

2027 Code & International Standard Update Process: Third Consultation Phase - International Standard for Code Compliance by Signatories

Showing: All (57 Comments)

Article 8.4.5 (7)

Anti Doping Denmark

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

SUBMITTED

General Comments

Article 8.4.5: The Watchlist Procedure

We support the extension of the time period from four to nine months; however, we don’t see that NADOs should be responsible for the adoption of regulations and rules on a state level. Often it can take way longer than 9 months to adopt new laws on a state level, and this is out of the hands of the NADO.

Japan Anti-Doping Agency

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

SUBMITTED

General Comments

Agree with the proposal.

CHINADA

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

SUBMITTED

General Comments

1. Article 8.2.3

The current wording appears to contain a gap: “WADA Management will establish...” Should this be completed as “WADA Management will establish communication or dialogue with the Signatory to ensure that the Signatory has received the Corrective Action Report”? We recommend that clarification be made in this Article.

2. Article 8.4.3

In the 2021 ISCCS, exceptions (a lack of resources and delegation to a third party) to the application of Event of Force Majeure are specified in the body of the International Standard. In the current draft, these exceptions are now included in the defined term under Article 3.7. We understand that definitions and comments should be consistent across the Code and International Standards. Although the concept of Event of Force Majeure currently appears only in the ISCCS, the circumstances excluding its application are specific to Code Compliance. If another International Standard needs to introduce the concept of Event of Force Majeure in the future and must align with the definition in ISCCS Article 3.7, could this create confusion in practice? Therefore, we recommend that the exceptional circumstances be re-specified in ISCCS Article 8.6.

ONAD Communauté française

SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

1 Article 8.4.5 : The Watchlist Procedure

We welcome the extension of the additional time period that can be granted from 4 to 9 months when a signatory is placed on the watchlist and the non-compliance is related to the adoption of rules, regulations, or legislation.

However, we refer to our comment and proposal relating to Article 20.5.2 of the Code ; the adoption of a government regulation or legislation does not fall within the jurisdiction of a NADO. The NADO should therefore not be held responsible for it and potentially suffer consequences, in terms of compliance, with respect to this prerogative, which essentially falls, at the state level, to Governments and Parliaments (for legislation).

Suggested changes to the wording of the Article

See our proposal on Article 20.5.2 of the Code.

Reasons for suggested changes

The reasons are explained in our proposal related to article 20.5.2 of the Code and here, in the general comments.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

General Comments

We very much support extending the timeline for the watchlist procedure for non-conformities related to rules, regulations and/or legislation.

Bird & Bird LLP

SUBMITTED

Huw Roberts, Of Counsel (United Kingdom)
Other - Other (ex. Media, University, etc.)

General Comments

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. This is too long and should be reduced to (6) months.

Article 9.3.1 (12)

ICSD

SUBMITTED

Mark Kusiak, ICSD Anti-Doping (Canada)
Sport - IF – IOC-Recognized

General Comments

ICSD supports the principle that Signatories should have the right to formally dispute a non-compliance notice. However, the CHF 5,000 fee required under Article 9.3.1 is excessive for small or under-resourced ADOs and may discourage justified challenges — particularly for organizations such as ICSD that operate with very limited financial capacity.

Suggested changes to the wording of the Article

WADA may waive or reduce the dispute fee for Signatories that are recognized as small-scale or financially constrained ADOs. Criteria for such waivers or reductions should be developed in consultation with the WADA Compliance Taskforce to ensure fairness and transparency.

Reasons for suggested changes

This provision could deter ICSD — and similar small, event-based, or disability-specific ADOs — from exercising their legitimate right to dispute a non-compliance notice, even when they have valid grounds. The fee represents a significant financial burden for ADOs with limited budgets, and could lead to unequal access to the dispute mechanism compared to larger, well-resourced organizations. Waiving or reducing the fee in such cases would ensure that all Signatories have meaningful and fair access to the compliance process.

Jane Mountfort, Principal Policy and Legal Advisor (New Zealand)
Public Authorities - Government

General Comments

While we understand the reasoning for the introduction of the CHF 5000 for contesting a notice of non-compliance, we consider this is likely to be too high for many NADOs.

It would be helpful to understand the reasons for such a high fee.

Suggested changes to the wording of the Article

In the absence of a good reason for setting the fee at CHF 5000 we would recommend this amount is substantially reduced.

Reasons for suggested changes

As above.

Chris Bold, Assistant Director, Anti-Doping Policy (Australia)
Public Authorities - Government

General Comments

SIA notes that where a Signatory wishes to dispute WADA’s allegation of non-compliance and/or the Signatory Consequences and/or the Reinstatement conditions proposed by WADA, the Signatory will now also be required to send WADA an administration fee of CHF 5,000.

