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

Showing: **All (115 Comments)**

Article 3 (6)

International Tennis Integrity Agency SUBMITTED

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

Sport - Other

General Comments

Definition of Independent Witness

The ITIA would like to suggest that it might be helpful to clarify that whilst such a witness must not be an employee or have a personal financial relationship with the Athlete or their representative, the Laboratory, Sample Collection Agency, Testing Authority/Delegated Third Party/RMA or WADA that as far as the Laboratory goes, it only applies to a financial connection with the Laboratory itself but that other arms of the parent body e.g. university, do not compromise independence.

NADA Austria SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

Article 3.6

Definition should be clear and concise, reflect the terms meaning, avoid circular definitions and be self-contained. It seems that the new text is not a definition but describes a process that should be described elsewhere, not in the definition itself.

NADA India SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

Agreed

Sport Integrity Australia SUBMITTED

Cameron Boland, Assistant Director Anti-Doping Policy (Australia)

NADO - NADO

General Comments

N/A

Suggested changes to the wording of the Article

SIA notes that some definitions (e.g Specified Method, Specified Substance) refer specifically to "Code article x.x" whereas others (e.g TUE, Provisional Hearing) refer to "article x.x". We would suggest that consistency is applied to terminology to ensure clarity and avoid confusion.

SIA refers to its feedback concerning the definition of "NADO Operational Independence" within SIA's feedback on the Code and reiterates that this definition should be drafted to capture the high-level principle, with detail included in subordinate documentation such as the IS or guidance material.

Reasons for suggested changes

As noted above, SIA suggests that consistency is applied to terminology to ensure clarity and avoid confusion. SIA acknowledges this will occur as part of the finalisation of the Update Process.

The proposed amendment to the definition of "NADO Operational Independence" will allow for further amendments over time, or the refinement of this critical principle following the work of the Working Group, as may be required (see also feedback concerning the definition of "NADO Operational Independence" within SIA's feedback on the Code).

Anti-Doping Norway

SUBMITTED

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

General Comments

N/A

Suggested changes to the wording of the Article

Definitions Institutional Independence:

Institutional Independence: Hearing panels and hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

Reasons for suggested changes

Institutional Independence should also be a requirement for first instance Hearing Panels.

International Testing Agency

SUBMITTED

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

General Comments

Article 3.1

Definitions from the Code:

The definition of Contaminated Source currently reproduced in the ISRM draft refers to "nutritional supplement or medication that contains…". The current version of the Code only refers to "a medication that contains a Prohibited Substance"

We support the inclusion of nutritional supplement in the definition of Contaminated Source for the sake of clarity.

Article 3.6

Definitions from the ISRM:

> The definition of Missed Test is missing the reference to "accessible". Since the obligation pertaining to the 60-minutetime slot is to be both available and accessible for Testing, the corollary should be spelled out in the definition of Missed Test. It should read "A failure by the Athlete to be available **[and accessible]** for Testing at the location…"

Article 4 (5)

Council of Europe (CoE) SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

4.2. Confidentiality of RM

Further clarification is required regarding what constitutes a 'non-confidential decision' — does this refer to decisions that have been publicly disclosed? Additionally, can a refusal to grant consent for the use of a document or other material be challenged?

NADA Austria SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

Article 4.2

What are non-confidential decisions mentioned in the comment?

Article 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).

Anti-Doping Sweden SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

Article 4.2. More clarity regarding *non-confidential decisions*- is it decisions that has been publicly disclosed? Can the refusal to grant consent to use a document or other material be challenged?

Reasons for suggested changes

Improvement of the article.

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

General Comments

Agree with the proposal.

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

General Comments

We welcome the clarification provided within the Comment to Article 4.2.

Article 5 (25)

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

General Comments

Article 5.1.2.2 - The 20day timeline for notification post receipt of the AAF lab notification does not allow for a thorough review process which for the ICC includes an Independent Review Board consisting of a scientist, medic and lawyer. Without the lab pack for review, this process can quite easily be done in-house. It is mostly the technical data in the lab pack that requires the expertise of the IRB to carry out a thorough review.

However , given the ISL states that labs have up to 15 days to produce the lab documentation package, it does not provide us with a lot of time to prepare a report for our Review Board and allow them sufficient time for a response and then permit us to draft a notification post receipt of the IRB's response.

World Rugby SUBMITTED
Ross Blake, Anti-Doping Education Manager (Ireland)
Sport - IF – Summer Olympic

General Comments

Article 5.1.2.8 – We do not consider that the revised wording of draft 2 is an improvement on the wording in draft 1 and that this should be reverted to the draft 1 version.

Suggested changes to the wording of the Article

Article 5.1.2.8 – We do not consider that the revised wording of draft 2 is an improvement on the wording in draft 1 and that this should be reverted to the draft 1 version.

International Paralympic Committee SUBMITTED

Jude Ellis, Head of Anti-Doping (Germany)

Sport - IPC

General Comments

Article 5.1.2c

IPC considers that 15 days for the athlete to request analysis of the 'B' sample following receipt of the laboratory report of an AAF may be too short all things considered. For example, if the ADO does not have the direct contact details for the athlete, delays due to weekends or long weekends following a late Friday report by the laboratory etc

IPC proposes this be extended to 20 days from receipt by the ADO of the AAF report.

International Tennis Integrity Agency SUBMITTED

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

Sport - Other

General Comments

Article 5.1.2.3

The ITIA would request that it be made clear that where athletes subsequently provide consent for their identities to be disclosed to the wider group this should be expressly set out as permitted. In such cases, a tick box could be included in the Notice allowing the athlete to confirm their consent to this to assist the other players to identify the source collectively.

Council of Europe (CoE) SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

1. 5.1.1.1. TUE (NEW)

Further clarification is required, as this amendment does not appear to reflect the fact that, due to national prioritization, some athletes are unable to apply for a TUE in advance. For such athletes, the only available option is to apply for a retroactive TUE. It remains unclear whether these circumstances are covered under the proposed changes to this provision.

2. 5.1.2. Notification

1.Still need clarification, what does substantial assistance mean; what differences between other valuable information - more examples (maybe in ISRM guidelines);

2. If the athlete decides to request the opening of the B sample after reviewing the laboratory documentation, this should be accepted as their right and should not be limited;

3. Absence of deadline to request B sample open can cause issued with harmonization in different countries - the unification of deadlines for requesting the analysis of the B sample.

3. 5.1.2.2. (NEW)

Notification within 20 days would have an impact on signatories, in terms of rules and resources and might seem short in some cases where initial review is more complicated. Maybe for such cases there might be an exception / extension of the deadline.

4. 5.1.2.3. (NEW)

How many athletes are multiple Athletes? Also, would be useful a template of this specific notification letter.

5. 5.2.1. Atypical Findings

See comment regarding RTUE for Art. 5.1.1.1

Article 5.5. Cases Subject to Review by Independent Review Expert (NEW)

6. The comment to article 5.5.2 is unclear. Whether there will be a procedural guidance in the ISRM Guidelines change the word may to is provided. Change the word or in the last sentence to and- if the information will be available on WADA's website.

7. Art. 5.5.3 It shall not be mandatory to provide the full case file in English, especially at the cost of the ADO. Plus, it should be allowed to provide the case file in English and/or in French, both being the official languages of WADA. It should also be possible, upon discussions with the Expert, to provide only the necessary documents in English or French, and not necessarily the full file.

8. Need more guidance regarding the experts - definition of IRE; will be the list of the experts to choose? How assess in which cases such a review should be performed / cases should be transferred to the IRE. What costs will have to bear NADOs?

9. If ADOs are forced to use the services of the Independent Review Expert when the results management of a case requires it, this service should be provided free of charge (or, at least, there should be transparency on the costs).

10. Art. 5.5.6 - appeals before CAS cannot be made mandatory for non-international-level athletes. In some countries, it would not be feasible due to constitutional obstacles (national sovereignty).

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

SUBMITTED

General Comments

Article 5.1.1

It might be thought about a possibility to delay the notification of an athlete after an AAF / within the Initial Review in case there is a highly confidential investigation and law enforcement agencies provide ADOs with information to not inform the athlete / other person / other ADOs.

Furthermore, such a delay should also be possible if the ADO itself decides to conduct further investigations, because there might be a doping scheme / more people involved in a case.

The ADO shall be the one which decides if such a delay of notification is necessary due to the fact that further investigations have to be conducted.

Article 5.1.1.1

The change from “will be granted” to “an existing application is under review” is a fundamental one. According to the current ISRM-version, an athlete can apply for a retroactive TUE after the notification. The Guidelines for the International Standard for Results Management state: “Depending on the Athlete’s level (International/National/other), there may be restrictions on granting a retroactive TUE. However, whenever this is possible, the Athlete should be offered the possibility to establish that the AAF resulted from a legitimate Therapeutic Use of the Prohibited Substance and to apply for a retroactive TUE.” In addition the guidelines state: “The RMA will not bring the case forward as an AAF in the following situations: 1. There is a valid TUE in place (or a retroactive TUE was granted) for the Prohibited Substance detected that is consistent with the Use and dosage;”

With the new change in the ISRM 2027 athletes will be notified (and provisionally suspended) who simply have not had the time to submit their TUE-application (e.g. because their treating physician is not available for couple of weeks or they train, live abroad for some time).

This change will force athletes to prepare their TUE-application (with the signature of the treating physician) as soon as they are tested und they will have to send it to the ADO all the time if they are tested. If there is no AAF there is only an administrative burden but no use.

We understand the goal to speed things up, however the new wording could make things worse. With the current wording ADOs had to estimate if a retroactive TUE has potential to be granted. This is sometimes difficult enough, since the athlete also has the right to appeal and the appeal body can reverse the ADOs decision. But at least the ADO could estimate. With the new wording “an existing application is under review” the question arises when the “under review”-phase is over? After the grant of the TUE and recognition through the IF? What happens if WADA reverses the TUE? What if the TUE is rejected and the athlete appeals the rejection – is it still under review? What happens if the ADO / IF does not recognize and refers the matter to WADA?

With the new wording the initial review could potentially last months, e.g. in this case: The athlete applies for a retroactive TUE. The TUEC rejects the application. The athlete appeals against the rejection. The appeal body grants the TUE. The IF does not recognize the TUE and refers the matter to WADA. WADA reverses the TUE. The athlete appeals WADA´s decision at CAS.

Therefore we suggest the following wording: „(a) an applicable TUE has been granted (b) the athlete has the right to apply for a retroactive TUE and files such TUE application within by a reasonable deadline” (= the same wording the was introduced in Article 5.1.2.1.c).

