perform a pharmacokinetic study. It is therefore more realistic to expect the Results Management Authority to provide the contact details of at least one Laboratory the Athlete can use for the study. We therefore agree with the proposed change.

To mitigate against any suggestion the Athlete is being forced into using a lab of the Results Management Authority's preference, the provision could be expanded so that Results Management Authority shall make clear to the Athlete they ultimately have the right to pick a WADA-accredited Laboratory of their choosing, on the proviso the Laboratory can actually do the pharmacokinetic study.

As to the reference to "guiding principles for a controlled pharmacokinetic study", we know from experience these can be found at Annex 2 of WADA's TUE Physician Guidelines for Asthma. However, the current draft of the ISRM doesn't make clear where the guiding principles can be found (albeit the ISRM Guidelines do) and we have experience of being asked about this by other Results Management Authorities.

Recommendation: to assist, consider the inclusion of a Comment to Article 5.1.2.2(a) which encourages the reader to refer to the ISRM Guidelines for further information on the "guiding principles for a controlled pharmacokinetic study"). A similar reference/signpost to the ISRM Guidelines can be found at the newly proposed Comment to ISRM Article 5.4.

Article 5.3.2.1 a) - The relevant anti-doping rule violation(s) and the applicable Consequences;

This provision should read: 'The relevant anti-doping rule violation(s) or the violation of the prohibition of participation during Ineligibility'

Article 5.3.2.1 d) - The Athlete or other Person's right to provide an explanation within a reasonable deadline;

As Code Article 10.8.1 has been extended in scope and now applies to all Anti-Doping Rule Violations, should this provision not mirror ISRM Article 5.1.2.1 f) and state: 'The opportunity for the Athlete to provide an explanation within a short deadline, and/or to admit the violation and potentially benefit from a reduction in the period of Ineligibility under Code Article 10.8.1'

There is also an inconsistency in the language here: although both ISRM Articles 5.1.2.1 f) and 5.3.2.1 d) relate to an Athlete's opportunity to provide an explanation in response to a notification, one states the Athlete should be given a 'short' deadline whereas the other recommends a 'reasonable' deadline.

Recommendation: compare ISRM Articles 5.1.2.1 f) and 5.3.2.1 d) and consider the consistency of the language used and whether reference to Code Article 10.8.1 should appear in both.

Chair
Athlete Council, WADA (Canada)
Other

SUBMITTED

General Comments

5.1.2.1 c) Comment on who bears the cost of B sample analysis

If an athlete waives their right to open the B sample, then they should not be held responsible for the cost of opening it. According to that principle, we suggest the following addition to the Comment to 5.1.2.1 c):

> "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 when the B sample analysis is requested by the athlete.

We also ask the drafting team to consider whether asking an Athlete in any situation to cover the cost of the B Sample is supportive of the Athlete's right to request B Sample analysis, set out in this Article.

5.1.2.1 e) Comment on the athlete's right to the Lab Documentation Package (LDP)

Article 5.1.2.1 e) sets out the athlete's right to request the A Sample Lab Documentation Package, but the proposed addition removes the athlete's right to do so prior to their decision to request the B Sample analysis. How is an athlete supposed to make an informed decision about whether to request B Sample analysis? What is the reason for this restriction?

5.1.2.1 f) Athlete's right to admit violation and potentially receive a reduced sanction

This article refers to Code Article 10.8.1, which we oppose. (See our comment on Code 10.8.1.) There is no incentive for an athlete to provide Valuable Information in exchange for a maximum reduction of 15% under Article 10.7.2, when they can say nothing and receive a 25% reduction under 10.8.1. A simple admission of the violation should not be rewarded with a reduction in sanction. Reductions should be awarded based on substantial assistance or valuable information as set out in Code Articles 10.7.1 and 10.7.2, respectively. At minimum, an athlete should need to participate in an interview with an anti-doping investigator to be eligible for any amount of reduction.

Decision Not to Move Forward

The current article 5.4 leaves a risk that an RMA could inappropriately decide to not move forward with a case, and avoid the scrutiny of mandatory public disclosure. Although an RMA is currently required to give notice of its decision to the ADOs with a right of appeal, the appeal process is so burdensome that it might pose a barrier to the process of checks and balances.

One option for eliminating this risk is as follows: a RMA is required to give notice to the ADOs with a right to appeal before it finally decides not to move forward with a matter. If any ADO with a right to appeal believes that there is a case to answer, either the RMA must move forward with a charge or transfer the authority of the case to the other ADO.

A second option could be: a RMA may not make a decision not to move forward with a matter without approval from WADA. If WADA finds that a decision not to move forward is inappropriate, either the RMA must move forward with the charge, or WADA will take over the authority of the case.

In the event of a transfer of authority to WADA, the original RMA could remain party to the case and have the right to appeal at CAS WADA's decision to move forward with the matter. This amendment would put the onus on the RMA to appeal WADA's decision to move forward, rather then the inverse as is current practice.

Either of these options would constitute a significant change, and as such the language we've used is meant to convey the nature of the change we envisage rather than definitive wording.

This same concept should be applied to decisions of No Fault or Negligence, if the Code is amended to repeal the requirement of mandatory public disclosure for those cases.

International Testing Agency SUBMITTED
International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

General Comments

General comment

Opportunity to create a special regime for handling RM where multiple AAF/ATF are reported for the same Event or similar facts or least opportunity to inform the other athletes involved of the fact that others tested positive. This could also be added in the TD on meat contamination.

Article 6 (11)

Union Cycliste Internationale SUBMITTED
Union Cycliste Internationale Union Cycliste Internationale, Legal Anti-Doping Services (Switzerland)
Sport - IF – Summer Olympic

General Comments

Guidance on the comments to Article 6.2.2 would be appreciated, particularly on how to handle periods of provisional suspension that are imposed, then lifted, and subsequently re-imposed

World Aquatics SUBMITTED
Justin Lessard, Aquatics integrity unit Manager (Switzerland)
Sport - IF – Summer Olympic

General Comments

If the anti-doping organisation gives the athlete the right to a provisional hearing before imposing a (mandatory) provisional suspension (as permitted by the World Anti-Doping Code), and the athlete establishes that the violation is likely to be due to contamination, the anti-doping organisation should be allowed to decide not to impose the provisional suspension (with its decision being notified to and being subject to appeal by others). At the moment, it does not spell this out. Instead, the World Anti-Doping Code only talks about a hearing panel eliminating a provisional suspension because the violation likely involved a contaminated product. In the opinion of World Aquatics, the Code should be amended to state this point expressly.

Suggested changes to the wording of the Article

6.1.2.1.2 A mandatory Provisional Suspension does not have to be imposed and may be eliminated if the Athlete demonstrates to the Results Management Authority or a hearing panel that the violation is likely to have involved a Contaminated Source. A decision not to eliminate a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Source shall not be appealable.

Riksidrottsförbundet SUBMITTED

Ida Nilsson, Legal advisor (Sverige)

Sport - National Olympic Committee

General Comments

Article 6.2.2. SSC assess that more guidance is needed when to impose an optional provisional suspension. ADO's have different approaches to this and rather not impose a provisional suspension.

Council of Europe SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 6 Provisional Suspensions

Guidance is needed on when it is recommended (or not) to impose an optional provisional suspension.

NADA India SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

NADA India agrees with the proposed changes

CHINADA SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)

NADO - NADO

General Comments

Article 6.2.1.2 Contaminated Source

We support Article 6.2.1.2, which confirms that "a mandatory Provisional Suspension may be eliminated if the Athlete demonstrates to the Results Management Authority or a hearing panel that the violation is likely to have involved a Contaminated Source" (a term defined in the Code, which has replaced the term "Contaminated Product"). This provision helps protect the Athletes who have No Fault or No Significant Fault but inadvertently ingest a Contaminated Source from irreparable damage to their careers.

Article 6.3.1 Provisional Suspension

As per Article 6.3.1, Athletes on their own initiative may voluntarily accept a Provisional Suspension if done so prior to the later of: (i) the expiration of ten (10) days from the report of the "B" Sample (or waiver of the "B" Sample)

or ten (10) days from notification of any other anti-doping rule violation, or (ii) the date on which the Athlete first competes after such report or notification.