Given that a fee of CHF 5,000 is not insignificant, and to better inform SIA’s view on the matter, SIA would like to better understand the basis for the introduction of the requirement to pay this administration fee (i.e. what is it that the introduction of the fee is trying to achieve and why is it that the fee is required).

khalid galant, CEO (Souoth Africa)
NADO - NADO

General Comments

Unnecessary penalty that would place a “chilling effect” on disputing WADA’s allegation. Costs of CAS arbitration is sufficient deterrent for capricious disputes of Signatories.

Suggested changes to the wording of the Article

Remove administration fee of CHF 5000

Reasons for suggested changes

Punitive measure

Anti Doping Denmark

SUBMITTED

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

General Comments

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

We believe the amount of CHF 5,000 is high, and it can be hard for smaller NADO's to pay because they have very few resources. This can create uneven possibilities for the NADO's to dispute non-compliance and we don't support that it should be financial barriers that decide whether a non-compliance should be disputed or not.

Japan Anti-Doping Agency

SUBMITTED

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

General Comments

Agree with the proposal.

ONAD Communauté française

SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

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

We refer to our commentary on draft Article 24.1.3 of the Code.

The amount of CHF 5,000 is high, especially for smaller ADOs and/or those with fewer resources.

Since it constitutes a significant financial barrier to a possible challenge, this amount should, where possible, be significantly reduced, or even eliminated, or at the very least, be proportionate.

Suggested changes to the wording of the Article

Significantly reducing the CHF 5,000 fee or even eliminate it since it constitutes a significant financial barrier to challenge an allegation of non-compliance.

At the least, the amount should be reasonable and proportionate.

Reasons for suggested changes

The reasons are explained above in the general comments and in the suggested changes.

NADA India

SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

Agreed

Sport Integrity Commission Te Kahu Raunui

SUBMITTED

Toby Cunliffe-Steel, Athlete Commission Chairperson (New Zealand)

NADO - NADO

General Comments

We, the Athlete Commission to New Zealand's NADO, support our NADO's submission on Article 9.3.1: Conditions to dispute a formal notice alleging non-compliance

Sport Integrity Commission Te Kahu Raunui

SUBMITTED

Jono McGlashan, GM Athlete Services (New Zealand)

NADO - NADO

General Comments

We seek clarity on the purpose of the 5,000 CHF amount required to dispute an allegation of non-compliance. It is unclear whether this is a filing fee or a security for costs, which has significant implications for lower-resourced NADOs.

If this amount is intended as a filing fee, we believe it is prohibitive. If it is a form of cost security, we believe this should be explicitly stated and applied on a proportional basis depending on the tier of NADO (i.e. larger for tier 1 than tier 4).

We have consulted with the Commission's Athletes Commission who are supportive of this submission.

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)

NADO - NADO

General Comments

We cannot support the introduction of a new non-refundable administrative fee for CHF 5000, which could make smaller or less resourceful Signatories less prone to pursue a potentially legitimate right.

If an administrative fee is introduced, it should be refundable in so far that CAS sides with the Signatory disputing the allegation of non-compliance.

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

General Comments

We do not understand the rationale for WADA requiring payment of CHF 5,000 by way of a non-refundable administration fee whereby a Signatory exercises the right to dispute alleged non-compliance, particularly in light of the obvious costs consequences that will arise for both WADA and the Signatory by virtue of the dispute being filed at the CAS.

Article 9.3.2 (2)

Anne Sofie Minor Büchler, Head of section (Danmark)
Public Authorities - Government

General Comments

The Danish Ministry of Culture welcomes the changes made in article 9.3.2 and 9.3.3 highlighting that the watchlist procedure can only be applied once in the same compliance procedure.

We strongly encourage WADA to further specify the International Standard for Code Compliance by Signatories, to clarify that a WADA sanction is not completed until the signatory has corrected the violations and this has been accepted by the ExCo. This to ensure that athletes do not participate in competitions in cases where the signatory is still non-compliant.

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

General Comments

Articles 9.3.1.1 to 9.3.1.3 (new Articles 9.3.2 and 9.3.3)

We support that it is now specified that the watchlist Procedure can only be applied once in the same compliance procedure. We hope that this can help with the challenges that can arise when a NADO’s sanction is completed and the athletes can start participate in competitions, but there is continued non-compliance.

Article 9.3.3 (1)

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

General Comments

As per Article 9.3.3, if the Signatory corrects, to the satisfaction of the CRC the non-compliance in full, “the CRC will decide to discontinue the process immediately”.

Under Article 9.4.3, where a Signatory does not meet the required timeframes for correcting Non-Conformities and therefore the case is referred to the CAS, if the Signatory corrects the Non-Conformities to WADA’s satisfaction at any time before CAS issues its decision, “WADA may agree to the termination of the proceedings.”