A comment to article 5.1.1. should state the RMA has the right to finish the initial review and proceed with the notification according to article 5.1.2.1 if the deadline was not meet or the RMA has reason to believe that the retroactive TUE will not be granted.

Article 5.1.2

It seems that there is a need for clarification regarding the term “*other valuable information*” - examples could be specified in the ISRM guidelines.

In general, 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.

Regarding Art. 5.1.2.2: It is good to set a deadline, but 20 days might seem short in some cases where initial review is more complicated. Maybe for such cases there might be an exception / extension of the deadline.

Regarding 5.1.2.11: There seems to be a contradiction between the redline version and the summary of changes. We believe that in general this provision shall apply to both, the notification of athletes / other person and other ADOs. For example, if there is a suspicion that there is a bigger doping scheme going on and the responsible law enforcement agencies provide the ADO responsible for notification with information that no one should be yet informed, the ADO should follow this request and neither inform the athlete / other person nor any other ADO.

Article 5.1.2.1

If the initial review is conducted according to the new wording (see comment on Article 5.1.1) this creates fear and anxiety from athletes. Consider the following case:

An athlete has a chronic disease and is not allowed to apply for a TUE due to national level prioritization of certain sports or disciplines (ISTUE 4.3.). The same athlete is also not allowed to apply for a TUE according to the IF rules. This athlete is tested positive at a competition and since the initial review shows that he does not have a TUE. If – for whatever reason – the athlete did not apply for a TUE right after the doping control, the initial review will show that he does not have an applicable TUE and there is no existing application. The first things that he will receive after the doping control is the notification telling him that he was tested positive and can be sanctioned, he as the right to request the analysis of the B-Sample and be there when it is opened, to request the Lab-Doc-Package, accept an ADRV with 25 percent reduction, provide substantial assistance and that he will be provisionally suspend. This is way too much legal force for something that can be stopped at an early stage and will eventually lead to a “decision not to move forward” (provided that a retroactive TUE is granted after the notification).

As stated in the comment on Article 5.1.1 the initial review must allow for a thorough evaluation if the RMA has reason to believe that the retroactive TUE will be granted or not.

Article 5.1.2.2

See comment on Article 5.1.1 and 5.1.2.1.

We understand the approach to speed things up but this deadline must no apply when there is the right to apply for a retroactive TUE. ADOs have twenty-one (21) days to issue a TUE starting from the receipt of a complete application (ISTUE Article 5.4). Even if RMA is quick and informs the athlete on the same day it received the AAF from the laboratory and even if the athlete provides the complete TUE application on the same day, the 21 days are longer than the 20 days deadline.

We suggest to either change the “shall” to ”should” or state in the comment that there are exceptions from this general rule in the case of retroactive TUEs).

Article 5.2.1

See comment for Art. 5.1.1.1

Article 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?)

Article 5.5

This is also covered in the WADC – we suggest shortening WADC article 7.8 and refer the details to ISRM article 5.5.

While the idea of such a provision is good, in general this provision might be too general. ADOs will not be able to assess in which cases such a review should be performed / cases should be transferred to the IRE.

ADOs might refrain from using this possibility due to the fact that costs arise to them. Which costs will finally arise? If ADOs are forced to use the services of the Independent Review Expert when the results management of a case requires it, this service should be provided free of charge (or, at least, there should be transparency on the costs).

Article 5.5.3

It shall not be mandatory to provide the full case file in English, especially at the cost of the ADO. It should also be possible, upon discussions with the Expert, to provide only the necessary documents in English or French, and not necessarily the full file.

Need more guidance regarding the experts - definition of IRE; will there be a list of experts to choose?

Agence française de lutte contre le dopage SUBMITTED

Adeline Molina, General Secretary Deputy (France)

NADO - NADO

General Comments

Article 5.5.2 – it shall not be mandatory to provide the full case file in English, especially at the cost of the ADO. Plus, it should be allowed to provide the case file in English and/or in French, both being the official languages of WADA. It should also be possible, upon discussions with the Expert, to provide only the necessary documents in English or French, and not necessarily the full file.

Article 5.5.6 - appeals before CAS cannot be made mandatory for non-international-level athletes. In France for example, it would not be feasible due to constitutional obstacles (national sovereignty).

Article 5.5.7 – if ADOs are forced to use the services of the Independent Review Expert when the results management of a case requires it, this service should be provided free of charge (or, at least, there should be transparency on the costs).

Anti Doping Danmark SUBMITTED

Silje Rubæk, Legal Manager (Danmark)

NADO - NADO

General Comments

Article 5.1.2: Notification

ADD believes that the deadline of 20 days is to short. Tha NADO should have sufficient time to conduct iniatial review etc. and there can be holidays and other circumstances.

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Agree with the proposal.

Anti-Doping Sweden

SUBMITTED

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

General Comments

Article 5.1.1.1. The amendments are supported.

Article 5.1.2. The article needs clarifications with regards to the B-sample analysis. Absence of a deadline to request the B-sample analysis can cause issued with harmonization in different countries.

Consider adding the same comment in 5.1.2.1 c) as in Article 5.1.2.1 e): "This request shall be made to the Results Management Authority and not the Laboratory directly."

Article 5.1.2.2. Notification within 20 days might be too short in some cases where the initial review is more comprehensive. It should be possible, in exceptional cases, to extend this deadline (the RMA should be able to explain the delay on request by WADA).

Article 5.1.2.3. Clarity in the article/comment on how many athletes are *multiple* Athletes. Further, it would be useful with a template of this specific notification letter.

Article 5.5. The article and the comment to the article is unclear in some parts.

In general- a definition of IRE is needed. Who will appoint the IRE? What are the costs for an ADO as the RMA? At least, the cost needs to be transparent. Will there be a policy in case of conflicts of interest? Who assess which cases should be transferred to the IRE?

Comment to article 5.5.2- If it will be a procedural guidance in the ISRM Guidelines change the word *may* to *is provided (...)*. Change the word *or* in the last sentence to *and*- if the information will be available on WADA: s website.

Article 5.5.3. It shouldn't be mandatory to provide the information in the full file in English/French. Although an English summary (and an index with explanation of the documents provided) of the circumstances could be mandatory. Alternatively, it should also be possible, upon discussions with the IRE, to provide only a summary or the necessary documents in English or French

Article 5.5.6. Appeals before CAS shouldn't be made mandatory for non-international-level athletes.

Reasons for suggested changes

Improvement of the articles.

CHINADA

SUBMITTED

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

General Comments

1. Article 5.1.1.1.2

We support the new addition to Article 5.1.1.1.2, which clarifies the need to take into account the circumstances such as whether a TUE has expired, been withdrawn or reversed during the initial review.

2. Article 5.1.2.1

According to Comment to Article 5.1.2.1 c), “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.” However, Article 5.1.2.2 requires the RMA to notify the Athlete of the AAF within twenty (20) days upon receipt of the Laboratory’s report. If the RMA issues the notification of AAF between the 16th and 20th days after receipt of the laboratory’s AAF report, it would not meet the requirement of Comment to Article 5.1.2.1c) even if the Athlete is given a fair amount of time to request a “B” Sample Analysis. Given the conflict between the two timeframes, we recommend extending the time limit in the Comment to Article 5.1.2.1 c).

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

SUBMITTED

General Comments

Comment to Art. 5.1.1.1.2:

Wrong Reference (Art. 6.15 ISTUE) - must be linked to Art. 6.14 ISTUE.

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

SUBMITTED

General Comments

Article 5.1.2 :

We understand and support the principle of implementing the Cottier report, particularly the need to be able to react quickly.

However, we have two comments regarding draft Article 5.1.2:

Notification within 20 days and mandatory provisional suspension upon first notification would have an impact on signatories, in terms of rules, resources and time.

Second, for draft Article 5.1.2.1, f), we prefer the current terminology "admit" the VRAD rather than "accept." The desire to benefit from a reduction must be clearly expressed.

Finally, we appreciate the fact that, apart from mandatory provisional suspension upon first notification, ADO's freedom to organize their RM is preserved.

Article 5.1.2.2

We understand and support the principle of implementing the Cottier report, particularly the need to be able to react quickly.

However, notification within 20 days would have an impact on signatories, in terms of rules and resources.

Article 5.5 (cases subject to Review by Independent Review expert)

We understand and support the principle of implementing the Cottier report, but it would also have an impact in termes of rules, resources and time of Signatories.

Suggested changes to the wording of the Article

See our general comments above. We would like them to be taken into account.

Reasons for suggested changes

The reasons are explained here above. The proposals of changes should have the least impact on the rules and resources of the Signatories. The principle of separation of powers is also very important.

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

General Comments

5.1.1 and 5.1.1.1

New addition "an existing application is under review":

Further clarification is required, as this amendment does not appear to reflect the fact that, due to national prioritization (Article 4.3 c ISTUE), athlete level definition (Article 4.3 d ISTUE), some athletes are unable to apply for a TUE in advance. For such athletes, the only available option is to apply for a retroactive TUE. It remains unclear whether these circumstances are covered under the proposed changes to this provision. the same applies to retroactive application in accordance with Article 4.3 e ISTUE.

5.1.2.2

The 20 days deadline for issuing the notification restricts the time for performing proper investigations. In particular in countries where there is the legal requirement to involve public authorities, the 20 day deadline can, in our experience, not be respected. We ask WADA to either rephrase this provision or to add a comment that acknowledges that there are reasonable caused that this deadline cannot be respected by the ADO - without needing to get approval of WADA as set out in art. 5.1.2.11.

5.2.1

New addition "an existing application for a TUE (or that application

has been rejected)":

Further clarification is required, as this amendment does not appear to reflect the fact that, due to national prioritization (Article 4.3 c ISTUE), athlete level definition (Article 4.3 d ISTUE), some athletes are unable to apply for a TUE in advance. For such athletes, the only available option is to apply for a retroactive TUE. It remains unclear whether these circumstances are covered under the proposed changes to this provision. the same applies to retroactive application in accordance with Article 4.3 e ISTUE.

5.5

See comments to Article 7.8 Code.

Need more guidance regarding the experts - definition of IRE; will be the list of the experts to choose? Can an ADO choose its own expert? How assess in which cases such a review should be performed / cases should be transferred to the IRE. What costs will have to bear NADOs? What cost will have to bear WADA?

5.5.3

It shall not be mandatory to provide the full case file in English, especially at the cost of the ADO. Plus, it should be allowed to provide the case file in English and/or in French, both being the official languages of WADA. It should also be possible, upon discussions with the Expert, to provide only the necessary documents in English or French, and not necessarily the full file. Depending on the language knowledge of the expert it should be possible to provide the necessary documents of the case file in a language that suits the Expert and the ADO, e.g. German.

