

# Summary of Audit Outcomes

## Audit details

Signatory	Dates of Audit	Type of Audit	Scope of Audit
DAN - Doping Authority Netherlands (Netherlands NADO)	25-26 September 2024	In-person <input checked="" type="checkbox"/> Virtual <input type="checkbox"/> Desk <input type="checkbox"/>	Full Audit <input type="checkbox"/> Partial Audit <input checked="" type="checkbox"/> If partial audit, program areas audited: Results Management and Governance

## Background of the audit

The partial audit was proposed by WADA's internal Compliance Taskforce (in light of issues identified by WADA's Legal Department in the results management process) and endorsed by the Compliance Review Committee (CRC) based on the monitoring process outlined in the International Standard for Code Compliance by Signatories (ISCCS), specifically Articles 7.2.1 and 7.2.2. WADA officially notified Netherlands NADO of the audit on 22 July 2024.

The Lead Auditor communicated with Netherlands NADO via email to provide initial details and a draft audit plan, and on 3 September 2024, held a teleconference to discuss the objectives of the audit, the audit plan, logistical details, and to confirm the availability of Netherlands NADO staff and documentation during the period of the audit.

## Methodology

To prepare for this audit, the audit team used data held by WADA - including ADAMS and the legal department's database - as part of its review of Netherlands NADO's anti-doping program (as it relates to results management and governance). Furthermore, WADA requested that Netherlands NADO provide a number of documents in advance of the audit.

From the discussions, interviews, observation of procedures and review of documents provided by Netherlands NADO during the audit, it was apparent that Netherlands NADO had prepared for the audit and was open in the discussions. Staff and documents were available to the audit team during the audit.

## Table of findings

Date Updated:	3 September 2025			
Program Area	Critical Findings	High Priority Findings	General Findings	Total
	(completed and signed off)	(completed and signed off)	(completed and signed off)	(completed and signed off)
<b>Governance</b>	-	1 (1)	-	1 (1)
Testing	-	-	-	-
Intelligence & Investigations	-	-	-	-
<b>Results Management</b>	8 (8)	7 (6)	-	15 (14)
Therapeutic Use Exemptions	-	-	-	-
Education	-	-	-	-
<b>Data Privacy</b>	-	-	1 (1)	1 (1)
<b>Total</b>	8 (8)	8 (7)	1 (1)	17 (16)

## Summary of findings<sup>1</sup>

### Critical findings

1. There were multiple cases in which Netherlands NADO did not notify - pursuant to the applicable provisions in the World Anti-Doping Code (Code) and International Standard for Results Management (ISRM) - the relevant Anti-Doping Organizations (ADOs) with a right of appeal of its decision not to bring forward an Adverse Analytical Finding (AAF) as an anti-doping rule violation (ADRV).
2. There were multiple cases in which Netherlands NADO did not notify - pursuant to the applicable provisions in the Code and ISRM - the relevant Anti-Doping Organizations with a right of appeal of its decision whether or not to bring forward an Atypical Finding (ATF) as an AAF.
3. There have been significant delays in the results management of whereabouts failures. More particularly, in three cases where the last of three potential whereabouts failures (in a 12-month period) occurred in either late 2022 or early 2023, the results management of the whereabouts failures was still pending until at the time of the Olympic Games in Paris. As a result, three athletes were able to

<sup>1</sup> The following is a summary of the key findings of the audit as opposed to an exhaustive list of all findings. In respect of each finding, WADA required a specific corrective action to be undertaken in order to avoid similar issues in the future.

participate in the Paris Olympic Games. The delays were largely caused by judicial review proceedings before state courts. The Netherlands NADO had alerted the athletes as to the possibility of initiating such proceedings before subsequently (successfully) challenging the jurisdiction of the relevant state courts. The Netherlands NADO also granted and/or did not oppose significant extensions requests made by or on behalf of the athletes.

4. More generally, Netherlands NADO has a long history of delays in issuing decisions and notifying them to ADOs with a right of appeal. In certain cases, the delays effectively deprived WADA (and others) of their right of appeal. Indeed, one Athlete Biological Passport case that Netherlands NADO decided not to prosecute (despite a unanimous finding of 'likely doping' by the expert panel) was only notified to WADA after the statute of limitations of ten (10) years had already expired such that any appeal was redundant.
5. The Netherlands NADO is unable itself to impose provisional suspensions on the basis that this power lies – according to the Netherlands NADO – with the National Federation (NF) for each sport. Moreover, decisions on provisional suspensions were not notified to those with a right of appeal (including WADA and the International Federation) in accordance with the applicable Code and ISRM provisions.
6. More generally, the Netherlands NADO explained that it was not itself responsible for the prosecution of ADRV cases. Rather, this responsibility lies – according to the Netherlands NADO - with the Institute for Sports Law (ISR) and/or the applicable NF. As a consequence, Netherlands NADO was not in a position to procure and demonstrate compliance with the various Code and ISRM requirements related to the prosecution and adjudication of cases such as e.g. the content of the letter of charge, the nature and composition of hearing panels and the content and notification of adjudication decisions).
7. Netherlands NADO does not always notify, in a timely manner, all parties with a right of appeal that an appeal has been filed against a national decision as required by relevant Code and ISRM articles.
8. In at least one case, Netherlands NADO backdated the start date of the period of ineligibility without any proper basis to do so.

### **High priority findings**

9. The ADRV notification letters of Netherlands NADO do not fulfil all mandatory ISRM requirements.
10. Netherlands NADO does not upload notifications of AAFs, provisional suspensions, notices of charge and decisions (including with respect to whereabouts failures) into ADAMS in accordance with the relevant ISRM articles.
11. There were instances in which Netherlands NADO had not timely conducted an investigation of an ATF in accordance with the ISRM.
12. The Netherlands NADO does not always notify WADA when it initiated an investigation into a possible failure to comply (re Code articles 2.3 and 2.5), as required by the ISRM.

## Conclusion

This partial audit was triggered by specific concerns that had arisen with respect to the results management function of Netherlands NADO. The audit uncovered 17 findings of which eight were critical. The findings related, in particular, to repeated and significant delays in the handling of cases and a failure to timely notify WADA (and other ADOs with a right of appeal) of decisions. These procedural matters had practical consequences including, in one instance, depriving WADA of its right of appeal and, in another instance, allowing the relevant athletes to compete in the Olympic Games while the results management of their case remained delayed. The involvement of third parties such as National Federations in the results management process also had the potential to impede Netherlands NADO in meeting its Code and International Standard obligations in the context of results management.