There is a significant difference in the calculation methods between option (ii) and option (i), as it does not specify who determines the "date of the Athlete's first Participation in the Competition"—whether it is the Athlete, the Event organization, or the anti-doping organization. This lack of temporal clarity and predictability means that the Athlete could voluntarily accept a Provisional Suspension at any point of time. If Athletes can accept a provisional suspension at any time, then option (ii) lacks practical significance and undermines the certainty of the results management process.

Suggested changes to the wording of the Article

Article 6.3.1 Provisional Suspension

As per Article 6.3.1, Athletes on their own initiative may voluntarily accept a Provisional Suspension if done so prior to the later of: (i) the expiration of ten (10) days from the report of the "B" Sample (or waiver of the "B" Sample) or ten (10) days from notification of any other anti-doping rule violation, or (ii) the date on which the Athlete first competes after such report or notification.

There is a significant difference in the calculation methods between option (ii) and option (i), as it does not specify who determines the "date of the Athlete's first Participation in the Competition"—whether it is the Athlete, the Event organization, or the anti-doping organization. This lack of temporal clarity and predictability means that the Athlete could voluntarily accept a Provisional Suspension at any point of time. If Athletes can accept a provisional suspension at any time, then option (ii) lacks practical significance and undermines the certainty of the results management process.

Finnish Center for Integrity in Sports (FINCIS)
Petteri Lindblom, Legal Director (Finland)
NADO - NADO

SUBMITTED

General Comments

6.4 Notification should be same way in all articles, and the most secure way is like it is written in B.3.3:

Report only via Adams

Anti-Doping Sweden
Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

SUBMITTED

General Comments

Article 6.2.2. ADSE assess that further guidance is needed on when to and when not to impose an optional provisional suspension. Our experience is that ADO's have different approaches on this, but rather not impose a provisional suspension.

Swiss Sport Integrity SUBMITTED
Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

6.2.2: Guidance regarding when it is recommended to impose an optional provisional suspension or not would be much appreciated.

LTUNADO SUBMITTED
Erika Petrutyte, Lawyer (Lithuania)
NADO - NADO

General Comments

1. Would be great to have guidance in ISRM guidelines regarding when optional suspension is recommended (or not) to impose.

2.

2027 ISRM Article 6.2.1.2 confirms the possibility for RMAs to lift a mandatory provisional suspension when the athlete demonstrates that their violation is likely to have involved a 'Contaminated Source .

A decision not to eliminate a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Source shall not be appealable.

So, according 2027 ISRM Decision of RMA or Hearing body shall not be appealable.

But in 2027 Code Article 7.4.1 is left: (only) A hearing body's decision not to eliminate a mandatory *Provisional*

Suspension on account of the *Athlete's* assertion regarding a *Contaminated*

Product Source shall not be appealable.

Chair SUBMITTED
Athlete Council, WADA (Canada)
Other

General Comments

6.1.2 (Typo)

There is a typo. It should read as follows:

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~~ or the team selection, respectively.

6.2.1. 1 Imposing a Mandatory Provisional Suspension

This Article is tied to Code Article 7.4.1 (see our comment on Code 7.4.1). We suggest that the drafting team consider defining "promptly" more specifically in the context of, "a Provisional Suspension shall be imposed promptly." The word "promptly" has been added in many other places throughout this ISRM draft so the drafting team may want to consider this question more broadly.

6.2.1.2 Eliminating a Mandatory Provisional Suspension

This article sets out that a Provisional Suspension can be lifted if, "the Athlete demonstrates to the Results Management Authority or a hearing panel that the violation is likely to have involved a Contaminated Source." We suggest the drafting team consider additional commentary on acceptable "demonstration," and on when/whether a third party may act on behalf of the Athlete. (See our comment to Code 7.4.1.)

6.2.3.1 (Typo)

There is a typo. It should read as follows:

> [Comment to Article 6.2.3.1: As per Article 5.1.2.1 h), nothing prevents the Results Management Authority from imposing a Provisional Suspension as soon as the letter referred to in Article 5 has been ~~notified~~ delivered to an athlete.

Article 7 (11)

Union Cycliste Internationale SUBMITTED

Union Cycliste Internationale Union Cycliste Internationale, Legal Anti-Doping Services (Switzerland)
Sport - IF – Summer Olympic

General Comments

Comment to Article 7.1 d) ii: is the deadline of 20 days suspended? It could be good to clarify it.

World Rugby SUBMITTED

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

General Comments

World Rugby have some concerns with how Case Resolution Agreements under 10.8.2 are presented as an option to athletes alongside early admission under 10.8.1 because in practice CRAs are unobtainable except in very exceptional cases. We feel this can confuse athletes who mistakenly/unrealistically think they can obtain a reduction under 10.8.2 and therefore overlook 10.8.1 until it's too late (and the 20 day deadline has passed).

Furthermore we consider that some flexibility on the 20 day deadline should be permissible in exceptional circumstances and at the discretion of the RMA. To afford such flexibility disadvantages neither the athlete nor the RMA, nor WADA. If an athlete wants to avail of this but cannot for good reason do so in the 20 days (and can demonstrate why) we see no reason why they should not be able to.

Finally we consider that with regards to article 10.8.1 there should be some requirement for the athlete to provide an explanation for the violation in order to avail of this reduction, as currently an athlete can benefit from a one-year reduction without disclosing anything at all about why or how the rule violation occurred, and this potentially loses the opportunity to secure important information/intelligence even at a very basic level. This is particularly relevant for investigations involving a number of related rule violations where any additional intelligence may be critical to a full understanding of the situation.

Council of Europe SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 7 Charge

It is appreciated that the revision foreseen is limited and preserves the freedom of ADOs to organize their RM (see also comment on and correspondence with art 10.8.1 of the Code and with art 5.1.2 of the ISRM).

NADA India SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

NADA India agrees with the proposed changes

ONAD Communauté française SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

En général, concernant l'article 7, il est apprécié que la révision proposée est de portée limitée et qu'elle préserve la liberté des OADs d'organiser leur système pour la gestion des résultats. Nous renvoyons à ce sujet à nos commentaires liés et sur la même thématique, relatifs aux articles 10.8.1 et 10.8.2 du Code et sur l'article 5.1.2 du SIGR, tels que proposés à modification.

Japan Anti-Doping Agency SUBMITTED
Chika HIRAI, Director of International Relations (Japan)
NADO - NADO

General Comments

7.1
Agree to the proposed change.

In the 2027 DRAFT, it is stated that if the sanctions presented are accepted within 20 days of receiving the "notice of an anti-doping rule violation charge," the sanctions will be reduced. However, it is unclear whether this "notice of an anti-doping rule violation charge" refers to the notification under Article 5.1.2 or the notification under Article 7.

The notice in sanction 5.1.2 is not a "charge" but a notification of adverse analytical findings and possibly provisional suspension. There is some confusion in the current proposed text.

Canadian Centre for Ethics in Sport SUBMITTED
Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

General Comments

Comment to Article 7.1.c: The step of contacting WADA and other ADOs to determine whether any prior violations exist would be a duplication of efforts. Ideally all past violations are captured in ADAMS but since all parties are copied on the Notification letters responsibility could be placed on those organizations to verify if a past violation exists that was not listed in ADAMS.

Comment to Article 7.1.d: Consider changing “should make it clear” to “shall,” to ensure ADO is as transparent as possible .

Article 7.1.g: Consider changing the first “and/or” to “and” (“…under Code Article 10.8.2, **and/~~or~~** provide substantial Assistance…”)

Comment to Article 7.2: Consider establishing a separate Article for this Comment and move it towards the beginning of Article 7

Article 7.3: Please clarify if the addition is intended to point to Article 7.1 c as opposed to 7.1.d.

Finnish Center for Integrity in Sports (FINCIS) SUBMITTED
Petteri Lindblom, Legal Director (Finland)
NADO - NADO

General Comments

7.2 Notification should be same way in all articles, and the most secure way is like it is written in B.3.3:

Report only via Adams

LTUNADO SUBMITTED
Erika Petrutyte, Lawyer (Lithuania)
NADO - NADO

General Comments

It is very sensitive cases where minors are involved, because of minors' data protection, physiological, social issues and so on. Guidelines for proceedings, recommendations/ template of rules to do RM for Minors would be very helpful for NADOs and minors for sure.

UK Anti-Doping SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

General Comments

Article 7.1g) - Shall remind the Athlete or other Person of the possibility of seeking to enter into a case resolution agreement under Code Article 10.8.2, and/or provide Substantial Assistance and/or other Valuable Information and Assistance in the effort to eliminate doping in sport and obtain a suspension of Consequences under Code Article 10.7.1 or Code Article 10.7.2 respectively.