If ADOs are forced to use the services of the Independent Review Expert when the results management of a case requires it, this service must be provided free of charge (or, at least, there should be transparency on the costs).

NADA India SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

- Agreed to the Article 5.1.2
- Agreed to the Article 5.3.2
- In reference to the Article 5.5-NADA India recommends that existing adjudication by the Anti-Doping Disciplinary Panel to be continue.

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 5.1.2 Notification

Sport Integrity Australia SUBMITTED

Cameron Boland, Assistant Director Anti-Doping Policy (Australia)
NADO - NADO

General Comments

See below

Suggested changes to the wording of the Article

5.1.1

SIA considers that Article 5.1.1 should be amended as follows: "Upon receipt of an *Adverse Analytical Finding*, the *Results Management Authority* shall conduct a review to determine whether (a) an applicable *TUE* has been granted or an existing application is under review or the *Athlete* is eligible to apply for a retroactive *TUE* as provided in the *International Standard for Therapeutic Use Exemptions* (Article 5.1.1.1)..."

5.1.1.1

SIA recommends the inclusion of an additional clause as Article 5.1.1.1.3 that reads: "If the initial review reveals that the *Athlete* is eligible to apply for a retroactive TUE as provided in the *International Standard for Therapeutic Use Exemptions*, the Athlete may be given an opportunity to apply for a *TUE*."

5.1.1.1.2

SIA believes that the reference to Article 6.15 should instead be to Article 6.14.

5.1.2.1

SIA disagrees with the removal of "entitlement to the same" and to the reference to an application that has been rejected and accordingly, suggests the following changes:

"If the initial review conducted as per Article 5.1.1 of the *Adverse Analytical Finding* does not reveal (i) an applicable ***TUE***, an existing application for a *TUE* ~~(or that application has been rejected)~~, or eligibility to apply for a retroactive TUE as provided..."

5.1.2.6

SIA notes that Article 5.1.2.6, as it is drafted, does not appear to contemplate either in-person or remote attendance and it is therefore arguably left open to interpretation. With a view to ensuring consistency in application and fairness to Athletes, SIA suggests that consideration should be given (either through the ISRM or otherwise) as to whether an Athlete should/could be given the opportunity attend the sample opening remotely (e.g. via video link).

5.2.1

As per SIA's comments as to Articles 5.1.1 and 5.1.2.1 (above), SIA proposes that Article 5.2.1 should require the RMA to determine whether the Athlete is eligible to apply for a retroactive TUE.

Reasons for suggested changes

5.1.1 (& 5.1.2.1)

SIA disagrees with the removal of the potential for a TUE to be granted as it is contradictory to the ISTUE, in that, an Athlete may be eligible to apply for a retroactive TUE.

For Athletes who are eligible to apply for a retroactive TUE, progressing to notification as per Article 5.1.2.1, before allowing a retroactive TUE application to be submitted and considered is, in SIA's view, not necessary, not proportionate and likely to have a significant negative mental health impact on Athletes. In SIA's view, where an Athlete is eligible to apply for a retroactive TUE under ISTUE 4.3, the Athlete should be able to submit a retroactive TUE application before the RMA proceeds with notification as per Article 5.1.2.1.

5.1.1.1.2

The reference to Article 6.15 appears to be incorrect. The reference should be to Article 6.14

5.1.2.1

SIA notes that notification as per Article 5.1.2.1 can be highly stressful for an Athlete and therefore should not occur where an Athlete has a reasonable likelihood of receiving a TUE and especially when an Athlete has not been allowed to apply for an advance TUE. Accordingly, Athletes who are eligible to apply for a retroactive TUE should have the opportunity to do so before the RMA proceeds with notification as per Article 5.1.2.1.

Article 5.1.2.1, as it is written, could also result in a mandatory Provisional Suspension for Athletes with a genuine therapeutic need to use a Prohibited Substance (e.g. dexamphetamine ADHD medication), who have not applied for an in advance TUE. This could be detrimental to Athletes and to confidence in the Anti-Doping system.

5.2.1

An Athlete who is eligible for a retroactive TUE should have opportunity to apply for a retroactive TUE before the RMA proceeds with notification as per Article 5.1.2.1.

5.5

SIA acknowledges the considerable body of work that has gone into the drafting of Article 5.5. SIA notes that there is no express definition of “Independent Review Expert” in the ISRM or Code. To provide clarity to RMAs and to Athletes, SIA suggests that a definition of “Independent Review Expert” should be provided.

In addition, SIA suggests that consideration should be given by the Drafting Team to the following:

the qualifications and experience that may be required of an independent review expert,

whether it is possible to appoint more than one independent review expert, noting the potential for external perceptions of bias or that conflicts of interest may arise, and

the process by which an independent review expert is to be appointed, including who is responsible for making the appointment.

SIA acknowledges that the insertion of Article 5.5

Sport Integrity Commission Te Kahu Raunui SUBMITTED

Jono McGlashan, GM Athlete Services (New Zealand)
NADO - NADO

General Comments

Article 5.1.2: Notification

We are concerned about the addition of 'good reason to believe' as a new standard of proof. This introduces further complexity and lacks clear criteria for how it is applied. We recommend WADA use standards which are already established, such as 'balance of probabilities', to ensure there is consistency and reduce confusion.

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

Canadian Centre for Ethics in Sport SUBMITTED

Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

General Comments

Article 5.1.2.2:

The CCES would request consideration be given to the time taken for additional testing, scientific recommendations, additional target testing, or intelligence and investigation initiatives, and whether 20 days would be sufficient in all cases.

Article 5.1.2.3:

The CCES would suggest the removal of this provision. As written, there may be privacy implications by disclosing the other ongoing findings. Should this article not be removed the CCES would request clarification on what would constitute a “good reason” to believe that multiple cases all result from a Contaminated Source.

Comment to Article 5.1.2.10:

The CCES would suggest considering whether the comment should be its own Article and moved towards the beginning of Article 5.1.2.1.

Comment to Article 5.3.2.3:

The CCES would suggest considering whether the comment should be its own Article and moved towards the beginning of Article 5.3.2.1.

Article 5.5.5:

In principle, the CCES has no issues with the new article, but additional details must be provided on who is the Independent Review Expert, the process by which they will be identified, if they hold this role for a specified term and/or any term limits. A lack of transparency regarding this individual could create the perception that they are not, in fact, independent. Prior to inclusion in the Code, the CCES would suggest that a limited scope review of this Article takes place once the details are confirmed.

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 as reflected in the revised Code. As currently worded, this comment contradicts the recent revisions (i.e., v2) of the 2027 Code.
Article 5.1.2.2 – A 20-day deadline to notify athletes could have detrimental ramifications and would not be necessary if WADA was properly anti-doping organizations and invoking Code Article 7.1.5 when appropriate.

Some of the detrimental ramifications for imposing a 20-day deadline include when a sample has been reported as positive for one substance but the anti-doping organization has requested additional analysis based on information the lab has provided. Sometimes that additional analysis can take weeks, particularly if it involves IRMS analysis or EPO review and second opinions. This could easily move past the 20-day mark. A separate example would be if the anti-doping organization decides to conduct follow-up testing prior to notification for investigative purposes. Sometimes that follow-up collection can be delayed due to poor whereabouts or no whereabouts information on a particular athlete. This, too, can easily surpass the 20-day mark. WADA should properly monitor whether anti-doping

organizations are notifying athletes promptly under the circumstances rather than prescribing an arbitrary amount of time within which an anti-doping organization must notify an athlete.

Article 5.1.2.3 – USADA recommends deleting this provision. Requiring ADOs to notify athletes of a potential Contaminated Source in the initial Adverse Analytical Finding notification could undermine the integrity of the investigation that would be needed to prove the Contaminated Source.

Article 5.5

- This process ignores the tools already in place to address ADOs not moving forward with results management as it only focuses on appeal.
    - Code Article 7.1.5 gives WADA the authority to direct an anti-doping organization to conduct results management. If the anti-doping organization fails to proceed with results management, WADA can appoint another anti-doping organization to do so and the original anti-doping organization that failed to do so will be responsible for the expenses.
    - Compliance audit – WADA can immediately begin a compliance audit if an ADO simply ignores mandatory rules as CHINADA did with the 23 Chinese swimmers' cases.
- Investigation is often a critical component to contamination cases in particular.
    - As proposed, the IRE would have such limited I&I capabilities limited further by a 20-day deadline that the review is rendered ineffective. I&I is critical in cases of alleged contamination. As an example, would the IRE essentially have to rely on the factual representations made by CHINADA in the Chinese swimmers' cases as WADA accepted without investigation.
- This process seems to invite ADOs to violate the Code as it is not set up strictly for mass contamination cases only but any case an ADO simply decides to ignore the rules based on any rationale it sees fit to do so (and can argue to the IRE).
    - Rather than an IRE role leaving open the option (if not inviting it) for WADA to ignore blatant violations of the Code, would it not be better to have an expedited appeal process to ensure technical aspects of the Code are uniformly enforced around the world?
    - The goal should be transparency and accountability for all involved, not another closed, opaque process that gives cover to potential bad or negligent actors.
- How can the anti-doping community trust this "independent reviewer"? Will this independent reviewer be chosen and paid by WADA? Will they be operationally independent as defined in the Code? Will they not hold any position in sport? Independent Review Expert is not defined in the Code or the ISRM. A definition should be added to avoid confusion and clearly set forth their independence from WADA and from sport.
- Based on the rationales needed for applying to the IRE, there is no clear rationale as to why this provision would not apply to all No Fault cases. WADA itself acknowledged it had never before appeal a No Fault case that instead was closed out as no violation. And it cannot be that when multiple athletes test positive this provision applies but when only one does, it does not as that would be profoundly unfair to the singular athlete. Thus, what is stopping ADOs from not moving forward in every No Fault case and relying on all the rationales WADA has set forth in defending itself for not enforcing the rules against the Chinese swimmers? Will WADA now change course and appeal all No Fault cases for which ADOs choose not to move forward and do not invoke this process?
- With this addition, rather than applying the rules equally to all athletes in all countries and having a mechanism for transparency, WADA is enshrining the idea that there are indeed two sets of rules in the Code: one public ruleset and one ruleset applied in secret known only to the ADO, the IRE, and WADA.

Article 5.5.1 – The first reference to cases should be changed to "instances" to eliminate confusion between this reference and references to cases elsewhere in this section and the standards.

Article 5.5.3 – For translations, although not an issue with USADA, USADA notes that translation companies charge additional fees for short turnaround times. It may be beneficial to organizations needing to make translations to have a bit more time to make costs more reasonable.

