

# 2027 CODE & IS UPDATE PROCESS

## First Draft: Summary of Major Changes

### International Standard for Code Compliance by Signatories

#### Executive Summary

The International Standard for Code Compliance by Signatories Drafting Team has proposed key changes in a first draft of the 2027 International Standard for Code Compliance by Signatories (**ISCCS**) as part of the ongoing [2027 Code & IS Update Process](#).

The purpose of this document is to summarize the major changes proposed in the first draft of the 2027 ISCCS.

The following section offers a concise summary of the key changes.

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#### Article 8: Giving Signatories the Opportunity to Correct Non-Conformities

##### Article 8.2.4: Disputing the classification of Non-Conformities in a Corrective Action Report by a Signatory

The process under Article 8.2.4 has been harmonized with the process under Article 9.2.2 to ensure that the decision of the Compliance Review Committee (CRC) is not substituted by the decision of the World Anti-Doping Agency's (WADA) Executive Committee (ExCo). Rather, and following a decision of the WADA ExCo, the matter shall be referred to the CRC for its further consideration on how to proceed (e.g., by making a revised recommendation to the WADA ExCo).

##### Article 8.4.5: The Watchlist Procedure

The additional time period granted to a Signatory when it is placed on the Watchlist has been extended from four (4) months to nine (9) months where the Non-Conformity relates to the adoption of rules, regulations, and/or legislation. It has also been clarified that during the Watchlist Procedure, no Signatory consequences shall be imposed on the Signatory. Finally, it is explicitly stated that the inclusion in, or removal from, the Watchlist Procedure may be publicly reported on WADA's website and sent to WADA's stakeholders.

##### Article 8.6: Force Majeure

The term "compliance procedure" has been replaced with "action", in order to broaden the scope as to when an Event of Force Majeure can be invoked.

## **Article 9: Confirming Non-Compliance and Imposing Signatory Consequences**

### **Article 9.3.1: Conditions to dispute a formal notice alleging non-compliance**

The conditions to dispute a formal notice alleging non-compliance are now twofold. In addition to the current single requirement (i.e., the Signatory must send WADA a formal written confirmation of the dispute which must be received by WADA within 21 days or receipt of the formal notice alleging non-compliance), the Signatory will also be required to send WADA an administration fee of CHF 5,000, no more than 21 days after receipt of the formal notice alleging non-compliance.

### **Articles 9.3.1.1 to 9.3.1.3 (new Articles 9.3.2 and 9.3.3)**

When a Signatory demonstrates that it has met the Watchlist criteria described in Article 9.3.2, following the receipt of the formal notice and prior to the expiration of the 21-day timeline mentioned in Article 9.3.1, the CRC may recommend to the WADA ExCo that it apply the Watchlist Procedure, provided that the Watchlist Procedure had not been previously applied in the same compliance procedure. In other words, the Watchlist Procedure can be applied no more than once in the same compliance procedure. The process under Article 9.3.2 shall not suspend or amend the 21-day timeline mentioned in Article 9.3.1 for a Signatory to dispute the formal notice.

Where (1) a Signatory corrects, to the satisfaction of the CRC, the Non-Conformities in full during the 21-day period following receipt of the formal notice or (2) after disputing the formal notice under Article 9.3.1 and until the case is referred to the Court of Arbitration for Sport (CAS), the CRC will decide to discontinue the process without being required to revert to the WADA ExCo.

### **Article 9.4.1: Process before the Court of Arbitration for Sport (CAS) to dispute a formal notice alleging non-compliance and/or the consequences proposed and/or the conditions of reinstatement proposed**

Further clarifications have been provided on the requirement for both WADA and the Signatory to pay its share of the advance arbitration costs to CAS and the consequences for either party in failing to do so. For WADA, proceedings will be deemed withdrawn with prejudice and a termination order shall be issued by CAS to that effect. For the Signatory, it shall be deemed to have admitted the non-compliance alleged in WADA's notice as well as to have accepted the consequences and conditions of reinstatement in WADA's notice.