Suggested changes to the wording of the Article

'Valuable Information' is not a defined term in the Code or ISRM (unlike Substantial Assistance) and should not be capitalised within this provision (or alternatively should be a defined term).

Chair SUBMITTED

Athlete Council, WADA (Canada)

Other

General Comments

7.1. e) Challenge to a Charge

Our working group had mixed views on a proposal that an athlete should be able to waive the right to a hearing and accept consequences *without* admitting guilt. Under the current draft, 7.1.e stipulates that an athlete's decision to not challenge a charge explicitly equates to an admission of guilt. An athlete might consequently be compelled to carry forward a frivolous challenge to a charge rather than admit guilt. An alternative could be as follows:

> "…the Results Management Authority shall be entitled to deem that the Athlete or other Person has waived their right to a hearing and acknowledged that a violation occurred, ~~and admitted the anti-doping rule violation~~ as well as accepted the Consequences set out by the Results Management Authority in the letter of charge."

Article 8 (17)

World Rugby SUBMITTED

David Ho, Senior Manager Anti-Doping Operations (Ireland)

Sport - IF – Summer Olympic

General Comments

We would support this 2 month timescale and would request that consideration is given to imposing similar operational guidelines on the reporting of the outcomes of CAS hearings.

Riksidrottsförbundet SUBMITTED

Ida Nilsson, Legal advisor (Sverige)

Sport - National Olympic Committee

General Comments

NADOs should not be held responsible for a decision made by an independent hearing body. It is unfair for a NADO to be faced with non-compliance as a result of decisions made by a body over which it has no control.

WADA, as a regulator and monitoring organization, should take the lead on anti-doping education for the members in the hearing panel's as it is crucial for harmonized decisions.

International Tennis Integrity Agency SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)

Sport - Other

General Comments

Article 8.8d (and Article 10) Clarification is sought as to why a decision of a first instance hearing must be published within 2 months but there is no such requirement placed on a CAS hearing. If CAS is the only body to whom appeals may be made then requirements placed on them would seem entirely appropriate – for this reason the ITIA would suggest a three month period of time within which a full reasoned decision must be published by CAS is reasonable.

Council of Europe SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 8 Hearing Process

The proposed amendments should not affect compliance with the Code by NADOs or IFs where hearing panels that are completely independent of the RMA are also free to determine the length of proceedings (e.g. CAS).\

NADA SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)

NADO - NADO

General Comments

Comment to Art. 8.1: What does that mean concretely? Does that rule only apply to IFs and NADOs using the ITA?

NADA India SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

NADA India agrees with the proposed changes

Autoridade Brasileira de Controle de Dopagem SUBMITTED

Luciana Corrêa de Oliveira, Resulta Management General Coordinator (Brazil)

NADO - NADO

General Comments

The compliance responsibilities and accountabilities of ADOs for elements covered by the Code required independence (be it operational and/or institutional) should be further refined and developed.

From a governance perspective, it seems problematic, that ADOs are held accountable under the Code for actions, falling outside their Code-defined sphere of influence.

For instance, WADA understands that the only responsible for a wrong final decision in a case is the ADO itself because the ADO is the one who should be part of the process of appeal by WADA before CAS. That makes no sense at all once the ADO tried to appealed the decion before the national Appellate Body for the same decision that WADA is appealing.

The issue starts when the Pannel makes a decision against ADO´s pleas. Then in the appealing process WADA´s call for ADO to be the opposite part in the process before CAS when the ADO agrees with WADA.

If WADA wants the Pannel to be independent it must be mandatory that the Pannel is held accountable for its decisions, not the ADO.

If WADA wants to be the ADO accounted responsible for the decisions then the ADO must have some hierarchy over the Pannel. Simple as that. One cannot be held accountable for another´s decision. In addition to that, the costs involving an eventual appealing before CAS are prohibitive for some ADO´s and that´s another issue that must be considered.

Due to the requirement found in article 8.1 of the CMA, the Brazilian Antidoping Tribunal, for example, acts independently of the ABCD. In this sense, we have the following circumstances:

• The Brazilian Antidoping Tribunal was created by Brazilian Federal Law and has autonomy and independence to judge of anti-doping rules violations;

• The Brazilian Antidoping Tribunal is linked with the National Sports Council, the body responsible for choosing its members and regulating their activities;

• The members of the Brazilian Antidoping Tribunal are not part of the ABCD staff nor do they work for the ABCD;

• The ABCD does not have the prerogative to approve or remove members of the TJD-AD. The ABCD only promotes educational actions with its members for continued training.

Therefore, it is clear that the ABCD has no interference in the decisions handed down by the Brazilian Antidoping Tribunal. Therefore, the legitimate party to appear as the passive pole in appeals of its decisions should not be ABCD, but rather the Brazilian Antidoping Tribunal itself.

USADA SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

Article 8.8(c) Comment – Requiring briefs, a hearing, and a decision within two months is not realistic given the schedules of arbitrators and defense attorneys and allowing an arbitrator 30 days to issue a reasoned award, which is expeditious as compared to the time it takes CAS panels to issues reasoned awards, would allow only one month to appoint an arbitrator or arbitrators, hold a scheduling conference, set a briefing schedule, and hold a merits hearing.

Suggested changes to the wording of the Article

Article 8.9

Recommended Change:

Add to the end: "*Anti-Doping Organizations* must allow in their rules the ability for *Anti-Doping Organizations* to expedite matters for resolution prior to a major *Event* in which the *Athlete* intends to compete."

Azerbaijan National Anti-Doping Agency (AMADA) SUBMITTED

Murad Jafarli, Head of Results Management and Investigation Department (Azerbaijan)
NADO - NADO

General Comments

The current provisions in the Code and International Standard for Results Management (ISRM) only allow athletes the right to request expedited hearings if they are provisionally suspended. This limitation frustrates athletes who are not under provisional suspension but are facing hearings that could impact their participation in major upcoming events.

Suggested changes to the wording of the Article

Amend the ISRM to grant all athletes the right to request expedited hearings if they have upcoming major events, regardless of their provisional suspension status. This right should be framed within a defined timeframe to ensure timely resolutions.

Reasons for suggested changes

Allowing expedited hearings for all athletes with upcoming major events will better support clean athletes by minimizing delays that could prevent their participation. This change promotes fairness and ensures that athletes are not unduly penalized due to procedural timelines.

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Comment to Article 8.8.c

There are several types of cases where an athlete or ADO has to provide additional evidences. In the cases, it sometimes takes several months to get an additional analytical result. Sometimes we have to organize additional hearings. From this viewpoint, “after the hearing” should be much more exactly drafted: "after the initial hearing" or "after all the proceedings”.

If "after the hearing" means "after the initial hearing", providing an additional analytical result should be allowed as one of the 'exceptional cases.'

The "exceptional cases" should be clarified with some examples and/or illustrations.

Anti Doping Danmark SUBMITTED

Silje Rubæk, Legal Manager (Danmark)

NADO - NADO

General Comments

Comment to Article 8.8 c).

It should not lead to consequences in terms of compliance for the Results Management Authority, if the hearing panel doesn’t meet the requirements. The hearing panels are independent from the Result Management Authorities, and the Result Management Authories can not control how the hearing panel handles the cases.

Agence Nationale Antidopage SUBMITTED

Agence Nationale Antidopage Tunisie, Direction Générale (Tunisie)

NADO - NADO

General Comments

Au vu du profil des membres de l'instance disciplinaire agissant à titre bénévole ainsi que leurs autres responsabilités professionnelles limitant leur disponibilité, nous proposons de soumettre un rapport raisonné en cas de dépassement du délai de 2 mois entre l'audience et la décision.

Swiss Sport Integrity SUBMITTED

Ernst König, CEO (Switzerland)

NADO - NADO

General Comments

8.8: The proposed changes should not lead to a disadvantage in the code compliance of NADOs or IFs if Hearing Panels are completely independent from the RMA.

Agence française de lutte contre le dopage SUBMITTED

Adeline Molina, General Secretary Deputy (France)

NADO - NADO

General Comments

Le commentaire sous l'article 8.3 prévoit que les panels disciplinaires devraient être composés d'une ou de trois personnes. Il est proposé de recourir à une formulation moins rigide permettant, au moins par exception, de siéger dans des formations différentes.