RUSADA SUBMITTED

Viktoriya Barinova, Deputy director (Russia)

NADO - NADO

General Comments

Art. 5.1.2

"In cases where the RMA has been notified of AAFs for the same prohibited substance involving multiple Athletes and has good reason to believe that these AAFs resulted from a "Contaminated Source" – as per the 2027 Code Defined Term –, the notification to each Athlete shall so state"

Clarification is needed on what specific information should be included in the notification, especially given confidentiality obligations.

Anti-Doping Norway SUBMITTED

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

NADO - NADO

General Comments

Re. articles 5.1.1.; 5.1.1.1.1; 5.1.2.1; 5.2.1:

By changing the phrase "applicable TUE (…) will be granted" to "an existing application is under review" it seems unclear at what point of the process an application in accordance with ISTUE art. 4.3 c) d) and/or e) will be initiated. In those situations, the retrospective TUE application process is normally triggered by a request from the NADO to the athlete for an application (based on an AAF/ATF).

One way to solve this would be to include in the notification, the possibility in certain **situations** to apply for a retroactive TUE, e.g. due to the athletes level, prioritization of the sport or discipline, or if the in-competition AAF was the result of out-of-competition use of a substance which was only prohibited in-competition.

Re. article 5.1.2.2.:

While we generally support that a notification should be made within 20 days of the receipt of the AAF, it may in exceptional cases where it is necessary to follow-up with additional testing (e.g. for possible mass contamination) be difficult within the timeline. An example could be where the substance in questions is only prohibited in-competition, and follow-up testing should therefore also be in-competition.

One option could be that the notification could be delayed with the consent of WADA.

UK Anti-Doping SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

General Comments

When considering to the Comment to Article 5.1.2.1 c), we note that elsewhere the timeframe for providing a Laboratory Documentation Pack remains unchanged at 15 days from receipt of the request from the Results Management Authority or WADA. We suggest that this timeframe is reduced, for example to 5 days. In our

experience, the current timeframe of 15 days can delay the early stages of the Results Management process – with consequential impact on associated processes, e.g. “B” Sample analysis as set out here in this particular Comment.

Article 5.1.2.2 – The provision of the Laboratory Documentation Pack is included within our notification in accordance with Article 5.1.2. We therefore envisage an inherent tension in Laboratories being permitted 15 days to provide the Documentation Pack and Results Management Authorities being afforded 20 days to provide notification of an Adverse Analytical Finding in accordance with Article 5.1.2.

Article 5.5 – We consider that more clarity is required regarding the practical interpretation of this Article. There is insufficient detail regarding the ‘Independent Review Expert’. For example, will there be one Independent Review Expert or several? If there is more than one, how will decision making be monitored and consistency of decision making be achieved? How is the Independent Review Expert to be identified and appointed? What qualifications and experience will they have? What factors will the Independent Review Expert consider when providing a written opinion and recommendation? Neither the Code text, nor the ISRM give sufficient detail as to how this process will be delivered in practice. The Comment to Article 5.5.2 indicating further procedural guidance may be provided (in due course) is unhelpful for the purposes of meaningfully responding to this Article during this consultation phase.

Comment to Article 5.5.1 – We consider that this Comment appears to be inviting Results Management Authorities to consider submitting cases to the Independent Review Expert where multiple Athletes have returned Adverse Analytical Findings from a Contaminated Source and there is reasonable likelihood of a No Fault outcome being achieved. We consider this comment to be unhelpful, and plainly disadvantageous to individual Athletes who return an Adverse Analytical Finding by way of a genuine Contaminated Source.

Article 5.5.7 – This Article indicates that the costs of the “Independent Review Expert process” shall be covered by the Results Management Authority. However, we do not have sufficient detail as to how this process will work, who the Independent Review Expert(s?) will be, how such costs will be calculated, and whether such costs will be assessed fairly. Is this a reference to costs that are incurred during related CAS proceedings or something else?

iNADO

SUBMITTED

Alex Brown, Campaigns and Membership Coordinator (Germany)
Other - Other (ex. Media, University, etc.)

General Comments

Code art. 7.8 / ISRM art. 5.5. iNADO would welcome greater detail on the new provisions of the Independent Review Expert process to be ensured a transparent and independent process is in place, while safeguarding the provisions and overall aspiration of the ISRM to ensure fair result management procedures

International Testing Agency

SUBMITTED

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

General Comments

Article 5.1.2.1 c) comment

> The ADO has “15” days from the reporting of the A-sample to inform the laboratory if the B-sample will take place. However, under the 2027 ISRM, the ADO has “20” days to notify an athlete of the AAF, therefore it is likely that the ADO will not be able to meet the deadline to inform laboratories about the B-sample. These two deadlines should be adapted to ensure consistency.

Article 5.1.2.3

Depending on the circumstances, it may be cautious not to inform the Athlete that others have tested positive. The use of "shall" in this provision and its comment should be replaced by a "may".

Article 5.1.2.10

The reality is that National Federations are also usually in receipt of the notices. This should be clarified in this Article as well as Code Article 14.

Article 6 (11)

Union Cycliste Internationale SUBMITTED

Union Cycliste Internationale Union Cycliste Internationale, Legal Anti-Doping Services (Switzerland)

Sport - IF – Summer Olympic

General Comments

Cf. comment Article 7.5 Code

Council of Europe (CoE) SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

Provisional suspensions

For harmonization in decisions guidance and examples needed in ISRM guidelines regarding when optional suspension is recommended (or not) to imposed.

Agence française de lutte contre le dopage SUBMITTED

Adeline Molina, General Secretary Deputy (France)

NADO - NADO

General Comments

N/A

Suggested changes to the wording of the Article

Article 6.2.3.1 a) – the word "or" before "on a timely basis" should be deleted.

NADA Austria SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

Article 6

It might be thought about a possibility to delay (notification of a) provisional suspension in case there is a highly confidential investigation and law enforcement agencies provide ADOs with information to not inform the athlete / other person / other ADOs.

If a case is under investigation by ADO / law enforcement agency RM should be suspended. [DC1]

Furthermore guidance and examples are needed in the ISRM guidelines regarding when optional suspensions are recommended (or not) to be imposed.

Anti-Doping Sweden SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

Article 6. For harmonization in decisions about provisional suspensions, more guidance and examples are needed in the ISRM guidelines on when optional provisional suspension is recommended (or not) to imposed.

Reasons for suggested changes

Guidance is needed.

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Agree with the proposal.

Swiss Sport Integrity SUBMITTED

Ernst König, CEO (Switzerland)

NADO - NADO

General Comments

For harmonization in decisions guidance and examples needed in ISRM guidelines regarding when optional suspension is recommended (or not) to imposed.

NADA India SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

Agreed

Sport Integrity Australia SUBMITTED

Cameron Boland, Assistant Director Anti-Doping Policy (Australia)

NADO - NADO

General Comments

See below

Suggested changes to the wording of the Article

SIA suggests the following change to the Comment to Article 6.2.1.2:

"...For the avoidance of doubt, an Anti-Doping Organization's decision not to ~~eliminate~~ lift a mandatory Provisional Suspension shall be appealable..."

Reasons for suggested changes

"Lift" has been used in place of "eliminate" throughout 6.2.1.2. This suggested edit maintains consistent language within 6.2.1.2.

ONAD Communauté française SUBMITTED

Julien Magotteaux, juriste (Belgique)

NADO - NADO

General Comments

Article 6. Provisional suspensions

We understand and support the principle of implementing the Cottier report, particularly the need to be able to react quickly.

However, mandatory provisonal suspension upon first notification would have an impact on certain signatories, in terms of rules, resources and time.

We appreciate the fact that a hearing before an independent hearing body also remains possible for a provisional suspension.

Suggested changes to the wording of the Article

We would like our general comments to be taken into account.

Reasons for suggested changes

See our general comments here above. The proposals of changes should have the least possible impact on the rules and resources of the signatories. The principle of separation of powers is also very important.

Sports Tribunal New Zealand SUBMITTED

Luke Macris, Registrar (New Zealand)

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

General Comments

We repeat our comments on Article 7.4.1 which equally apply to this Article 6 of this ISRM.

This Article 7.4.1 now appears to provide NADOs the power to unilaterally and immediately impose a provisional suspension upon an athlete for an AAF “upon sending the notification required by Article 7.2” or for an APF “upon sending the notification of charge”.

This new wording appears to rule out the possibility of an athlete being heard before the imposition of the provisional suspension – as contemplated in comment 48: “The Signatory imposing a Provisional Suspension shall ensure that the Athlete is given an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension”. This is because the provisional suspension is imposed immediately upon sending the notification to the athlete.

In our view, the proposed drafting raises two primary concerns: (1) it denies the athlete access to natural justice, specifically the ability to be heard on an allegation, prior to the imposition of a provisional suspension; and (2) it may blur the powers/responsibilities for NADOs as they will hold both “prosecutorial” and “judicial” roles.

We believe these changes are unnecessary. The Sports Tribunal of New Zealand (as an independent hearing body) has not had any issues concerning whether to impose a provisional suspension urgently in accordance with the provisions of this Article 7.4.1. (and the corresponding Rule 7.4 of the Sports Anti Doping Rules in New Zealand). It has been able to provide the parties (especially the athlete) with sufficient time to obtain legal representation and be heard on provisional suspension issues within prompt timeframes.

The former 2021 Code wording “shall be imposed promptly” provided greater flexibility of process between jurisdictions with respect to mandatory provisional suspensions and ensured natural justice and clarity of roles as we have outlined above. We therefore support the retention of the current wording of the rule under the 2021 Code.

Accordingly, we oppose the immediate imposition of a provisional suspension by way of notification by the NADO (i.e., by the prosecuting agency), who are then also then granted the ability to lift the provisional suspension order. In jurisdictions with separate and independent hearing bodies, the power to impose and lift suspensions should only sit with the independent hearing body (i.e., the judicial body) – to ensure the right to be heard required under principles of natural justice and for clarity of roles/powers between NADOs and hearing bodies.

Furthermore, the definition of “likely” (comment 51) is also problematic as it adds yet another standard of proof that departs from well-established legal standards. Ordinarily, “likely” means: “more probable than not” or “a greater chance than not”. The Code already utilises a diverse range standards of proof across its Articles. Using yet another standard of proof that departs from its ordinary meaning and will only serve to increase complexity and confusion within the Code.

Suggested changes to the wording of the Article

Retain the wording in the 2021 Code for this Article 7.4.1.