In these two Articles, the decision-making bodies for terminating non-compliance proceedings before and after referring to CAS are CRC and WADA, respectively. We understand this distinction aims to enhance the efficiency of the compliance process, as declaring a Signatory non-compliant and imposing Consequences is not the ultimate goal. However, this inconsistency in decision-making bodies could lead to variations in the standards of implementation. Additionally, after CAS referral, is it appropriate for WADA, a party to the arbitration, to directly determine whether the Signatory’s corrective actions are satisfactory and to terminate the proceedings?

Article 9.4.1 (3)

<div>ICSD</div> <div>Mark Kusiak, ICSD Anti-Doping (Canada)</div> <div>Sport - IF – IOC-Recognized</div>	<div>SUBMITTED</div>
<div>General Comments</div> <div>Requiring equal cost-sharing and imposing a default loss if arbitration fees are not paid does not reflect financial realities for small ADOs like ICSD</div> <div>Suggested changes to the wording of the Article</div> <div>In cases involving financially limited Signatories, WADA should allow for cost flexibility or payment plans to avoid a situation where non-payment automatically results in a ruling of non-compliance.</div> <div>Reasons for suggested changes</div> <div>This provision may effectively deny the right to a fair hearing. ICSD cannot always commit to large legal fees and should not lose a case by default for that reason alone.</div>	

<div>Japan Anti-Doping Agency</div> <div>Chika HIRAI, Director of International Relations (Japan)</div> <div>NADO - NADO</div>	<div>SUBMITTED</div>
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General Comments

Agree with the proposal.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Article 9.4.2 (2)

Japan Anti-Doping Agency

SUBMITTED

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

General Comments

Agree with the proposal.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Article 9.4.3 (4)

ICSD

SUBMITTED

Mark Kusiak, ICSD Anti-Doping (Canada)
Sport - IF – IOC-Recognized

General Comments

ICSD supports the importance of ensuring that Signatories are held accountable for compliance with the Code. However, the provision in Article 9.4.3, which allows WADA to recover full legal costs even when a Signatory takes corrective action during the process, may discourage small ADOs like ICSD from cooperating quickly and transparently.

Suggested changes to the wording of the Article

WADA may waive or reduce recovery of legal costs for Signatories that demonstrate good-faith efforts to achieve compliance during the non-compliance process. Flexibility should be provided where a Signatory corrects the issue in a timely and cooperative manner.

Reasons for suggested changes

ICSD operates with very limited financial resources. If ICSD takes prompt corrective action to address a compliance issue but still faces significant financial penalties in the form of legal costs, this could create a strong disincentive to cooperate early. A flexible approach would promote fairness and encourage small and financially constrained Signatories to engage openly with WADA during compliance processes, rather than delaying or avoiding corrective action out of fear of financial consequences.

Japan Anti-Doping Agency

SUBMITTED

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

General Comments

Agree with the proposal.

CHINADA

SUBMITTED

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

General Comments

Articles 9.3.3 and 9.4.3

As per Article 9.3.3, if the Signatory corrects, to the satisfaction of the CRC the non-compliance in full, “the CRC will decide to discontinue the process immediately”.

Under Article 9.4.3, where a Signatory does not meet the required timeframes for correcting Non-Conformities and therefore the case is referred to the CAS, if the Signatory corrects the Non-Conformities to WADA’s satisfaction at any time before CAS issues its decision, “WADA may agree to the termination of the proceedings.”

In these two Articles, the decision-making bodies for terminating non-compliance proceedings before and after referring to CAS are CRC and WADA, respectively. We understand this distinction aims to enhance the efficiency of the compliance process, as declaring a Signatory non-compliant and imposing Consequences is not the ultimate goal. However, this inconsistency in decision-making bodies could lead to variations in the standards of

implementation. Additionally, after CAS referral, is it appropriate for WADA, a party to the arbitration, to directly determine whether the Signatory’s corrective actions are satisfactory and to terminate the proceedings?

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Article 10.2.9 (2)

CHINADA

SUBMITTED

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

General Comments

Article 10.2.7

Regarding the Signatory Consequences for non-compliance outlined in this Article, who determines whether a Signatory may conduct some or all of its Anti-Doping Activities? Is it WADA Management, the CRC, or WADA's Executive Committee? We recommend that this Article align with Article 11.3.2, which states that after the right to conduct some or all Anti-Doping Activities has been withdrawn, the CRC may recommend to WADA's Executive Committee that this right be given back.