NADA Austria SUBMITTED
Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

It seems that it is accepted in the worldwide anti-doping system that RM / adjudication of anti-doping cases is still done by National Federations.

It would be great to clarify in the ISRM or its guidelines if this approach is admissible / independent decision - making process is still guaranteed.

Anti-Doping Norway SUBMITTED
Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

General Comments

Article 8.8. e):

We suggest that Council of Europe's CM/Rec (2022)14, Appendix, - in particular number 19 and 20 are reflected in ISRM 8.8 e)

Chair SUBMITTED
Athlete Council, WADA (Canada)
Other

General Comments

8.8. d) Timeframe of the Hearing Process

We strongly support the proposed wording to strengthen to two-month timeframe for decisions.

Article 9 (10)

Riksidrottsförbundet SUBMITTED
Ida Nilsson, Legal advisor (Sverige)
Sport - National Olympic Committee

General Comments

Comment to Article 9.2.4. SSC to not support the suggestion to produce the case file in French or English.

Council of Europe SUBMITTED
Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 9 Decisions

Strongly not support requirement to translate all case file to EN/FR. It will create a huge amount of administration, time and cost issues by NADOs who do not natively speak/write English or French. An issue could also emerge with regards to giving access to sensitive medical data to translators.

NADA
SUBMITTED
NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

General Comments

No support for 2027 Code 14.2.2 and 2027 ISRM 9.2.4 and the mandatory translation of case files into EN/FR. It's a big burden for non-english/french speaking NADOs in a financial, administrative and time consuming way.

Case files might easily be over hundreds of pages if - for example - medical documents are included.

It is proposed to provide a summary in EN or FR as well as additional explanations (if needed). In problematic cases or occurring questions WADA may ask of a further translation of the document(s) concerned. A general translation of a complete case file is not supported however.

Anti Doping Danmark
SUBMITTED
Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

General Comments

Article 9.2.4.

ADD do not support the proposal in this art. 9.2.4. and the code article 14.2.2. where parties with a right to appeal a decision shall be provided with a machine-readable case file in English or French. This will be a big burden for the ADO, both time consuming and a financial burden.

Finnish Center for Integrity in Sports (FINCIS)
SUBMITTED
Petteri Lindblom, Legal Director (Finland)
NADO - NADO

General Comments

Strongly not support requirement to translate all case file to EN/FR. It will create a huge amount of administration, time and cost issues by NADOs who do not natively speak/write English or French. An issue could also emerge with regards to giving access to sensitive medical data to translators.

9.2 Notification should be same way in all articles, and the most secure way is like it is written in B.3.3:

Report only via Adams

CHINADA
SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

Article 9.1 Financial Consequences

It is recommended that a special provision for Protected Persons be included in this Article, as Protected Persons typically lack sufficient personal assets to bear this liability, and the excessive financial consequences often tend to be shifted to their parents or other guardians. In this regard, we recommend including a principled provision that financial consequences for protected persons should be applied with caution, for example, providing that financial

consequences for Protected Persons may be reduced or eliminated as appropriate, taking into account the economic situation of the family and the degree of fault of Other Persons involved.

Article 9.2.4 Language of Proceedings

We do not support the change. The requirement that the case file shall be produced in readable French or English would significantly increase the burden on ADOs and would be unfair to non-English or non-French speaking countries. In complex cases, the volume of the case file could be substantial, and translating them would be time-consuming, which would significantly extend the time required for results management and for WADA and the applicable ADO to decide whether or not to appeal.

Suggested changes to the wording of the Article

Article 9.1 Financial Consequences

It is recommended that a special provision for Protected Persons be included in this Article. Specifically, we recommend including a principled provision that financial consequences for protected persons should be applied with caution, for example, providing that financial consequences for Protected Persons may be reduced or eliminated as appropriate, taking into account the economic situation of the family and the degree of fault of Other Persons involved.

Article 9.2.4 Language of Proceedings

We do not support the change.

Reasons for suggested changes

Article 9.1 Financial Consequences

Protected Persons typically lack sufficient personal assets to bear this liability, and the excessive financial consequences often tend to be shifted to their parents or other guardians.

Article 9.2.4 Language of Proceedings

The requirement that the case file shall be produced in readable French or English would significantly increase the burden on ADOs and would be unfair to non-English or non-French speaking countries. In complex cases, the volume of the case file could be substantial, and translating them would be time-consuming, which would significantly extend the time required for results management and for WADA and the applicable ADO to decide whether or not to appeal.

Canadian Centre for Ethics in Sport SUBMITTED
Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

General Comments

Article 9.1.1.b: The majority of the content is found in the comment. Consider elevating this information into the Article itself.

In the comment to Article 9.2.4: is the wording used in this comment "*in electronic, digital, and word-searchable format.*" intended to "define" the term machine-readable from Code Article 14.2.2. If so, this should be outlined in the Code Article.

Article 9.2.3: Consider changing "should" to "shall."

Anti-Doping Sweden SUBMITTED
Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

Comment to Article 9.2.4. ADSE do not support the suggestion to produce the case file in French or English.

Swiss Sport Integrity SUBMITTED
Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

9.2.4: SSI strongly disagrees with the comment to Art. 9.2.4. SSI does strongly not support the requirement to translate all case file to EN/FR. It will create a huge amount of administration, time and cost issues for NADOs where English or French are not official languages. An issue could also emerge with regards to giving access to sensitive medical data to translators. See also comment to Art. 14.2.2 Code.

LTUNADO SUBMITTED
Erika Petrutyte, Lawyer (Lithuania)
NADO - NADO

General Comments

2027 Code 14.2.2 and 2027 ISRM 9.2.4 to translate non-Fr/En speaking NADOs all case file all the time it's a big burden – financial, administrative, time consuming.

Sometimes case file, for example medical documents can be over hundreds of pages.

Maybe it could be enough summary in EN or FR, additional explanations and maybe if there is problems/question with some documents translation or understanding- in these cases WADA may ask translation of the current document. But not all case file.

Article 10 (11)

World Rugby SUBMITTED
David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

General Comments

World Rugby considers that WADA should convene a working group to look at the matter of whether CAS cases should or should not be heard De Novo. There are times when a De Novo appeal is appropriate but equally there are times when an athlete/prosecuting body has had every opportunity to set out its case and having a "second bite at the cherry" is not appropriate and a review appeal would be more appropriate. This

would result in a significant cost saving for the parties to the appeal and would make appeals more accessible to parties who don't have access to significant legal funding. WADA may wish to consider whether some limitations should be imposed on De Novo hearings.

Riksidrottsförbundet SUBMITTED

Ida Nilsson, Legal advisor (Sverige)

Sport - National Olympic Committee

General Comments

SSC notes that there is no consensus regarding an athlete's possibility to have a final decision reopened if there are new circumstances that have not earlier been brought up. SSC think this topic is very important and hope that this will be discussed again within the Code Drafting Team. Guiding case law is not accessible for athletes and it is therefore necessary with a process in the Code/the ISRM.

International Tennis Integrity Agency SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)

Sport - Other

General Comments

As with its previous Code submission, the ITIA continues to question why CAS proceedings are de novo. Other than benefiting the lawyers representing either party, the process is lengthy, costly and does little to challenge those who are looking to take a chance that another panel will look at the decision rendered at first instance differently. If there are no issues with regards the ability or neutrality of the first instance panel then why are parties permitted a second go at a hearing? The grounds for appeal should be restricted to new evidence or a procedural error and the appeal confined to those grounds only.

Further - If CAS is the only body to whom appeals may be made then requirements placed on them would seem entirely appropriate – for this reason the ITIA would suggest a three month period of time within which a full reasoned decision must be published by CAS is reasonable.

Council of Europe SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 10 Appeals

NADOs should not be held responsible for decisions taken by independent hearing bodies. Consequently, no consequences should be imposed on NADOs for decisions taken by independent hearing bodies.

NADA India SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

NADA India agrees with the proposed changes

ONAD Communauté française SUBMITTED

Julien Magotteaux, juriste (Belgique)

NADO - NADO

General Comments

De manière générale, par rapport à l'article 13 du Code, à l'article 10 du SIGR et des appels, une ONAD ne devrait plus être tenue responsable d'une décision prise par une instance d'audition tout à fait indépendante de l'ONAD. Cela s'oppose en effet à l'autonomie opérationnelle et structurelle de l'instance d'audition et au principe essentiel de la séparation des pouvoirs. En conséquence, une ONAD ne devrait recevoir ou risquer aucune conséquence pour une décision prise par une instance d'audition indépendante de l'ONAD. Ceci devrait être précisé dans le Code et dans le Standard international pour la conformité au Code des signataires.