If a standard of proof in this article is to be used, the Code should use the standard of “balance of probabilities” (as it is defined at other parts of the Code). “Likely” should be changed to “on the balance of probabilities”.

Reasons for suggested changes

As set out above at General Comments.

Article 7 (6)

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

General Comments

ADSE support the amendment from *admit* to *accept* in article 7.1 (d).

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

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

General Comments

Comment to Article 7.2

Consider establishing a separate Article for this Comment and move it towards the beginning of Article 7.1

Article 7.3

The CCES would suggest updating “admit” to “accept” aligning it with Article 7.1.d

ONAD Communauté française

SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

Article 7. charge

For draft Article 7.1(d), we refer to our commentary on Article 5.1.2.1(f), we prefer the current terminology "admit" the ADRV rather than "accept." The desire to benefit from a reduction must be clearly expressed.

Generally speaking, we appreciate the fact that ADOs' freedom to organize their RM is preserved.

Suggested changes to the wording of the Article

For draft Article 7.1 (d), we would like the current terminolgy "admit" to remain.

Reasons for suggested changes

The reasons are explained here above in the general comments. The proposals of changes should have the least possible impact on the rules and resources of the signatories. The principle of separation of powers is also very important.

International Testing Agency

SUBMITTED

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

General Comments

Article 7.3

To avoid interpretation issues with the scope of the word "admit" (and whether it warrants a full admission), the reference to "admits" should be replaced by "accepts" or "does not challenge".

Article 8 (11)

ICSD

SUBMITTED

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

General Comments

ICSD supports the fairness principles underlying Article 8. We strongly encourage WADA to explicitly state that accessibility accommodations must be provided to ensure that athletes with disabilities, including Deaf athletes, can fully participate in the hearing process.

Suggested changes to the wording of the Article

In Commentary to Article 8 or related WADA guidance, state that hearing panels and ADOs must provide appropriate accessibility support (interpreters, captioning, plain language, etc.) where required.

Reasons for suggested changes

Hearings are a critical point of athlete rights. Without accessibility support, Deaf athletes may be unable to fully understand or participate, which risks violating procedural fairness.

International Tennis Integrity Agency SUBMITTED

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

Sport - Other

General Comments

The ITIA continues to make the point it has made in previous rounds with regards to the inconsistency that exists between the obligation for a first instance decision to be issued within 2 months of the hearing and no such obligation not being applied to the CAS. We note that the comment to 8.8 (c) has been amended to the 'final' hearing and thus, according to our interpretation to include appeal hearings. However any failure to render a timely decision under the Code (Art 13.3) and thus any consequences apply only to the Anti-Doping Organization and/or Results Management Authority, which clearly does not include CAS. What recourse do ADOs have when CAS continue to take an inordinate amount of time to produce a written decision? Currently, none. All parties to an appeal are affected, in a multitude of ways, when left for months on end for a decision. If CAS are to be the sole appellant body then it is not unreasonable to expect that they should be held to a service level agreement, with clear time frames for hearing an appeal as well as producing the written decision thereafter. 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 (CoE) SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

Hearing process

It must not lead to a disadvantage in the code compliance of NADOs or Ifs if Hearing Panels, who are completely independent from the RMA are also free in determining the length of proceedings (for example CAS).

Anti-Doping Sweden SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

It should not lead to any disadvantage in the Code Compliance for ADOs, if the hearing panels, who are completely independent from the RMA, exceed the timeframe of 2 months when handling cases.

Reasons for suggested changes

Necessary considerations.

Japan Anti-Doping Agency SUBMITTED

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

General Comments

N/A

Suggested changes to the wording of the Article

Comment to Article 8.8 c):
All decisions shall be issued and notified promptly after the final hearing or, if no hearing in person is requested **or any written submission is requested after the final hearing,** after the parties have filed their written submissions. Save in exceptional cases, this timeframe shall not exceed two (2) months. Notwithstanding Code Article 13.3, severe and/or repeated failure(s) to meet this requirement may lead to consequences in terms of compliance for the Results Management Authority.

Reasons for suggested changes

By adding the phrase “after the final hearing” to the first draft, it is understood that a decision must be made within two months from the day of the hearing. However, in actual practice, there may be cases where, after the day of the hearing, the submission of additional materials may be requested, and based on the review of such materials, the procedure concluded without reopening the hearing; with the consent of both parties. In order to accommodate such cases, we proposes the above revision (proposed in the suggested changes box) by adding the bold-underlined text reflecting the necessary amendment.

Swiss Sport Integrity SUBMITTED

Ernst König, CEO (Switzerland)
NADO - NADO

General Comments

It must not lead to a disadvantage in the code compliance of NADOs or Ifs if Hearing Panels, who are completely independent from the RMA are also free in determining the length of proceedings (for example CAS).

NADA India SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed

USADA SUBMITTED

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

General Comments

Article 8.8(c) Comment – It is unclear if the 2 month timeframe in this comment refers to the time first instance arbitrators have to issue a reasoned decision or if it refers to the entire hearing process. If the latter, 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. If the former, USADA strongly recommends setting a similar timeline for CAS reasoned awards.

Article 8.9

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.”

This authority should also exist for appeals.

Anti-Doping Norway SUBMITTED

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

General Comments

It should be noted e.g. in a comment that following the recommendation from the Committee of Ministers of the Council of Europe CM/Rec(2022)14 on general principles of fair procedure applicable to anti-doping proceedings would be compliant with the requirements of the Code and the ISRM

Suggested changes to the wording of the Article

Re. Art. 8.6:

The rules governing the activities of the *Results Management Authority* shall guarantee the *Operational Independence* and the *Institutional Independence* of hearing panel members.

Reasons for suggested changes

Re. Art. 8.6:

Institutional Independence should also be a requirement for first instance Hearing Panels.

iNADO SUBMITTED

Alex Brown, Campaigns and Membership Coordinator (Germany)
Other - Other (ex. Media, University, etc.)

General Comments

Code art. 8 / ISRM art. 8. The right to a fair hearing is an intrinsic right for any individual asserted to have committed an ADRV. Reality is that the threshold for a fair hearing can be high, e.g. for financial reasons. The Code and ISRM are silent on this topic.

International Testing Agency SUBMITTED

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

General Comments

Article 8.1

"or a Delegated Third Party upon delegation under Code Article 20" in the second sentence can be deleted since it is redundant.

Article 8.8 c) comment

Remove "in person" in the first sentence "if no hearing in person" to align with the concept that a hearing can either take place in person or virtually and there is no right to an in person hearing.

Article 9 (7)

Anti-Doping Sweden SUBMITTED

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

General Comments

ADSE support the amendments.

Anti Doping Danmark SUBMITTED

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

General Comments

Article 9: Decisions

We are pleased to read that the proposal about the case files must be produced in machine readable French or English, have been rejected. However, we still think that it will be a big burden for the ADO that they need to produce a case file index in French or English with a short description of each document.

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Agree with the proposal.

Canadian Centre for Ethics in Sport SUBMITTED

Bradlee Nemeth, Manager, Sport Engagement (Canada)

NADO - NADO

General Comments

Article 9.1.1.b-e

The majority of the content is found in the comments to these Articles. The CCES would suggest elevating this information into the Articles.

USADA SUBMITTED

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

NADO - NADO

General Comments

Article 9.2.1 – The addition of the word “simultaneously” does not account for time required for redactions to be approved by an arbitrator or the time required to make technical or clerical corrections to an award.

RUSADA SUBMITTED

Viktoriya Barinova, Deputy director (Russia)

NADO - NADO

General Comments

Art. 9.2.4

“case files shall be produced in machine-readable form and, to the greatest extent practicable, in word-searchable format”. The implementation of this point is difficult: RUSADA receives a large number of handwritten documents, as well as copies of medical documents, which cannot be converted into the format required by the new standard.

International Testing Agency SUBMITTED

International Testing Agency, - (Switzerland)

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

General Comments

Article 9.2.4 comment

Consider applying Article 13.2.3.5.b) to all parties with a right of appeal, not just WADA.

Article 10 (9)

ICSD SUBMITTED

Mark Kusiak, ICSD Anti-Doping (Canada)

Sport - IF – IOC-Recognized

General Comments

ICSD supports the appeal procedures outlined in Article 10. We note that athletes initiate appeals in writing, which ICSD already manages effectively. However, we recommend that WADA also ensure that appeal hearings — such as those conducted by CAS — include appropriate accessibility accommodations for athletes with disabilities, including Deaf athletes.

Suggested changes to the wording of the Article

In Commentary to Article 10 or WADA guidance, encourage that appeal hearings include accommodations (such as sign language interpreters, captioning, plain language explanation) to enable full participation by athletes with communication-related disabilities

Reasons for suggested changes

While the written appeal process is already accessible, in-person or remote hearings require additional accessibility measures. Without such accommodations, Deaf athletes may not be able to fully understand or participate in the appeal process, which would undermine their procedural rights

International Tennis Integrity Agency SUBMITTED

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

Sport - Other

General Comments

As the ITIA has raised previously, it remains unclear as to what purpose it serves to allow CAS proceedings to be 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.

Suggested changes to the wording of the Article

The grounds for appeal should be restricted to new evidence or a procedural error and the appeal confined to those grounds only.

Reasons for suggested changes

Other than benefiting the lawyers representing either party, the appeal 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?

Council of Europe (CoE) SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

Appeals

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.

NADA Austria SUBMITTED

Dario Campara, Lawyer (Austria)

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.

Anti-Doping Sweden SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

ADO's should not be held responsible for decisions taken by an independent hearing panel. Hence, no consequence should be given to ADO's for incorrect decisions taken by an independent hearing panel.

Reasons for suggested changes

Necessary considerations.

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Agree with the proposal.

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 NADO's for decision taken by independent hearing bodies.

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

General Comments

Agreed with article 10.3

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

General Comments

Article 10. Appeals

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.

See our comments and suggested changes to Article 20.5.7 of the Code, in the "Other Comments/Suggestions" section of the Code.

Suggested changes to the wording of the Article

We, like many other Signatories and stakeholders, would like our general comments to be taken into account.

See also our comments and suggested changes to the Article 20.5.7 of the Code, in the "Other Comments/Suggestions" section of the Code.

Reasons for suggested changes

The reasons are explained here above in our general comments and also in our general comments and in our suggested changes to the Article 20.5.7 of the Code, in the "Other Comments/Suggestions" section of the Code.