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

Article 11.3.3.2 (2)

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

General Comments

Article 11.3.3

We recommend that a procedure be established under this Article where a Signatory can proactively demonstrate that it has met all of the Reinstatement conditions and requests WADA Management to confirm its Reinstatement. If the procedure can only be initiated by WADA Management, it would be difficult to understand the subsequent steps, such as the Executive Committee confirming the Signatory that it is not yet entitled to be Reinstated and any potential disputes.

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

General Comments

The current text of 11.3.3. seems to suggest that the procedure is only initiated by WADA Management, and not – as opposed to what is indicated in WADC art. 24.1.7 – by the Signatory contending that it has met the reinstatement conditions. We suggest that this is made clearer in the article.

Annex A.2.a (2)

Mark Kusiak, ICSD Anti-Doping (Canada)
Sport - IF – IOC-Recognized

General Comments

ICSD supports the principle of having a strategic approach to anti-doping education. However, ICSD’s operational model differs from traditional national or sport-specific ADOs. As the global governing body for Deaf sport, ICSD does not oversee continuous competition seasons, leagues, or athlete rosters. Instead, it organizes the Deaflympics and World Deaf Championships across 24 sports, typically on a four-year or two-year cycle. Education efforts are built around these international events, and not delivered through a year-round system

Suggested changes to the wording of the Article

WADA should clarify that for event-based or disability-specific ADOs, an education strategy may be organized around major international competitions, rather than a continuous 12-month annual cycle. Compliance should recognize the legitimacy of event-centered planning that reflects the timing and structure of global Deaf sport.

Reasons for suggested changes

Requiring a year-round institutional strategy assumes the presence of full-time staff, structured athlete pipelines, and national training programs. ICSD does not have these features. Its education planning is valid and proactive but must be tailored to the competition calendar and the realities of Deaf sport, which relies on partnerships with National Deaf Sports Federations and volunteer networks

Bird & Bird LLP

SUBMITTED

Huw Roberts, Of Counsel (United Kingdom)

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

General Comments

The requirement for NADOs to conduct Target Testing on National-Level Athletes who reside, train or compete abroad (see Article 4.5.2 of the ISTI and in particular the comment to Article 4.5.2 (b)(iv) below) is sufficiently important that it should be included as a Critical (A3) or High Priority (A2) requirement. Otherwise, such athletes are off the radar and go untested.

[Comment to 4.5.2 (b) (iv): Even if National Level Athletes are not residing or training within the National Anti-Doping Organization's country, it is still that National Anti-Doping Organization's responsibility to ensure those Athletes are subject to testing abroad. The fact that an Athlete resides or frequently trains abroad is not a valid reason not to test them.]

Annex A.2.b (1)

ICSD

SUBMITTED

Mark Kusiak, ICSD Anti-Doping (Canada)

Sport - IF – IOC-Recognized

General Comments

ICSD agrees that there should be a designated person responsible for anti-doping education. However, the staffing structure of ICSD is not comparable to large national ADOs or international federations with full-time employees. Much of ICSD's operational work is done by 1 full time staff plus 2-3 part time staff, board members and volunteers or commission members serving on a part-time basis. The education function is often assigned to a member of the Anti-Doping Commission.

Suggested changes to the wording of the Article

WADA should explicitly recognize that in smaller or event-based ADOs, the role of "education lead" may be carried out by a qualified part-time or volunteer individual, provided that person's responsibilities are clearly defined and documented

Reasons for suggested changes

ICSD operates with limited resources and staff. Having a clearly designated education lead is feasible, but requiring a full-time professional is not

Annex A.2.d (1)

Mark Kusiak, ICSD Anti-Doping (Canada)
Sport - IF – IOC-Recognized

General Comments

ICSD recognizes the importance of identifying an Education Pool — the group of athletes and support personnel who must receive targeted anti-doping education. However, the process for doing so in the ICSD context is different from organizations that have centralized athlete registration platforms or year-round athlete rosters. ICSD’s athlete information is primarily collected through National Deaf Sports Federations during the lead-up to the Deaflympics or World Championships

Suggested changes to the wording of the Article

WADA should provide alternate models, templates, or guidance for identifying and documenting the Education Pool in event-based ADOs that do not manage athlete data through ADAMS or long-term national team structures

Reasons for suggested changes

ICSD’s Education Pool changes with each event cycle, and is influenced by registration timelines, qualification pathways, and delegation changes. A rigid requirement to maintain a centralized pool outside of event contexts does not reflect the operational structure of Deaf sport. Support from WADA in defining adaptable approaches would help ensure meaningful and practical compliance

Annex A.2.f (1)

Mark Kusiak, ICSD Anti-Doping (Canada)
Sport - IF – IOC-Recognized

General Comments

ICSD fully supports the requirement that athletes and athlete support personnel must receive anti-doping education prior to undergoing sample collection. As an event-based ADO organizing the Deaflympics and World Deaf Championships, ICSD provides education at key moments leading up to and during these events

Suggested changes to the wording of the Article

WADA should clarify how ADOs that operate on a competition-based schedule — such as ICSD — can meet this requirement through event-based education delivery, including collaboration with local organizing committees and NADOs. The standard should also recognize the use of adapted formats (e.g. sign language, visual materials) to fulfill this obligation.