Azerbaijan National Anti-Doping Agency (AMADA) SUBMITTED
Murad Jafarli, Head of Results Management and Investigation Department (Azerbaijan)
NADO - NADO

General Comments

The new edition of Article 10.2 requires that all parties to any national appellate instance ensure timely notice of the appeal is provided to WADA and all other parties with a right to appeal. However, there is ambiguity regarding the notification process.

Suggested changes to the wording of the Article

Clarify in the article whether uploading information to the Anti-Doping Administration and Management System (ADAMS) is sufficient for notifying WADA and international federations or if additional methods of notification are necessary.

Reasons for suggested changes

Clear guidance on the notification process will help ensure compliance with Article 10.2 and avoid potential disputes regarding whether appropriate notice has been given. This clarification will enhance transparency and efficiency in the appeals process.

Finnish Center for Integrity in Sports (FINCIS) SUBMITTED
Petteri Lindblom, Legal Director (Finland)
NADO - NADO

General Comments

NADO's should not be held responsible for decisions taken by independent hearing bodies. In consequence, no consequence should be given to NADO's for decision taken by independent hearing bodies.

CHINADA SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

Article 10.1 On Establishing a Correction and Review Mechanism

In the spirit of fairness, impartiality and practicality, we recommend that a correction and review mechanism be established in an appropriate section of the Code or the International Standard for Results Management. For example, it may provide that for a decision that has already been made or is in effect, if new evidence emerges that is sufficient to change the assertion of an ADRV or a sanction imposed, the Anti-Doping Organization previously responsible for results management or WADA may make a new decision at the request of the Person concerned.

Suggested changes to the wording of the Article

Article 10.1 On Establishing a Correction and Review Mechanism

We recommend that a correction and review mechanism be established in an appropriate section of the Code or the International Standard for Results Management. For example, it may provide that for a decision that has already been made or is in effect, if new evidence emerges that is sufficient to change the assertion of an ADRV or a sanction imposed, the Anti-Doping Organization previously responsible for results management or WADA may make a new decision at the request of the Person concerned.

Swiss Sport Integrity SUBMITTED
Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

NADOs should not be held responsible for decisions taken by independent hearing bodies. In consequence, no consequence should be given to NADOs for decisions taken by independent hearing bodies.

LTUNADO SUBMITTED
Erika Petrutyte, Lawyer (Lithuania)
NADO - NADO

General Comments

Provisions regarding the Party of the appeal which is not decision-making body should be changed. For example, if decision is made by HP/commission or other hearing body, but not NADO, the appeal should not be against NADO just because hearing body is in NADOs country. Hearing bodies are independent from NADOs and Hearing body can issue decision which is not supported by NADO (or even in contrast to NADO charges). For example- NADO charged athlete for 4 y, but Hearing body decides- 1y, WADA appeals and asks 4 y (as NADO did before).

Article 11 (6)

Council of Europe SUBMITTED
Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Art. 11 Violation of the Prohibition Against Participation During Provisional Suspension

More clarity is needed on how to implement this; a timeframe should be set for the application of this 'discovery' provision. Can it only be applied during the period of ineligibility or can it also be applied after the period of ineligibility?

NADA India SUBMITTED
NADA India, NADO (India)
NADO - NADO

General Comments

NADA India agrees with the proposed changes

Canadian Centre for Ethics in Sport SUBMITTED
Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

General Comments

Comment to Article 11.1: The wording “prohibited” should be changed to “prohibition” in the sentence “If the violation of the **prohibited** against participation during Provision Suspension.”

LTUNADO SUBMITTED
Erika Petrutyte, Lawyer (Lithuania)
NADO - NADO

General Comments

It should be set some timeframe to apply this provision for “discovering”.

Only during period of ineligibility or it can be applied and after period of ineligibility?

UK Anti-Doping SUBMITTED
UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

General Comments

We do not understand the rationale for removing the reference to the Prohibition against Participation here. In our view, the wording should be retained so that the application of the mutatis mutandis doctrine is absolutely clear.

Agence française de lutte contre le dopage SUBMITTED
Adeline Molina, General Secretary Deputy (France)
NADO - NADO

General Comments

La modification apportée à l'article 11.1 mérite des clarifications.

D'une part, si la conséquence est d'annuler la déduction de la période de suspension provisoire qui n'a pas été respectée et donc d'ajouter une période de suspension complémentaire équivalente, il faudrait le préciser, ainsi que la date de prise d'effet de cette suspension complémentaire, qui peut être dépendante du moment de la découverte (avant ou après la fin de la période inéligibilité).

D'autre part, puisqu'il ne s'agit pas à proprement parler d'une violation des règles antidopage, faut-il considérer que cette violation n'est pas soumise à la prescription prévue à l'article 17 du Code ?

Enfin, une mention de l'existence de cette procédure pourrait utilement être prévue pour les notifications des décisions de suspension provisoire, ainsi que dans les décision finales d'inéligibilité appliquant la déduction de la suspension provisoire ou leur notifiation.

Annex B (16)

Union Cycliste Internationale SUBMITTED
Union Cycliste Internationale Union Cycliste Internationale, Legal Anti-Doping Services (Switzerland)
Sport - IF – Summer Olympic

General Comments

We understand the rationale behind the deadline for quarterly submissions. However, this is a step backward that will cause many problems.

An intermediate solution must be found, or at least a transition period should be put in place.

There are too many comments on Article B.1.3, making it difficult to understand.

Regarding B.3.1, please refer to our comments on the Code.

Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

General Comments

Annex B: Results Management for Whereabouts Failures

The proposed amendment is not supported, because administrative review is an actual right of athletes in case of potential whereabouts failures. There is no objective reason to suppress this legitimate right

Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

In general, ADSE supports the amendments and believes that the criterias for determining Whereabouts Failures have been clarified and developed. However, we want to highlight some of the changes.

Article B.1.3

- ADSE supports the clarification of the date on which a Filing Failure is deemed to have occurred and to clarify the Athlete's failure to update their information as soon as possible. Examples in ISRM guidelines are appreciated.
- ADSE believes that the amendments from the first day of the quarter replaced to by the 15th day of the month preceding the calendar quarter, may be a bit harsh. ADSE believes that if the athlete does not update their whereabouts by the 15th, the athlete should at least receive a reminder (within a specified deadline, perhaps 48 hours) before a filing failure will be deemed to have occurred. Reminders to update before the 15th can also be sent out before the 15th, but ADSE believes that it is quite a long time ahead.

Article B 3.2

- ADSE believes that removing the administrative review process is in general a good amendment. However, it should be made clear in the decision that the three whereabouts failures will be re-evaluated separately if there would be a 2.4 ADRV.

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

It would be appreciated to have provisions regulating the consequences for teams if whereabouts are not submitted correctly.

B.3.2 e) ii.

NADA Austria does not support that the administrative review is eliminated due to the fact that it is an actual right of athletes in case of potential whereabouts failures. There is no objective reason to suppress this legitimate right. Therefore, we suggest to maintain the possibility for an athlete to ask for administrative review of the whereabouts failure decision.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

NADA India would request greater clarity on the phrase “A Filing Failure will be deemed to have occurred where the athlete fails to provide complete information in due time in advance of an upcoming quarter by the 15th day of the month proceeding the calendar quarter”

Canadian Centre for Ethics in Sport SUBMITTED
Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

General Comments

Article B.3.2.d: Consider changing “should” to “shall” in the sentence “The notice **should** also advise the Athlete that three (3) Whereabouts Failures in any 12-month period is a Code Article 2.4.”

Comment to Article B.3.4: Numbering should be changed from “B.3.3” to “B.3.4”

Comment to Article B3.4: Consider including clarification on the processes for subsequent Whereabouts Failures encountered during the Results Management process of a violation of Code Article 2.4 and how these Failures “may be used as an alternative basis for the Code Article 2.4.”

CHINADA SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

General Comments

Article B.3.2 Administrative Review of Whereabouts Failure

We support the removal of the administrative review of the decision on an individual Whereabouts failure in Article B.3.2. On one hand, it simplifies the process, without adversely affecting the rights of Athletes on the other hand.