Article 11 (3)

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

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

General Comments

We would welcome additional clarity to the wording of Article 11.2. It appears that additional Results Management would be required in circumstances where a breach of a Provisional Suspension has been discovered whilst or once a period of Ineligibility has been served. If this is the case, then it should be set out in these terms (rather than by way of reference to the term mutatis mutandis) and make clear a further decision will need to be rendered. In circumstances where the period of Ineligibility has already ended, would all or part of the period of Ineligibility need to be (re-)served? In circumstances where the breach is discovered whilst the period of Ineligibility is being served, can a further decision be rendered that effectively removes all credit for the period of Provisional Suspension previously considered to have been respected?

Annex A (2)

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

General Comments

Annex A.1.1 – There is currently no place for ADOs to add this information into ADAMS. USADA recommends removing the change Annex A.1.a entirely as WADA is already notified of potential failure to comply situations.

International Testing Agency SUBMITTED

International Testing Agency, - (Switzerland)

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

General Comments

Article A.2.1

Considering that a Failure to Comply includes "tampering" and tampering does not only occur during doping control, it should be clarified that a Failure to Comply may also be reported by other sources (and not just a Doping Control Officer).

Annex B (17)

ICSD SUBMITTED

Mark Kusiak, ICSD Anti-Doping (Canada)

Sport - IF – IOC-Recognized

General Comments

ICSD notes that as a small, event-based ADO, we do not currently maintain a Registered Testing Pool and do not conduct out-of-competition testing. Many Deaf athletes are not included in national RTPs and are not in ADAMS, which limits ICSD's ability to manage Whereabouts compliance under current Annex B procedures.

Suggested changes to the wording of the Article

In Commentary to Annex B or WADA guidance, clarify that ADOs without an RTP or out-of-competition program — such as event-based ADOs — may have different responsibilities regarding Whereabouts Failures, and that coordination with NADOs is essential in these contexts.

Reasons for suggested changes

This would recognize the structural realities of small or disability-specific ADOs and prevent misunderstanding of their role in managing Whereabouts Failures. ICSD will further address these issues in its submission on the ISTI.

Union Cycliste Internationale SUBMITTED

Union Cycliste Internationale Union Cycliste Internationale, Legal Anti-Doping Services (Switzerland)

Sport - IF – Summer Olympic

General Comments

Clarifications such as the one regarding the reasonableness of a DCO's attempt are appreciated. This type of guidance should be provided more frequently, as it would help ensure more consistent interpretation of situations by ADOs.

We take note of WADA's decision not to reinstate the process applicable to administrative review. However, experience shows that it provided athletes with an opportunity to assert their rights promptly and independently.

Removing it may risk complicating procedures related to Article 2.4. In practice, the individuals responsible for assessing a potential 2.4 violation are often the same as those in charge of the registering the case previously.

International Paralympic Committee SUBMITTED

Jude Ellis, Head of Anti-Doping (Germany)

Sport - IPC

General Comments

Article B.1.3

It is not explicit, but IPC assumes the date of a filing failure under B.1.3 would be the 15th of the month preceding the calendar quarter (not the first day of the quarter, on which date no current whereabouts information would be available). IPC recommends a comment to confirm/clarify this.

IPC understands the rationale behind the new filing failure definition under B.1.3 with regards to planning testing in advance. However, it is not clear how this would work in practice. It may be difficult to prove when an athlete became aware of a future change in their whereabouts and/or easy for an athlete to rebut.

International Tennis Integrity Agency SUBMITTED

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

Sport - Other

General Comments

B 3.1

The ITIA is concerned that the Results Management in relation to an individual Missed test shall be administered by the testing Authority for that Missed Test and strongly believes this will lead to a lack of consistency amongst the administration of Missed Tests, specifically, the communication of and throughout the process of the apparent Missed Tests.

The ITIA are also concerned that communication between ADOs could be ineffective, which may lead Whereabouts Failures being missed between ADOs.

Suggested changes to the wording of the Article

The ITIA would request that this Article is changed to reflect the same scenario as that applied to Filing Failures – ie all Missed tests should be determined by the ADO with whom the athlete files their whereabouts and thus the communication on all whereabouts failures is kept to that one ADO

Ministry of Culture and Equality SUBMITTED

Robin Mackenzie-Robinson, Senior advisor (Norge)

Public Authorities - Government

General Comments

New proposed update of the International Standard for Results Management (ISRM) Annex B: Results Management for Whereabouts Failures

The Ministry would like to comment on the proposed new Article B.3.2 in the ISRM.

The Ministry´s comments on the proposed new Article B.3.2 in the ISRM

Under the current rules, athletes are entitled to challenge each individual warning, ensuring their right to due process and independent review. This procedural safeguard is important for protecting athletes against administrative or factual errors that could otherwise lead to unjust sanctions. In light of this, the Ministry has some concerns about the proposed change in the draft of the ISRM, which removes the athlete's right to appeal individual Whereabouts Failures, including both Missed Tests and Filing Failures.

According to the new proposed Article B.3.2, once a Whereabouts Failure has been recorded, the athlete would no longer be able to appeal that decision. The only opportunity for review arises if the athlete accumulates three such failures within a 12-month period, at which point the underlying warnings may be reassessed. However, by that stage, the athlete is already at risk of facing a full Anti-Doping Rule Violation (ADRV), and possible suspension.

The Ministry understands WADAs intent to streamline the process and improve efficiency in the results management system. A quicker and more simplified procedure can potentially benefit all parties involved. Nevertheless, the Ministry is concerned that the proposed change removes an important procedural right from the athletes. Even if athletes are given the opportunity to respond before a warning is issued, this does not replace the right to formally challenge the decision through an appeal process. The removal of appeal rights could lead to increased legal uncertainty for athletes and undermine trust in the anti-doping results management process.

For further elaboration, the Ministry refers to the document, T-DO(2025)16, submitted by the Council of Europe, which provides valuable perspectives that are broadly consistent with the Ministry's views on the matter.

Council of Europe (CoE) SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

Annex B: RM for Whereabout failures

Administrative review is an actual right of athletes in case of potential whereabouts failures. There is no objective reason to suppress this legitimate right.

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.

Results management for an individual filing failure should be done by the ADO which discovered the filing failure.

The results management for Art. 2.4 ADRVs in general should be shifted to the ADO which had the most connection to the three whereabouts failures (e.g. to the ADO which was the Testing Authority in at least two of the three Whereabouts failures).

Annex 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.

Anti-Doping Sweden SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

General Comments

Article B.3 1. ADSE supports that an individual Missed Test shall be administered by the Testing Authority for that Missed Test, although ADSE consider that when an individual Missed Test causes a potential anti-doping rule violation under Article 2.4, Results Management for the anti-doping rule violation shall be administered by the Anti-Doping Organization with whom the Athlete in question files whereabouts information since this organization is responsible for the athlete's whereabouts.

Article B.1.3 a). ADSE supports that the amendments from the first day of the quarter replaced to by the 15th day of the month preceding the calendar quarter since this will be better for test planning purposes.

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

Article B.1.3

Comment to Article B.1.3 a)ii clarifies that where an Athlete's Whereabouts Filing is inaccurate over a number of consecutive days, the date of the Filing Failure should be considered the first day in this sequence of consecutive inaccurate Whereabouts Filings. However, we believe that if an Athlete cannot be located for out-of-hour Testing (Testing outside the 60-minute time slot), and it is subsequently found that the Athlete has filed inaccurate information

over a number of consecutive days, the date of the Filing Failure should be the day of the unsuccessful attempt, rather than backdating to the first day of the consecutive inaccurate sequence. This is because backdating may lead to unfairness if multiple Athletes are unavailable for Testing on the same day. For instance, on December 1, both Athlete A and Athlete B fail to be available for out-of-hour Testing. Athlete A has provided consecutive inaccurate information for 3 months (since September 1), while Athlete B has provided consecutive inaccurate information for 9 months (since March 1). As per Comment to Article B.1.3 a) of the second draft of the ISRM, Athlete A's Filing Failure would be backdated to September 1, while Athlete B's would be backdated to March 1. If two (2) more Whereabouts Failures occur within the ensuing 12-month period for both of them, then Athlete B's 12-month period calculation would conclude six months earlier than Athlete A's, resulting in a lower risk for Athlete B of a Code Article 2.4 anti-doping rule violation. Consequently, the Athlete with a longer period of inaccurate information paradoxically faces a lower risk of an anti-doping rule violation, which creates substantial unfairness. Therefore, we recommend that if an Athlete's consecutive inaccurate Whereabouts Filings are discovered during an out-of-hour testing attempt, the date of the Filing Failure should be the date of the unsuccessful test attempt; or alternatively, it should be uniformly backdated to the first day of the calendar month in which the test is conducted. This approach will ensure that Athletes found to have Filing Failures on the same day of Testing are determined to have committed Whereabouts Failure on the same day.

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

SUBMITTED

General Comments

Resultmanagement for Whereabouts Failures:

Administrative review is an actual right of athletes in case of potential whereabouts failures. There is no objective reason to suppress this legitimate right.

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

SUBMITTED

General Comments

Comment to Annex B 3.4

The CCES would suggest including details 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.”

ONAD Communauté française SUBMITTED

Julien Magotteaux, juriste (Belgique)

NADO - NADO

General Comments

Annex B: RM for Whereabout 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.

The explanations given are not convincing.

This right of athletes must be maintained.

Suggested changes to the wording of the Article

Not suppressing the administrative review right of atletes in case of potential whereabouts failures.

Reasons for suggested changes

The reasons are expressed here above in our general comments.

Maintaining this right of athletes is a shared concern with athletes and many other stakeholders and Signatories.

USADA SUBMITTED

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

NADO - NADO

General Comments

Annex B.1.3.a.i – USADA has for some time had the deadline of the 15th of each month preceding the start of a calendar quarter. USADA did this to ensure everyone would file by the 1st of the quarter and not receive whereabouts failures. This approach has been successful.

With the proposed change by WADA, however, USADA will now be required to issue a filing failure if whereabouts are not filed by the 15th. In Q1 of this year USADA had 95 RTP athletes file between the 15th and the 1st of the month and for Q2 that number was reduced to 37. Either way, there is a significant number of athletes not making the cutoff of the 15th who would, based on WADA’s change, now be subject to filing failures. USADA suggests that the ISRM (or best practices guidelines) have ADOs set a submission date of the 15th but not issue filing failures until the 1st. The whereabouts system is onerous enough without raising the bar even higher for clean athletes’ quarterly filings.

Annex B.2.1.b – Based on the current changes to the 2027 IST, listing a training location is only recommended for athletes, not required. Therefore, the athlete omitting to declare “training locations and time frames for such training activities” should be removed as grounds for a Filing Failure to stay consistent with the recommended changes in the 2027 IST.