Reasons for suggested changes

ICSD does not maintain a year-round athlete program. Most athletes only come under ICSD’s jurisdiction during major international events. Education is provided at those times using Deaf-accessible formats. Additional guidance from WADA on how to document and demonstrate compliance in event-based contexts would help ensure this requirement is implemented effectively and fairly

Annex A.3.d (1)

ICSD	SUBMITTED
Mark Kusiak, ICSD Anti-Doping (Canada) Sport - IF – IOC-Recognized	
<p>General Comments</p> <p>ICSD supports the requirement to have an established process for athlete selection for testing. As an event-based ADO, ICSD develops a test distribution plan specifically for its major international events — the Deaflympics and World Deaf Championships — and coordinates implementation through partnerships with host NADOs and LOCs. WADA should clarify that event-based testing plans are a valid and compliant approach for small and event-based ADOs that do not conduct year-round testing</p>	

Annex A.3.u (1)

ICSD	SUBMITTED
Mark Kusiak, ICSD Anti-Doping (Canada) Sport - IF – IOC-Recognized	
<p>General Comments</p> <p>ICSD is committed to ensuring that Deaf athletes have equal access to all aspects of anti-doping procedures and education. This includes the presence of qualified sign language interpreters during hearings, briefings, and testing. However, these interpreters do not function as athlete “representatives” in the legal or procedural sense. They are neutral accessibility providers, whose purpose is to facilitate communication, not to speak or decide on behalf of the athlete</p> <p>Suggested changes to the wording of the Article</p> <p>WADA should revise this section to clarify that sign language interpreters are not considered athlete representatives. Their neutrality should be preserved, and their presence should be explicitly recognized as a form of accessibility, not advocacy</p> <p>Reasons for suggested changes</p> <p>Confusing the role of an interpreter with that of a representative could create procedural problems and threaten the interpreter’s impartiality. In Deaf culture and legal practice, interpreters must maintain strict neutrality. WADA’s standards should reflect that interpreters are an essential accommodation to ensure that athletes fully understand their rights and responsibilities</p>	

Annex B.3.e (2)

ICSD	SUBMITTED
Mark Kusiak, ICSD Anti-Doping (Canada) Sport - IF – IOC-Recognized	
<p>General Comments</p> <p>ICSD is committed to ensuring that Deaf athletes receive accessible anti-doping education. However, ICSD currently lacks the capacity to produce Deaf-specific materials, such as sign language videos or fully captioned content. These formats are essential for equitable access to anti-doping education.</p>	

Suggested changes to the wording of the Article

WADA should take primary responsibility for producing and distributing Deaf-accessible anti-doping education materials that can be used by all ADOs, including ICSD. Monitoring tools should not penalize ADOs for the absence of such resources when WADA has not yet provided them

Reasons for suggested changes

It is unrealistic to expect small ADOs like ICSD to independently create specialized educational content without technical expertise or funding. Deaf athletes require education in sign language and other visual-first formats. WADA is best positioned to develop these standardized resources and ensure consistency across the global anti-doping system. This approach would promote fairness, inclusion, and practical implementation of education standards

International Cricket Council

SUBMITTED

Vanessa Hobkirk, Anti-Doping Manager (United Arab Emirates)
Sport - IF – IOC-Recognized

General Comments

The ICC considers it an overreach for WADA to seek to control how an IF runs its own sport and its own events, and we see the inclusion of IFs within annex B.3.E to be unreasonable. It is for each IF to determine how its sport is run and what consequences, if any, to apply in the case of a non-compliant NADO. In this respect, the ICC would note that it is perfectly possible that a NADO’s non-compliance is completely unrelated to anything to do with a sport and thus there should not be any requirements placed on an IF as to any consequences on that sports own events. The ICC therefore does not support any provision which seeks to impact on an IF’s autonomy over the running of its own sport or events, such as restrictions on which athletes can take part, the display of flags and the playing of national anthems.

Other Comments / Suggestions (13)

International Cricket Council

SUBMITTED

Vanessa Hobkirk, Anti-Doping Manager (United Arab Emirates)
Sport - IF – IOC-Recognized

General Comments

The ICC believes the entire process to be very bureaucratic, and WADA should explore self-report and self-assessment options as exist in other significant regulatory authorities.