Agence Nationale Antidopage SUBMITTED
Agence Nationale Antidopage Tunisie, Direction Générale (Tunisie)
NADO - NADO

General Comments

Devant la possibilité de suppression du processus de révision administrative des décisions de manquements aux exigences de localisation à l'encontre de sportifs des groupes cibles, nous tenons à mettre le point sur le besoin de garantir le droit du sportif à une forme d'appel ou de recours gracieux, ce qui demeure une garantie de droit commun et un principe universel.

Swiss Sport Integrity SUBMITTED
Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

B.3.2: The proposed amendment concerning the cancelling of the administrative review is not supported, because administrative review is an actual right of athletes in case of potential whereabouts failures. There is no objective reason to suppress this legitimate right.

Dopingautoriteit SUBMITTED
Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

General Comments

Doping Authority Netherlands welcomes the removal of the administrative review process in Article B.3.2 to simplify and streamline the existing process.

To provide even more clarity, perhaps the 'response' mentioned in Article B.3.2 (e) could be changed to (for example) administrative review. This would allow clearer reference to the athlete's response.

ONAD Communauté française SUBMITTED
Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

Par rapport à l'article B.3.2.e), ii), de l'annexe B, nous sommes opposés à cette proposition. La possibilité de contester administrativement chaque manquement aux obligations de localisation est un droit actuel des sportifs d'élite. Il n'y a aucune raison objective de leur supprimer ce droit légitime. Celui-ci droit donc être maintenu.

Agence française de lutte contre le dopage SUBMITTED
Adeline Molina, General Secretary Deputy (France)
NADO - NADO

General Comments

Il est préconisé de maintenir la révision administrative dans la gestion des résultats des manquements de localisation, dont la suppression n'est pas justifiée.

La modification prévue à l'article 13 du Code, qui est limitée aux décisions de ne pas retenir un manquement, ne justifie pas une telle suppression. La révision administrative, qui est vue comme une garantie pour les athlètes autorisant la remise en cause un manquement, doit à ce titre être maintenue.

Anti-Doping Norway SUBMITTED
Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

General Comments

B.1.3. a) ii:

We welcome the new wording which provide better clarity.

B.3.1:

Recalling the comments made to WADC art. 7.1.6., we are preliminarily positive towards having the ADO discovering the missed test record the whereabouts failure, however, potential implications for the Results Management of the three WA-Failures as a potential ADRV should be considered, as the RMA for the ADRV will have the burden of proof in the next step of the hearing.

B.3.2.

We do not support removal of access to administrative review on each potential filing failure, as we – and our athletes – consider this a protection of their rights.

UK Anti-Doping SUBMITTED
UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

General Comments

Annex B.3.2(d) – If the Results Management Authority concludes that all of the relevant requirements as set out in Articles B.2.1 (Filing Failure) and B.2.4 (Missed Test) have been met, it should notify the Athlete within fourteen (14) 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 (*including the Unsuccessful Attempt Report*, if available), and shall give the Athlete a reasonable deadline to respond […]

The requirement to disclose the Unsuccessful Attempt Report ('UAR') is new and UKAD considers this should be removed. The rationale for this is that disclosure of the UAR could risk Athletes shaping their response in light of the UAR's contents. Our preference is that Athletes should provide their 'first' account based on the details of the asserted whereabouts failure provided in the notice (which includes reference to the relevant date, time and place). This will ensure we receive an account which has not been concocted to fit the contents of the UAR. An Athlete could be at risk of Tampering (i.e. a false account) if they seek to address the contents of the UAR, rather than provide their own genuine whereabouts/movements.

Annex B.3.2(d) - […] 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.

The 48-hour deadline is not a change and is something that is already within the 2023 ISRM. However, we have found in practice that it may prove difficult for an Athlete to meet this 48-hour deadline, especially if the notice is deemed served upon it being emailed and the Athlete is abroad or more generally with restricted email access. For example, the Athlete may be on holiday or at a major championships, or have suffered loss/damage to their devices, or they may need some technical assistance such that it is not realistic for them to provide the relevant information within 48 hours.

In UKAD's view, there is balance to strike between the need for whereabouts information to be provided without delay for the purposes of Testing, and giving the Athlete sufficient opportunity to overcome any issues that may impact their ability to file whereabouts.

We suggest an alternative timeframe be considered that is easier for the Results Management Authority to enforce and the Athlete to comply with (e.g. 5 working days).

Chair SUBMITTED
Athlete Council, WADA (Canada)
Other

General Comments

B.3.6 Disqualification of Results for Whereabouts violation

Our working group had mixed views on whether the period for disqualification of results for Code Article 2.4 rule violations (three whereabouts failures in 12 months) should start from the date of the first whereabouts failure instead of the last, to cover the period during which the athlete was unavailable for testing. While this is logical, it is not in alignment with the consequences for other types of ADRVs, none of which trigger retroactive disqualification of results. This discussion led to a larger one around the concept of retroactive disqualification of results. There is frustration among clean athletes, when someone who is caught doping gets to keep their results and awards medals from recent events.

WADA NADO Expert Advisory Group SUBMITTED
Martin Holmlund Lauesen, member (Norge)
Other - Other (ex. Media, University, etc.)

General Comments

General comment:

Would be appreciated to have provisions regulating the consequences for teams if whereabouts are not submitted correctly.

General comment to art. B.3.2 e) ii.

It is not supported that the administrative review is eliminated as it would potentially weaken the right of athletes in case of potential whereabouts failures. Therefore, we would suggest to maintain the possibility for an athlete to ask for administrative review of the whereabouts failure decision.

Annex C (10)

USADA SUBMITTED
Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

Annex C.2.2.5.1 Comment – USADA appreciates the additional clarity provided by this comment but remains concerned that the comment does not go far enough in explicitly stating that the existence of a doping scenario is not required to be established to uphold an Adverse Passport Finding.

Suggested changes to the wording of the Article

Annex C.2.1.3.1

Recommended Change:

Remove the portion of this provision that states "(for example, RET% can be affected but not HGB under certain transportation conditions)."

Annex C.2.2.5.1

Recommended Changes:

Add the following sentence to the end of the Comment to Article C.2.2.5.1: For the avoidance of doubt, establishing a doping scenario is not an element of an Adverse Passport Finding.

Annex C.7.1

Recommended Change:

Delete the added portion "or has been acquitted in a final decision or the charge against the *Athlete* has been withdrawn."

Reasons for suggested changes

Annex C.2.1.3.1

Reasons for Change:

It is problematic to use this specific example without any references, and in fact, new data suggests RET% may be less affected by transport than previously thought. In general, the way transport of samples is handled in the IST, ISL and ISRM is not ideal and often comes up in hearing. Complicating matters further, as demonstrated in a recent CAS case, the use of the word "shall" in APB Guidelines creates significant confusion as to whether that portion of the Guideline is, in fact, mandatory.

There needs to be guidance regarding how to handle samples if the transport temperatures is relatively high (non-refrigerated) during transport but the BSS remains under 85, or if temp logger information is missing.

Annex C.2.2.5.1

Reasons for Change:

Without this additional sentence, the way it is currently worded refers only to Experts, Expert panel, and Passport Custodian, leaving out the hearing panel. The comment should, therefore, explicitly and clearly address whether a doping scenario is required to uphold an Adverse Passport Finding at a hearing.

Annex C.7.1

Reasons for Change:

Resetting usually means deleting all data and starting the passport over a fresh. The previous data is still part of the athlete's normal physiology and record and important in understanding the whole picture. The passport could be given a new BPID without losing the data from the record and this would preserve anonymity

Canadian Centre for Ethics in Sport SUBMITTED

Bradlee Nemeth, Manager, Sport Engagement (Canada)

NADO - NADO

General Comments

Article C.2.2.5.1: Considering including clarification on the distinction between "likely" and "highly likely" within the Athlete Biological Passport Operating Guidelines.

Sport Integrity Australia SUBMITTED

Andrew McCowan, Assistant Director Project Management Office (Australia)

NADO - NADO

General Comments

General Comment

For clarity and simplicity, SIA suggests the Drafting Team reviews the ABP Technical Document and Annex C to ensure a consistent approach and to avoid duplication of information. It is unclear why certain information about ABP management and EPO cases is captured in the Standard, and other information exists in the TD.

Article C.2.2.3

As there are several different passport profile findings (haematology, endocrine, steroidal), SIA suggests, for clarity, high level critical steps within the relevant process for each could be added to C.2.2.3 (or Technical Document if changes are made in line with above comment on delineation between TD and ISRM).