Comment to Annex B.2.4.c – USADA recommends striking the word “full.” USADA further recommends that the DCO should be required to be at the 60-minute time slot for the full 60-minute time slot, rather than the athlete, to remain consistent with the IST and case law on this topic. The word “full” here inserts confusion and ambiguity where none existed before.

Comment to Annex B.3.1

Per USADA’s feedback regarding Code Article 7.1.6, USADA strongly disagrees with the changes to this article from the previous version. The previous version was far easier to understand and created efficiencies in the process. In the previous version, the results management of an apparent whereabouts failure is managed by the ADO that discovered the apparent failure. In stark contrast, the current version creates unnecessary complexity by bifurcating results management authority with no clear rationale.

To begin, there is no apparent rationale for separating the results management of missed tests and filing failures unless WADA is under the mistaken impression that tests are only conducted during 60-minute timeslots. For Anti-Doping Organizations that aim to be unpredictable in their testing and test outside the 60-minute timeslot (a significant percentage of USADA tests), filing failures occur as the result of unsuccessful tests based on insufficient or incomplete information. Therefore, just as with a missed test, the evidence of the DCO will be critical evidence in both declaring the failure. There will always be helpful, if not necessary, evidence regarding what information was filed and when, but this is true for filing failures and missed tests. Thus, bifurcating results management depending on whether it is a filing failure or missed test inserts complication where complication is not needed and is not helpful. It also arguably incentivizes even more testing during a 60-minute timeslot (or at least declaring more missed tests) because of the familiarization the ADO will have in obtaining information from its own DCOs.

Because unsuccessful test attempts result in filing failures for insufficient or inaccurate whereabouts in the same way they result in missed tests, there is no basis to complicate the processing of these attempts on the back end by bifurcating which Anti-Doping Organization manages them. To be clear, the Anti-Doping Organization that ordered the test that resulted in a filing failure or missed test is in a better position to resolve that potential failure than the Anti-Doping Organization that had no involvement with the test that led to the failure. There is a clear rationale for this because the Anti-Doping Organization already has an open communication channel (and likely work history) with the DCO that conducted the test and has their own instructions and policies related to training that DCO and potentially specific instruction pertaining to the test mission in question.

The distinction between a filing failure and a missed test for results management purposes is entirely artificial given both occur as a result of an unsuccessful test attempts. The only exception would be if the filing failure is for failing to file the quarterly whereabouts in their entirety, but that is a tiny minority of the filing failures declared by USADA. It can also be easily accounted for in the rule itself.

Therefore, USADA requests that the rule return to being simple and easy to follow with a clear rationale. USADA proposes the following:

“Results Management in relation to a potential whereabouts failure shall be administered by the Anti-Doping Organization that ordered the test that led to the discovery of the potential whereabouts failure and in all other instances the Anti-Doping Organization with which the Athlete in question files whereabouts information at the time of the potential whereabouts failure.”

Annex B.3.1 – “Organisation” in the last sentence of paragraph one of the Comment should be changed to “Organization” to keep consistent with spelling in the ISRM.

Annex B.3.2.e – There are many reasons why an athlete may not have been able to respond within the fourteen-day deadline and there should be more flexibility for athletes to appeal if they miss the deadline to respond.

Anti-Doping Norway

SUBMITTED

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

General Comments

Re. art. B.2.3.:

This may be more difficult in practice in the future, if the RMA for the individual WA-Failure will be for the ADO that discovered the WA-Failure (missed test), and thus not centralized in one ADO.

Re art. B.3.2 f) and g)

We cannot support the removal of the administrative review!

1) We feel that the emotional and psychological burden of having a potential ADRV hanging over the head should not be underrated.

2) Our athletes have expressed that they see it as a weakening of their rights and protection against unfair practices, as well as their legal protection in the system.

3) With the other changes proposed the overall protection of the athletes seems considerably weakened.

4) With the new RMA for individual WA Failures the risk of mistakes increases as does the risk of not being able to lift the burden of proof in the individual WA-Failures when prosecuting the ADRV.

5) It has been noted by some that the administrative review today is done superficially with no actual material assessment. If this is part of the reason for removing the requirement, we suggest instead strengthening the administrative review, e.g. by having it done by an operationally independent body within in the NADO.

International Testing Agency SUBMITTED

International Testing Agency, - (Switzerland)

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

General Comments

B.2.1. b) Comment

Since filing training and regular activities is no longer mandatory, the section "or omit to declare training locations and time frames for such training activities" should be removed.

B.3.1

The current proposed allocation of the RMA for Missed Tests is likely to cause jurisdiction issue since an unsuccessful attempt qualified as a Missed Test when the Athlete is first notified may turn out to be qualified as Filing Failure at a later stage in the proceedings depending on the circumstances (see CAS 2020_A-7526. World Athletics v Salwa Eid Naser). In such scenario the Testing Authority for the unsuccessful attempt would not systematically be the same ADO and the Testing Authority, who initiated the results management for the Missed Test, may no longer have jurisdiction. Moreover, if the ADO who orders the test finds that an unsuccessful attempt should be qualified as a Filing Failure from the get-go (and is not the one with whom the Athlete files his Whereabouts information), this will require the transfer of the case file to the ADO who receives the Whereabouts information and potentially trigger the same issues as faced under the 2021 Code/ISRM (delays in transferring files, translation issues with the paperwork, different practice between DCO/ADO).

We suggest the following approach:

RMA for any unsuccessful attempt, be it a Filing Failure or Missed Test, is the ADO who ordered the test, i.e. the Testing Authority.

RMA for other Filing Failures (not based on an unsuccessful attempt) is the ADO with whom the Athlete files Whereabouts information at the time of the failure.

The rest of the new provision with regards to the RMA for 2.4 ADRV stands.

B.3.2 a)

Approach should be adapted to new Article 7.1.6 (remove section "If the Testing Authority is different from the RMA..")

Bird & Bird LLP SUBMITTED

Huw Roberts, Of Counsel (United Kingdom)

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

General Comments

N/A

Suggested changes to the wording of the Article

B.1.3

For the provision and Comment to be consistent with one another, the language of B.1.3.a.ii should say "based on the evidence and information available to the *Results Management* Authority at the time of the discovery".

B.2.1

The reference in the Comment to failing to update the filing as required by Article 4.10.11 of the International Standard for Testing should be a reference to Article 4.10.10.2 of the International Standard for Testing.

Annex C (6)

Japan Anti-Doping Agency SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

Agree with the proposal.

Anti Doping Danmark SUBMITTED

Silje Rubæk, Legal Manager (Danmark)

NADO - NADO

General Comments

C.2.1.1

We agree to remove the sequence ATPF. We however suggest identifying such sequence abnormalities as "Flagged" and to make it mandatory for APMUs (not Experts) to review "Flagged" samples (secondary marker outliers) and sequences (primary and secondary marker sequences).

C.2.1.3.2

We suggest clarifying that an Expert or Expert panel (in addition to the APMU) may also provide the specific explanations supporting the inclusion of the result(s).

C.2.2.4.e

We suggest specifying that the intelligence has to be relevant: “Relevant intelligence in relation to the Athlete concerned.”

C.2.2.5

We suggest specifying that the basic information has to be relevant: “The review of the Passport shall be conducted based on the Passport and other basic relevant information which may be available, …”

C.2.2.6

We suggest specifying that the additional information has to be relevant: Upon request of the Athlete Passport Management Unit or at the entire discretion of the Passport Custodian, the Passport Custodian may request additional relevant information and/or clarification of the basic information available to the Passport Custodian, the Athlete Passport Management Unit and/or Expert related to the Passport.

C.2.2.7

We suggest defining “doping scenario”. From our experience, a “doping scenario” may mean

A) the changes in the biomarkers are in scientific agreement with how doping affects the biomarkers; and

B) it gives logical meaning to use the particular substance/methods at a given timepoint to have an effect on performance. Experts often use A while ADOs often use B and there is confusion.

C.2.3. Likely doping

We suggest the following wording: Send to two (2) additional Experts, as per Article C.3 of this Annex C.

C.3.5

We suggest removing “The Passport Custodian may share, through the Athlete Passport Management Unit, any potentially relevant information with the Expert panel (e.g., suspicious analytical findings, relevant intelligence and relevant pathophysiological information).” as we find it problematic that information that is "potentially" relevant can be shared with the Experts prior to a Likely doping evaluation. Is it OK to change from Suspicious to Likely doping based on "potentially" relevant information? At the stage of C.4.1 (when the Experts have already said LD) it is, in our opinion, OK to receive information that is potentially relevant.

C.4.1

We suggest removing “relevant” before pathophysiological information as this is already covered prior to the bracket: 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).”

Sport Integrity Australia

SUBMITTED

Cameron Boland, Assistant Director Anti-Doping Policy (Australia)
NADO - NADO

General Comments

See below

Suggested changes to the wording of the Article

C.2.3

SIA suggests an addition to the APMU action for the line item “Likely doping” within the table at Article C.2.3 as below:

“Send to a panel of three (3) Experts, including the initial Expert, as per Article C.3 of this Annex C. In a case of a “likely doping” consensus between the three (3) Experts, the process continues with the creation of an Athlete Biological Passport Documentation Package.”

Reasons for suggested changes

This edit maintains consistent language already set out in C.1.3 d)

USADA SUBMITTED

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

General Comments

Annex C.2.1.3.1 – USADA agrees with the change but notes that ADAMS does not currently have the capability to invalidate one marker and not another. Either the whole sample is invalidated or not, and the calculations for all markers are affected.

Annex C.2.2.1 – "Should" and "maximum of seven days" seem like an inconsistent combination here. We can envision issues at a hearing with this language. If it's truly a maximum of seven days, then we recommend changing the wording to "shall."

Annex C.2.2.4 – It is a requirement of APMUs that they also send "normal" passports to experts periodically (described in TDAPMU). They likely also needs to be referenced here at least in a Comment.

Annex C.2.2.6 – Why is it up to the APMU to "decide whether and in what form the information/clarifications should be provided to the Expert Panel." At a minimum this should be the decision of the Passport Custodian and the APMU because it is ultimately the Passport Custodian's burden to establish an APF to an arbitrator's comfortable satisfaction, not the APMU's.

Comment to Annex C.2.2.7 – There exists an apparent inconsistency between the burden required by an ABP Panel to declare an APF (i.e., "likely doping") and an ADO's burden of establishing a violation to an arbitrator's comfortably satisfaction. Indeed, WADA has now defined "likely" in Comment to Code Article 7.4.1 as merely a "well-founded assertion . . . [that] is somewhat less than a balance probability but substantially more than mere possibility or plausibility . . . ." To harmonize the burden of an ABP Panel and an ADO, WADA should change the language from "likely doping" to "comfortably satisfied of doping."