Ministry of Health, Welfare and Sport

SUBMITTED

Bram van Houten, Policy adviser (Netherlands)
Public Authorities - Government

General Comments

In the ISCCS, we wish to comment on articles 3.7, 10.2.1 and 10.2.4, as well as Annex A3.a and Annex B. We will do so under these Other Comments/Suggestions, in this order in each of the boxes presented hereunder.

Article 3.7 ISCCS : under the definition of *Event of Force Majeure* this refers to a situation where a Signatory cannot achieve full Code compliance attributable to facts beyond the reasonable control of the Signatory. The article

continues by stating that in no circumstances does this include any act or omission to act by any governmental or public authority. In doing so, this article puts any action by government under the responsibility of the signatory. Even though, in case of for example legislation, these are processes and facts *beyond the reasonable control of a signatory*. Having the support of a government does not mean a national anti-doping organisation has a role in the legislative process. The current reasoning to this point in this article cannot hold, and puts national anti-doping organisations in the difficult position where they are held accountable by WADA for the legislative actions or inactions of their government, even though they bear no responsibility whatsoever. We believe this is wrong, and propose to delete sub 1) under the definition of *Event of Force Majeure*.

Articles 10.2.1 and 10.2.4 ISCCS: article 10.2.1 outlines that any consequences should be proportionate to the nature of the non-compliance, whereas article 10.2.4 outlines that any consequences imposed could also have a deterrent/stimulating effect. WADA has tried to show that proportionality is the most important principle, given the opening words of article 10.2.4 ("In accordance with the principle of proportionality referenced in article 10.2.1, ...), which clearly indicates that in all circumstances, consequences should remain proportionate. In practice, however, the two do not go well together. There are several examples in compliance cases under the 2021 Code and this standard where consequences have been imposed for their effect of swiftly motivating a signatory to action, which could no longer be seen as proportionate. To address this problem, and to indicate clearly the hierarchy between these two articles that was initially intended, we propose to add the following phrase at the end of article 10.2.4, so it reads:

"... and maintain full and timely Code Compliance, **while at all times any consequences imposed remain proportionate to the nature and seriousness of the non-compliance** in that case."

ISCCS Annex A3.a: this article concerns the Signatory's sphere of responsibility, as is indicated in the text. In that case, the reference to legislation should be deleted, since that is not in any Signatory's sphere of responsibility, but in a government's.

ISCCS Annex B: we propose to delete the sanctions and sanctioning possibilities anchored in the following articles in Annex B: B2.1.e, B2.2.c, B2.3.a, B3.1.e 1 through 3 and B3.2.b 1 and 2. These are all sanctions and sanctioning possibilities in cases of non-compliance by national anti-doping organisations or national Olympic committees acting as national anti-doping organisations. However, the sanctions are directed not at those actors, but instead seriously affect athletes, sport organisations and countries. In no circumstance can these sanctions, directed at other parties than the responsible signatory, be considered "proportionate to the nature and seriousness of the non-compliance in that case". Which puts these provisions fundamentally at odds with the provision in article 10.2.1 ISCCS. We believe it is crucial the articles in the AnnexB be brought in line with the articles in the ISCCS on this point.

Suggested changes to the wording of the Article

We propose to delete sub 1) under the definition of *Event of Force Majeure* in article 3.7 of the ISCCS.

To indicate clearly the hierarchy between the articles 10.2.1 and 10.2.4 that was initially intended, we propose to add the following phrase at the end of article 10.2.4, so it reads:

"... and maintain full and timely Code Compliance, **while at all times any consequences imposed remain proportionate to the nature and seriousness of the non-compliance** in that case."

ISCCS Annex A3.a: the reference to legislation should be deleted, since that is not in any Signatory's sphere of responsibility, but in a government's.

ISCCS Annex B: we propose to delete the sanctions and sanctioning possibilities anchored in the following articles in Annex B: B2.1.e, B2.2.c, B2.3.a, B3.1.e 1 through 3 and B3.2.b 1 and 2.

Reasons for suggested changes

As for article 3.7 of the ISCCS, the definition of *Event of Force Majeure* refers to a situation where a Signatory cannot achieve full Code compliance attributable to facts beyond the reasonable control of the Signatory. The article continues by stating that in no circumstances does this include any act or omission to act by any governmental or public authority. In doing so, this article puts any action by government under the responsibility of the signatory. Even though, in case of for example legislation, these are processes and facts *beyond the reasonable control of a signatory*. Having the support of a government does not mean a national anti-doping organisation has a role in the legislative process. The current reasoning to this point in this article cannot hold, and puts national anti-doping organisations in the difficult position where they are held accountable by WADA for the legislative actions or inactions of their government, even though they bear no responsibility whatsoever.