Comment to Article C.2.2.5.1

SIA suggests the change to this provision may be too severe if interpreted as being that doping scenarios don't need to be considered at all. SIA suggests alternate wording such as: "experts should acknowledge that there may be scenarios where substances can be used out of competition or athletes may experiment with substances.

Suggested changes to the wording of the Article

General comment - SIA suggest the duplication of information between the ABP Technical Document and this Annex C be removed.

C.2.2.3 –SIA suggests clarifying the processes for different passport profile findings – haematology, endocrine, steroidal as these processes vary.

C2.2.5.1 – SIA suggests alternative wording such as: "experts should acknowledge that there may be scenarios in out of competition use, experimentation etc."

Anti Doping Danmark
Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

SUBMITTED

General Comments

C.2.1.

ADD suggests being more precise on where the Markers will be listed/defined, as changes in a Guideline vs. Technical Document have different consultation process requirements.

As our Nordic APMU reviews all notifications (normal, flagged, and atypical), we agree with this change. If there are APMUs that don't review all notifications, we however want to mention that this change may lead to a lower sensitivity of the ABP. We suggest defining a sequence abnormality as a "flagged" passport (like a secondary Marker). We also suggest making it mandatory to review all flagged hematological passports.

C.2.2.1./C.3.3./ C.4.1.

According to the ISRM, it seems like different types of information can be shared with the Expert panel at different stages of the ABP process (C.2.2.1, C.3.3, and C.4.1) and dependent on their initial review (e.g. an Expert can request further information if the initial review is Likely doping but not Suspicious (C.3.3). We suggest clarifying more what type of information can be shared/requested at which point.

Overall, the topic of using results from different analyses (e.g. ABP and ERA) in combination should be clarified further: e.g. can a suspicious ERA result (ATF) be shared with the ABP Experts prior to a Likely doping opinion or is it only after? Does "relevant" mean relevant to the passport as a whole or to an abnormality highlighted by the Expert?

C.2.2.3.

ADD suggests clarifying this article to make it clear that the Expert review can be initiated when the prompt follow-up sample has been collected/matched. Currently, it seems like the Expert review must be initiated once the recommendation has been submitted in ADAMS, which is the same as for regular ATPFs (with two samples or more). For example, "… the Athlete Passport Management Unit may recommend the prompt collection of an additional Sample before initiating the initial Expert review once the follow-up sample is in available in ADAMS."

Although there is no need to establish the “doping scenario” it is from our understanding necessary to have a “doping cause” (e.g. the high RET% indicates ESA use). We therefore suggest that the term “Doping Scenario” is defined so that it is clear what a doping scenario is (and is not). In here it seems like a scenario is related to a competition, but a scenario could also relate to a specific blood doping practice. We also suggest writing a new article (under C.2.2.5) regarding this point as it seems too important to have in a comment.

C.3.5.

Does this mean that if you have an ATPF, it is possible to conclude Likely doping although it is manifestly incompatible with any doping scenario? If not the case, should this sentence also be included in C.3.4 or in general in C.2.2.5? The sentence is confusing and should be rewritten.

C.4.1.

ADD suggests being more precise regarding the “suspicious analytical findings” – does it have to be relevant? If so, either add relevant before “suspicious analytical findings” or remove relevant before “intelligence” and “pathophysiological information” (and only keep the relevant that is before the brackets – “… potentially relevant information …”).

Anti-Doping Sweden SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

In general: The term “Doping Scenario” should be defined so that it is clear what a doping scenario is (and is not).

C.2.2.5.1 [Comment to Article C.2.2.5.1]:

Although there is no need to establish the “doping scenario” it is from our understanding necessary to have a “doping cause” (e.g. the high RET% indicates ERA use). We also suggest writing a new article (under C.2.2.5) regarding this point as it seems too important to have a in a comment to Article C.2.2.5.1.

Suggested changes to the wording of the Article

C.3.5: This paragraph includes a very long sentence and is not easy to interpret. In addition, in ADSE's opinion the proposed added sentence creates ambiguity. Consider deleting the last sentence. See suggestion below.

To reach a conclusion of “Likely doping” in the absence of an Atypical Passport Finding, the Expert Panelpanel 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~~ **Further**, **there shall be an unanimous opinion** that there is no reasonably conceivable hypothesis under which the Passport is the result of a normalphysiological condition and highly unlikely that it is the result of pathological condition, ~~and not manifestly incompatible with any doping scenario.~~

Chair SUBMITTED

Athlete Council, WADA (Canada)

Other

General Comments

C.3.4 & 5 APMU Decisions of Likely Doping

Is the threshold for finding an Adverse Passport Finding too high? As currently written, a finding deemed “Likely Doping” by two expert panel member and “Suspicious” by the third panel would not be moved forward.

NADO Italia SUBMITTED

Giuseppe d'Onofrio, ABP Expert (Italy)

Other - Other (ex. Media, University, etc.)

General Comments

C.2.1 - Deletion of the capacity of sequence statistical abnormality to trigger an atypical passport finding involves the risk of missing very abnormal passports in which the last(s) result normalized after some very abnormal ones. I would favor maintaining sequence abnormality as a trigger of atypical passport finding.

C.2.1.2 The primary markers are not clear now. In addition, leaving reticulocyte abnormalities out can reduce the efficiency (sensitivity) of the review triggering system. Some passports display sudden and substantial reticulocyte changes that experts must consider to recommend further tests and actions.

C.7.1 - I agree to reset the passport if the athlete has been acquitted, but I would not do so if the charge has been withdrawn for other reasons /(i.e., accepting some explanation).

Suggested changes to the wording of the Article

C.2.1 - Just maintain the statement on sequence abnormality as it is now.

C.2.1.2 - Avoid the term "primary" or, better, specify that primary markers are HGB, the OFF score and - to include, in my opinion - the reticulocyte percentage.

C.2.2.5.1 and C.3.5 - The final sentence is not clear to me (and perhaps to other readers):

Any doping scenario and/or to be ~~the result~~ satisfied ~~of a normal physiological or pathological condition~~ its existence.

I believe it would be better to delete it because it can allow for different interpretations and make the work of expert witnesses difficult.

None

SUBMITTED

Yorck Olaf Schumacher, ABP Expert (Germany)
Other - Other (ex. Media, University, etc.)

General Comments

C.2.1.2 a. The notion of primary and secondary markers seems to have been abandoned (which I agree with), so the word "*primary*" at the start of this paragraph needs to be deleted.

C.2.2.5.1: It is suggested that the "*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*"."

The notion in this statement ("against") is that the likelihood of the different hypotheses are weighed against each other. This is not in line with Bayesian theory, as of which the different hypotheses (doping, normal variation etc.) need to be evaluated independent of each other. The current wording suggests a comparison style evaluation, f.ex.." it is unlikely to be a normal physiological condition or an analytical issue, so it must be doping.". This is wrong.

Comment to Article C.2.2.5.1 (and C 3.5, where the same comment is mentioned)

In the new version of this comment, the notion of needing a doping scenario is somewhat diluted. I think that this is dangerous, as it denies the athlete of one line of defense (f.ex. showing that doping would be useless at a certain time, as he was in hospital with life threatening injuries etc.) and is based on the assumption that all explanations for an abnormal values are known (or can be identified) and/or there is a finite number of explanations for any abnormality (which is not the case).

This does not reflect the medical/ physiological reality. There are many abnormalities that are unlikely to be doping, but also cannot be truly explained by some (known) physiological variation or a pathology. This comes with normal biological variability and the likelihood of false positives in any biological test.

The doping scenario must remain a key element of any (expert) evaluation.

C.3.5 Addition of "*and not manifestly incompatible with any doping scenario*."

See above. I think this puts further weight on the athlete and shifts the burden of proof even more. For some ABP abnormalities, there are just no (known) explanations. The current wording would allow cases to go forward with such abnormalities. There must be a credible doping scenario for each ABP case.

C.7.1 Addition of "*or has been acquitted in a final decision or the charge against the Athlete has been withdrawn, the Athlete's Passport shall be reset by the Passport Custodian*"

Any discussion on a passport should remain on file and the passport should NOT be reset, unless the athlete has been convicted. In fact, this will help to interpret the passport better in the future (and thereby support both the athlete (in case of a physiological explanation) and the APMU (save

testing resources)). This would also be in line with normal proceedings in criminal cases where records on suspects remain available during investigations and are only deleted after a number of years and not when charges have been dropped. The potential loss of anonymity does not outweigh the benefit future evaluations (and the athlete) will have from the information on file.