Comment to Annex C.6.3 – What happens if the new expert reviews the passport and determines likely doping (or as USADA highly recommends: comfortably satisfied doping)? Do two additional and new experts need to be appointed as well? APMUs may run out of experts. It would be better to give the passport a new BPID (but not reset) so that anonymity is maintained.

Annex C.7.1 and Comment to Annex C.7.1 – The language in the comment directly contradicts the article regarding what should happen with passports when the athlete has been acquitted or the charge has been withdrawn.

USADA agrees with the Comment and therefore recommends removing "or has been acquitted in a final decision or the charge against the Athlete has been withdrawn" from the language of the Article thereby removing the direct contradiction.

Suggested changes to the wording of the Article

Comment to Annex C.2.2.7.1 Comment – First, the Comment enumeration needs to be updated to reflect to new Article numbering.

Second, USADA recommends adjusting the last sentence in the comment as follows (in bold): "For that reason, an Expert and a hearing panel should refrain from making assumptions as to the specifics of a doping scenario, and shall not need to be satisfied of a specific doping scenario for a conclusion of "comfortably satisfied of doping." Alternatively, the following sentence can be added to the end of the comment: "For the avoidance of doubt, establishing a doping scenario is not an element of an Adverse Passport Finding."

Reasons for suggested changes

Annex C.2.2.7.1 - Reasons for Change:

Without either of these offered changes, the way it is currently worded refers only to Experts, 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.

Bird & Bird LLP

SUBMITTED

Huw Roberts, Of Counsel (United Kingdom)

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

General Comments

C.2.2.6

The AIU fully agrees with the principle that the Passport Custodian should be able to provide further information or clarification to the Single Expert or Expert Panel, either upon request or at its own initiative, and at any stage of the Passport review process. Such information would be obtained from the Athlete in accordance with the Passport Custodian's rules (including in writing and/or via interview) and passed to the Expert or Expert Panel via the Athlete Passport Management Unit.

The AIU suggests that it be clarified that 'any stage of the review process' includes without limitation both the Initial Expert Review stage (C.2.2 and C.2.2.6) and the 3 Expert Review stage (C.3.2 and C.3.6).

For further clarity, the AIU also proposes including a standalone new section to Annexure C (C.8) which sets out that the Passport Custodian may conduct any investigation or inquiry related to the Passport for the purpose of providing additional relevant information/clarification to the Expert or Expert Panel in accordance with the provisions of Annexure C, and/or for the purpose of pursuing a Use case under Code Article 2.2.

C.2.2

Re-submitted from Draft 1 comments: It should be clarified that the initial expert review under C.2.2 and the subsequent additional reviews under C.3.1 are not disclosable in a proceeding for an ABP violation. The reviews at that point in the process are informal, incomplete (in the sense that they are not made with the benefit of all the relevant information) and are in any event superseded by the Joint Expert Report under C.4.

C.2.2.7

Re-submitted from Draft 1 comments: Article C.2.2.7 should require the Expert to set out the specific facts and assumptions on which they rely in conducting the Initial Expert Review. This would give Passport Custodians the option to investigate and verify the facts and assumptions relied upon at the earliest possible time, or to investigate new facts that might, if established, help to substantiate the initial Expert opinion, alternatively, result in a negative (suspicious) first opinion to being revisited. Such facts and evidence could eventually also be used to support a Use case under C.3.6 where no unanimity of 'Likely Doping' can be reached amongst the Experts.

The same comment above applies to the review by the three experts under C3.

C.3.6/C.6.1/C.6.3

Re-submitted from Draft 1: The Expert Panel should be required to set out the specific facts and assumptions on which they rely if they are unable to reach a unanimous 'Likely Doping' opinion in a case, whether at the initial 3 Expert review stage (C.3.6) or after receipt and review of the Athlete's explanation following an Adverse Passport Finding (C.6.1.b) and, where appropriate, indicate which facts or information might result in a different opinion. This would give Anti-Doping Organisations an option to conduct follow-up investigations for further or new information that might result in the Results Management being re-initiated and an Expert Panel being comfortable in concluding 3 x Likely Doping (C.6.3).

Such facts and evidence could eventually also be used in combination with other evidence to support a Use case under C.3.6 if no unanimity of 'Likely Doping' is ultimately reached amongst the Experts.

Norwegian doping control laboratory
Lasse Bækken, APMU (Norge)
Other - WADA-accredited Laboratories

SUBMITTED

General Comments

C.2.1.1

We agree to remove the sequence ATPF. We however suggest identifying such sequence abnormalities as “Flagged” and to make it mandatory for APMUs (not Experts) to review “Flagged” samples (secondary marker outliers) and sequences (primary and secondary marker sequences).

C.2.1.3.2

We suggest clarifying that an Expert or Expert panel (in addition to the APMU) may also provide the specific explanations supporting the inclusion of the result(s).

C.2.2.4.e

We suggest specifying that the intelligence has to be relevant: “**Relevant** intelligence in relation to the Athlete concerned.”

C.2.2.5

We suggest specifying that the basic information has to be relevant: “The review of the Passport shall be conducted based on the Passport and other basic **relevant** information which may be available, …”

C.2.2.6

We suggest specifying that the additional information has to be relevant: Upon request of the Athlete Passport Management Unit or at the entire discretion of the Passport Custodian, the Passport Custodian may request additional **relevant** information and/or clarification of the basic information available to the Passport Custodian, the Athlete Passport Management Unit and/or Expert related to the Passport.

C.2.2.7

We suggest defining “doping scenario”. From our experience, a “doping scenario” may mean A) the changes in the biomarkers are in scientific agreement with how doping affects the biomarkers; and B) it gives logical meaning to use the particular substance/methods at a given timepoint to have an effect on performance. Experts often use A while ADOs often use B and there is confusion.

C.2.3. **Likely doping**

We suggest the following wording: Send to two (2) additional Experts, as per Article C.3 of this Annex C.

C.3.5

We suggest removing “The Passport Custodian may share, through the Athlete Passport Management Unit, any potentially relevant information with the Expert panel (e.g., suspicious analytical findings, relevant intelligence and relevant pathophysiological information).” as we find it problematic that information that is "potentially" relevant can be shared with the Experts prior to a Likely doping evaluation. Is it OK to change from Suspicious to Likely doping based on "**potentially**" relevant information? At the stage of C.4.1 (when the Experts have already said LD) it is, in our opinion, OK to receive information that is **potentially** relevant.

C.4.1

We suggest removing “relevant” before pathophysiological information as this is already covered prior to the bracket: 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).”

Other Comments / Suggestions (7)

ICSD SUBMITTED

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

General Comments

ICSD appreciates WADA's ongoing efforts to strengthen Results Management processes and ensure fairness across the anti-doping system. As the international governing body for Deaf sport, ICSD serves athletes who face unique accessibility and communication needs.

We encourage WADA to include in the ISRM — either in general guidance or within article commentaries — a principle that accessibility accommodations should be provided where needed, particularly for athletes with disabilities who may face challenges understanding complex written material due to technical language, legal wording, or communication barriers.

This is especially important for key stages such as charge notifications, hearing processes, decisions, and appeal communications. Without appropriate accessibility support — such as sign language interpretation, plain language explanations, or visual formats — Deaf athletes may not be able to fully exercise their procedural rights. We respectfully request that WADA promote this as a cross-cutting expectation within Results Management to ensure fairness and inclusion.

VASANOC SUBMITTED

Dave Lolo, CEO (Vanuatu)
NADO - NADO

General Comments

No comments/ suggestions.

NADA Austria SUBMITTED

Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

General comment regarding ISRM

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.

ONAD Communauté française SUBMITTED

Julien Magotteaux, juriste (Belgique)
NADO - NADO

General Comments

See our General comments in the "Other Comments/Suggestions" section of the Code which apply to the update process in general of the Code and International Standards, including the ISRM.

Suggested changes to the wording of the Article

See our particular remarks and suggested changes on different articles.

Reasons for suggested changes

The reasons are explained in the "Other Comments/Suggestions" section of the Code which apply to the update process in general of the Code and International Standards, including the ISRM.

These general comments reflects common concerns and have already been expressed, particulary at European level, about the process in general.

Finnish Center for Integrity in Sports (FINCIS) SUBMITTED

Petteri Lindblom, Legal Director (Finland)

NADO - NADO

General Comments

We think that the wording concerning how to inform other parties should be the same in every article. We think that the most safe, confidential and practical wording is in Art B.3.3:

- *The Results ManagementAuthority* shall promptly report a decision to recordor not to record *Whereabouts Failure* against an *Athlete* to *WADA* and all other relevant *Anti-Doping Organizations*, **on a confidential basis, via *ADAMS*.**

So there is no need to notify other NADOs, IFs and WADA in any other way than Adams.

At least articles 5.1.2.10, 6.4.1, 7.2 and 9.2.1 should be changed.

UK Anti-Doping SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

General Comments

Contaminated Source Definition – In addition to having widened the definition of Contaminated Product to Contaminated Source, we ask WADA to strongly consider establishing minimum reporting levels across a wider range of Prohibited Substances that are capable of being detected at extremely low concentrations, or alternatively consider whether such results should be reported as Atypical Findings.

National Anti-Doping Organization Operational Independence Definition – The principle of operational independence is important, and should apply not only to National Anti-Doping Organisations, but to all Anti-Doping Organisations. To ensure the proper and consistent application of the Code and ensure that all anti-doping processes are subject to good governance and protected from undue influence, the principle of independence should apply equally to all organisations, including International Federations. Maintaining a transparent, consistent and effective anti-doping program is a collective responsibility that must be shared by all Anti-Doping Organisations.

We welcome the creation of both the Working Group on the Operational Independence of National Anti-Doping Organizations and Working Group on Contaminations. However, it is vitally important that an opportunity is provided to Anti-Doping Organisations to review and provide feedback on the proposals emanating from these working groups before any consequential changes are adopted into the Code/ISRM. As practitioners responsible for adopting and implementing the Code/ISRM, and for Athletes and other persons most impacted by their terms, it is vitally important that adequate consultation takes place before the final 2027 Code/ISRM are approved. Alternatively, if changes are proposed by WADA outside of the current timetable (i.e. at a later stage) that adequate consultation time is provided.

iNADO

SUBMITTED

Alex Brown, Campaigns and Membership Coordinator (Germany)

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

General Comments

iNADO supports all efforts possible to ensure a timely handling of all cases to avoid that athletes (directly or indirectly impacted), ADOs and Event organisers are left in uncertainty about case outcomes.