With regard to articles 10.2.1 and 10.2.4 of the ISCCS, WADA has tried to show that proportionality is the most important principle, given the opening words of article 10.2.4 ("In accordance with the principle of proportionality referenced in article 10.2.1, ...), which clearly indicates that in all circumstances, consequences should remain proportionate. In practice,

however, the two do not go well together. There are several examples in compliance cases under the 2021 Code and this standard where consequences have been imposed for their effect of swiftly motivating a signatory to action, which could no longer be seen as proportionate.

ISCCS Annex A3.a: this article concerns the Signatory’s sphere of responsibility, as is indicated in the text. In that case, the reference to legislation should be deleted, since that is not in any Signatory’s sphere of responsibility, but in a government’s.

ISCCS Annex B: we propose to delete the sanctions and sanctioning possibilities anchored in the following articles in Annex B: B2.1.e, B2.2.c, B2.3.a, B3.1.e 1 through 3 and B3.2.b 1 and 2. These are all sanctions and sanctioning possibilities in cases of non-compliance by national anti-doping organisations or national Olympic committees acting as national anti-doping organisations. However, the sanctions are directed not at those actors, but instead seriously affect athletes, sport organisations and countries. In no circumstance can these sanctions, directed at other parties than the responsible signatory, be considered “proportionate to the nature and seriousness of the non-compliance in that case”. Which puts these provisions fundamentally at odds with the provision in article 10.2.1 ISCCS. We believe it is crucial the articles in the AnnexB be brought in line with the articles in the ISCCS on this point.

Sport Integrity Australia

SUBMITTED

Chris Bold, Assistant Director, Anti-Doping Policy (Australia)
Public Authorities - Government

General Comments

Definition of ‘National Anti-Doping Organization Operational Independence’

SIA reiterates its feedback in respect of the definition of ‘National Anti-Doping Organization Operational Independence’ as set out within SIA’s feedback on the second draft of the Code.

Article 3.7 (Code Compliance)

SIA is of the view that assigning the responsibility for the actions or inactions of a government to an ADO may be unfair to the ADO, especially given the sanctions that may follow.

Danish Ministry of Culture

SUBMITTED

Anne Sofie Minor Büchler, Head of section (Danmark)
Public Authorities - Government

General Comments

Please note that the comments from the Danish Ministry of Culture might undergo slight changes after the deadline, due to a missing final approval from the minister.

VASANOC

SUBMITTED

Dave Lolo, CEO (Vanuatu)
NADO - NADO

General Comments

No comments/ suggestions.

SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (Souoth Africa)

NADO - NADO

General Comments

7.4.1.7.e - "material number" is too vague

General Comment: Non compliant legislation should have its own category and time-line.

Reason: Timelines for amending legislation is different in various countries. Consequences should or can be imposed if the process of amending legislation is not started within two years.

Suggested changes to the wording of the Article

Suggestion 7.4.1.7.e: "More than five (5) decisions over a 2 year period

Reasons for suggested changes

7.4.1.7.e **Reason:** More specific with respect to number of cases. Greater than five (5) may indicate a possible pattern or lack of understanding of the Code.

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

General comment to ISCCS

The purpose and scope of the World Anti-Doping Program is to “protect the Athletes’ fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide, and to ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping”.

We DO NOT fight or combat doping. Fighting and combating sadly is a reality in countries in Europa and elsewhere. For English speakers this might mean defend, but this word does not translate as well for non-English speakers as it is negative in tone, and more neutral or position language is suggested.

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 ISDP and the ISCCS use words like fight, combat or the scourge of doping.

Thus, the word “fight” should be removed from Article 3.1 (Definition of Critical, High Priority and General), Article 5.4.1, Article 10.2.3, Annex A (Introduction), A1, A2, A3

Similarly, the word “scourge” should be removed from Article 10.2.5.

Anti Doping Danmark

SUBMITTED

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

General Comments

Generel

ADD welcomes that WADA have chosen to include the International Standard for Code Compliance by Signatories in the 2027 Code review process.

Japan Anti-Doping Agency

SUBMITTED

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

General Comments

Comment on 8.2.1 and other respective articles

If there is a discrepancy between domestic law and the WADC/IS, the NADO of the respective country is sanctioned under current code/ISCCS.

NADO, NOC, and NPC are all signatories in the country. In light of this, if any sanctions are imposed due to discrepancies between the national laws and the WADC, similar sanctions should be imposed on NOC and NPC as well as NADO.

This concept should apply to all other requirements. NOC/NPC should take more responsibilities as signatories.

CHINADA

SUBMITTED

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

General Comments

1. Article 7.2.2

This Article outlines the prioritization principles and risk assessment criteria to monitor Signatories' Code-Compliance, with the Prioritization Policy as a primary document. In addition to this, we recommend that another independent document published by WADA "World Anti-Doping Code (Code) Signatory Tiers," and its annex, "Annex A–National Anti-Doping Organization (NADO)/Country and International Federation/Sport Signatory Tiers," also be

referenced in this Article to affirm the validity of these documents as a basis for WADA's Code-Compliance monitoring of certain categories of Signatories.