Suggested changes to the wording of the Article

C.2.1.2 a: Delete "*primary*"

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, the likelihood that the
Passport is the result of a normal physiological or pathological
condition or the likelihood that it is the result of an analytical shortcoming or other causes in order to provide one of the following opinions: “Normal”, “Suspicious”, “Likely doping” or “Likely medical
condition”.

Comment to Article C.2.2.5.1:

I suggest deleting the notion that "negates" the doping scenario. Furthermore, the proposed wording in the draft is unclear, I do not really see the purpose nor understand the meaning.

C.3.5: Do NOT add "*and not manifestly incompatible with any doping scenario*."

Reasons for suggested changes

C.2.1.2 a: See above

C 2.2.5.1: See above

Comment to Article C.2.2.5.1: See above

C.3.5: See above

Norwegian Doping Control Laboratory
SUBMITTED
Yvette Dehnes, Laboratory Director (Norway)
Other - WADA-accredited Laboratories

General Comments

Comment regarding related topics covered in C.2.2.1, C.3.3 and C.4.1:

According to the ISRM, it seems like different types of information can be shared with the Expert panel at different stages of the ABP process (C.2.2.1, C.3.3, and C.4.1) and dependent on their initial review (e.g. an Expert can request further information if the initial review is Likely doping but not Suspicious (C.3.3). We suggest clarifying more what type of information can be shared/requested at which point.

Overall, the topic of using results from different analyses (e.g. ABP and ERA) in combination should be clarified further:

- E.g. can a suspicious ERA result (ATF) be shared with the ABP Experts prior to a Likely doping opinion or is it only after?

- Does “relevant” mean relevant to the passport as a whole or to an abnormality highlighted by the Expert (e.g. is an ATF ERA result relevant if the overall passport is suspicious for blood doping or is it relevant only if the ERA analysis is done on a sample collected close to a high or low RET%/IRF and/or high HGB)?

- Is it only relevant if the Expert understands/has knowledge of the ERA analysis (i.e. comparable to the IRMS for the steroidal module)?

Suggested changes to the wording of the Article

C.2.2.1

Reg. removal of Sequence deviations as APFs:

We suggest defining a sequence abnormality as a “flagged” passport (like a secondary Marker).

We also suggest making it mandatory to review all flagged hematological passports.

C.2.2.3

- For example, “… the Athlete Passport Management Unit may recommend the prompt collection of an additional Sample before initiating the initial Expert review once the follow-up sample is

- "doping scenario" must be defined.

- We also suggest writing a new article (under C.2.2.5) regarding this point (“doping scenario”) as it seems too important to have a in a comment.

C.3.5

The contents regarding "incompatibility with doping scenario" only in C.3.5 seems very odd. Should either also be included in C.3.4 or be removed from C.3.5 (considering the level of likelyhoods needed in C.3.5).

C.4.1 Need to be more precise regarding relevance of suspicious analytical findings: either add relevant before “suspicious analytical findings” or remove relevant before “intelligence” and “pathophysiological information” (and only keep the relevant that is before the brackets: “… potentially relevant information …”).

Reasons for suggested changes

C.2.2.1

As the Nordic APMU reviews all notifications (normal, flagged, and atypical), we agree with this change. If there are APMUs that don’t review all notifications, we however want to mention that this change may lead to a lower sensitivity of the ABP.

C.2.2.3:

- We suggest clarifying this article to make it clear that the Expert review can be initiated when the follow-up sample has been collected and matched. Currently, it seems like the Expert review must be initiated once the recommendation for prompt collection has been submitted in ADAMS, which is the same as for regular ATPFs (i.e. ATPFs with two samples or more).

- Although there is no need to establish the “doping scenario” it is from our understanding necessary to have a “doping cause” (e.g. the high RET% indicates ESA use) in order to conclude that a passport is highly likely/likely the result of the Use of a Prohibited Substance or Prohibited Method.

We therefore suggest that the term “Doping Scenario” is defined so that it is clear what a doping scenario is (and is not). For example, from our experience, the lack of a “doping scenario” may for some Experts mean that there is a lack of follow-up samples.

C.3.5

Does this mean that if you have an ATPF, it is possible to conclude Likely doping although it is manifestly incompatible with any doping scenario? If not the case, should this sentence also be included in C.3.4 or in general in C.2.2.5? Or alternatively, not included in C.3.5 (i.e. isn’t the level of likelihood sufficient?).

C.4.1

Improve preciseness by being clear about what info needs to be "relevant".

Norwegian doping control laboratory

SUBMITTED

Lasse Bækken, APMU (Norge)

Other - WADA-accredited Laboratories

General Comments

C.2.1.2

As the Nordic APMU reviews all notifications (normal, flagged, and atypical), we agree to remove the sequence ATPF. We however want to mention that, if there are APMUs that don’t review all notifications, this change may lead to a lower sensitivity of the ABP. We suggest defining a sequence abnormality as a “flagged” passport (like a secondary Marker). We also suggest making it mandatory to review (by APMU) all flagged hematological passports.

C.2.2.3

We suggest amending this article to make it clear that the Expert review can be initiated when the follow-up sample has been collected and matched. Currently, it seems like the Expert review must be initiated once the recommendation has been submitted in ADAMS, which is the same as for regular ATPFs (i.e. ATPFs with two samples or more).

Comment to C.2.2.5.1

We agree that there is no need for the Expert/Expert panel to establish the “doping scenario”. It is from our understanding necessary to have a “doping cause” (e.g. the high RET% indicates ESA use) in order to conclude that a passport is highly likely/likely the result of the Use of a Prohibited Substance or Prohibited Method. We therefore suggest that the term “Doping Scenario” is defined so that it is clear what a doping scenario is (and is

not) so that there are no misunderstandings among Experts or different stakeholders. For example, from our experience, the lack of a “doping scenario” may for some Experts mean that there is a lack of follow-up samples or lack of abnormalities in follow-up samples. We also suggest writing a new article (i.e. under C.2.2.5) regarding this point (“doping scenario”) as it seems too important to have in a comment.

C.3.5

The addition of the sentence "... and not manifestly incompatible with any doping scenario". Does this mean that if you have an ATPF, it is possible to conclude Likely doping although it is manifestly incompatible with any doping scenario? If not the case, should this sentence also be included in C.3.4 or in general in C.2.2.5? Or alternately not included in C.3.5 (i.e. isn’t the higher likelihood requirement sufficient?).

Is this article fair to e.g. athletes who have a naturally elevated HGB because they are altitude residents (they are more likely to cross the upper limit of the adaptive model as it does not take into account altitude residency)?

C.4.1

Suggest being more precise regarding the “suspicious analytical findings” – does it have to be relevant? If so, either add relevant before “suspicious analytical findings” or remove relevant before “intelligence” and “pathophysiological information” (and only keep the relevant that is before the brackets: “… potentially relevant information …”).

C.2.2.1, C.2.2.4.1, C.3.3, C.4.1

According to the ISRM, it seems like different types of information can be shared with the Expert panel at different stages of the ABP process (C.2.2.1, C.3.3, and C.4.1) and dependent on their initial review (e.g. an Expert can request further information if the initial review is Likely doping but not Suspicious (C.3.3). We suggest clarifying more what type of information can be shared/requested at which point.

Overall, the topic of using results from different analyses (e.g. ABP and ERA) in combination should be clarified further: e.g. can a suspicious ERA result (ATF) be shared with the ABP Experts prior to a Likely doping opinion or is it only after? Does “relevant” mean relevant to the passport as a whole or to an abnormality highlighted by the Expert (e.g. is an ATF ERA result relevant if the overall passport is suspicious for blood doping or is it relevant only if the ERA analysis is done on a sample collected close to a high or low RET%/IRF and/or high HGB)? Is it only relevant if the Expert understands/has knowledge of the ERA analysis (i.e. comparable to the IRMS for the steroidal module).

Suggested changes to the wording of the Article

C.2.2.3

For example, “… the Athlete Passport Management Unit may recommend the prompt collection of an additional Sample, before initiating the initial Expert review once the follow-up sample is available in the Athlete’s Passport”.

C.4.1

For example, "In preparation for this conference call, the Athlete Passport Management Unit should coordinate with the Passport Custodian to compile any potentially relevant information to share with the Experts (e.g., suspicious analytical findings, intelligence, and pathophysiological information)."

Reasons for suggested changes

See general comments above.