### **Article 9.4.2: Process before the CAS continued**

Further clarifications have been provided on the CAS Panel's authority to determine the allocation of arbitration costs between the parties and the possibility to grant the prevailing party a contribution toward its legal fees and other expenses incurred in connection with the proceedings, in accordance with the CAS Code of Sports-related Arbitration.

### **Article 9.4.3: Process before the CAS continued**

In the event that a Signatory corrects the Non-Conformities to WADA's satisfaction at any time before CAS issues its decision, and WADA decides to terminate the proceedings, it is specified that in any event, the Signatory shall pay all of the costs of the arbitration proceedings and shall pay a contribution towards the legal fees and other expenses incurred by WADA in connection with the proceedings. It is also specified that the reasons and conditions of termination of proceedings shall be publicly reported by CAS and the parties.

### **Article 9.6 (new Article 11.3.3.2): Process to dispute WADA's position on the Signatory not having met the reinstatement conditions**

Article 9.6, which relates to disputes about Reinstatement, has henceforth been moved to Article 11.3.3.2. Where a Signatory wishes to dispute WADA's position that the Signatory has failed to meet the Reinstatement

conditions, it is now the responsibility of the Signatory to file for arbitration with CAS within 21 days of receipt of WADA's notification, and where it does so, to notify WADA on the same day with a copy of said request for arbitration. The burden of proof will be on the Signatory to prove on the balance of probabilities that it has met all the Reinstatement conditions.

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## **Article 10: Determining Signatory Consequences**

### **Article 10.2.9: Possibility for consequences to be increased or lifted over time depending on certain circumstances**

A decision by the WADA ExCo imposing Signatory consequences may provide that where there is more than one Non-Conformity, and specific Signatory consequences are linked to specific Non-Conformities, then certain Signatory consequences may be lifted as and when the CRC determines that the related requirements have been met.

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## **Article 12: Transitional Provisions**

### **Article 12.1.2**

There has been a clarification that the Watchlist Procedure detailed in Article 8.4.5 is considered a procedural rule for the purposes of compliance procedures which are pending as of the effective date of the 2027 ISCCS.

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## **Annex A: Categories of Non-Compliance**

### **Annex A.1.b**

There is now an additional General requirement at Annex A.1.b, namely the retention of Education records in line with Article 12.2 of the International Standard for Education and the International Standard for Data Protection.

### **Annex A.2.a**

The requirement for a Signatory to provide accurate and up to date information for Athletes and other Persons in accordance with the topics identified at Article 8.1.1 of the International Standard for Education, and where possible by posting it on a conspicuous place on a website, has been reclassified from Critical to High Priority.

### **Annex A.2.b**

There is now an additional High Priority requirement, namely the publication of a summary of an annual Education Plan as per the template provided by WADA in English or French on a website.

### **Annex A.2.d**

There is now an additional High Priority requirement, namely having a curriculum that includes the mandatory core topics as per Article 8.1.1 of the International Standard of Education, which identifies learning outcomes and is adapted or aligned to the Athlete Pathway.

### **Annex A.2.f**

There is now an additional High Priority requirement, namely the active communication between Anti-Doping Organizations and Laboratories and the timely response to Laboratory's requests within the established timelines contained in the International Standard for Laboratories, in accordance with Article 4.8.2 of the International Standard for Testing.

### **Annex A.3.d**

The requirement to have an Evaluation Report conducted in line with Article 16.4 of the International Standard for Education and provided to WADA upon request, has been reclassified from High Priority to Critical.

### **Annex A.3.u**

The requirement for reporting Therapeutic Use Exemption decisions into ADAMS within 21 days of receipt of the decision, has been reclassified from High Priority to Critical. This brings the entry of Therapeutic Use Exemption decisions into ADAMS in line with the entry of Doping Control Forms and Results Management decisions into ADAMS (both of which are Critical).

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## **Annex B: Signatory Consequences**

### **Annex B.3.e**

Where the Signatory is a National Anti-Doping Organization or National Olympic Committee acting as a National Anti-Doping Organization, the possibility to impose as a Signatory consequence that the national anthem of the Signatory's country may not be played at (1) regional, continental or world championships or other International Events organized by those Major Event Organizations and/or International Federations, and/or (2) the Olympic Games and Paralympic Games.

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