2. Article 7.5

Given that the completion of Code Compliance Questionnaires (CCQ) and the conduct of compliance audits, the issuance of Corrective Action Reports (CARs), the submission of Corrective Action Plans (CAPs), as well as the progress and deadlines for corrections, are all currently managed within and based on the CCC. As WADA's sole official platform for Code-Compliance monitoring, we recommend that the role and status of the CCC be explicitly specified in this Article.

3. Article 7.5.1

1) This Article requires that the CCQ shall be generally completed no more than once every three years. However, in practice, there have been cases where the period for the CCQ completion by a Signatory has exceeded three years. In such cases, if the Signatory has undergone a comprehensive on-site audit during this period, can this audit serve as a substitute for the CCQ and thus interrupt and reset the three-year period?

2) From an operational perspective, the CCQ and other compliance monitoring tools are closely linked to the revisions of the Code and the International Standards. Therefore, we recommend that the completion period of the CCQ also consider such revisions. For example, for a Tier 1 Signatory, after the revisions of 2021 Code and International Standards took effect, a new round of CCQ completion was finalized in early 2022. Three years later, when the next round of CCQ completion would be due in 2025 or 2026, the revision process for the 2027 Code and International Standards may have already started or been completed. We would like to know whether it is necessary to conduct another round of CCQ completion in 2025-2026? Therefore, we recommend adopting a more flexible approach to the CCQ completion period in this Article.

4. Article 7.8

WADA Management generally communicate via email when conducting Program Area Monitoring. We recommend WADA Management explicitly inform Signatories that the purpose of such correspondence is to conduct

Program Area Monitoring so that Signatories are fully aware that the matters in the correspondence are directly related to the Compliance Consequences and respond with due diligence and urgency.

ONAD Communauté française

SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

1 Annex A 3, a) – non-responsibility of a NADO for the adoption of legislation or government regulation :

We refer to our commentary and proposal regarding Article 20.5.2 of the Code.

NADOs are not responsible for the adoption of legislation (which falls within the competence of Parliament) or Government regulations (which fall within the competence of the Government).

As a consequence of this reality, it is proposed to amend this article (Annex A 3, a) as follows:

« The implementation of rules, regulations, and/or (where necessary) legislation that satisfy the Signatory's obligation under Code Article 23.2 to implement the Code within the Signatory's sphere of responsibility. »

Suggested changes to the wording of the Article

See our proposal here above :

« The implementation of rules, regulations, and/or (where necessary) legislation that satisfy the Signatory's obligation under Code Article 23.2 to implement the Code within the Signatory's sphere of responsibility. »

Reasons for suggested changes

The reasons are explained in our comments regarding Article 20.5.2 of the Code and also here above in the general comments.

USADA

SUBMITTED

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

General Comments

General Comment

Article 5.0:

Figure Two has been removed from the Table of Contents and in Article 5.0, but references to it still remain throughout the ISCCS in Arts. 5.3.3, 9.2.3, and under Art. 5.4.

Recommendation: Figure Two is a helpful process infographic; USADA recommends that an updated version be substituted rather than removing it.

Article 8.2.4:

Allowing WADA's Executive Committee to ultimately substitute its own decision in place of the CRC's decision should the WADA Executive Committee disagree with the CRC's decision makes it abundantly clear that the CRC has no autonomy or independence and is simply an advisory body.

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)

NADO - NADO

General Comments

Re Art. 5.3.1:

The removal of the reference to CRC and ExCo in ISCCS art. 5.3.1 and the removal of the reference to the ExCo in WADC Art. 24.1.2 makes it less clear what point in the process art. 5.3.1 refers to. This should be clarified.

Re. art. 8.2.4:

The ISCCS drafting group has proposed that ExCo can reassess decisions by CRC, that a dispute by a Signatory of WADA Management is valid. It seems like an unnecessary layer of bureaucracy which furthermore opens for political decisions.

We can therefore not support the proposal.

Suggested changes to the wording of the Article

We suggest adding a new litra to annex A, art. A.2:

The requirement of signatories other than NADOs to be compliant with the requirement to respect the autonomy and independence of National Anti-Doping Organizations as well as the National Anti-Doping Organization Operational Independence in accordance with Code Article 20.1.18, 20.2.16, 20.3.23, 20.4.21, 20.6.15

Reasons for suggested changes

The reason for our suggestion to add a new litra to annex A, art. A.2:

This should be included to ensure that other Signatories comply with the requirements of NADO Operational Independence.