

2027 CODE & IS UPDATE PROCESS

Fourth and Final Draft: Summary of Major Changes

World Anti-Doping Code

Executive Summary

Following the careful review and consideration of stakeholder comments provided in response to the third Code draft and in connection with and after the WADA Executive Meeting in Prague, the Code Drafting Team proposed further changes in a fourth and final draft of the 2027 World Anti-Doping Code (Code) as part of the ongoing [2027 Code & IS Update Process](#).

The purpose of this document is to summarize the major changes proposed in the fourth and final draft of the 2027 Code.

The first revised draft was published on 21 May 2024. The second revised draft was published on 26 February 2025. The third revised draft was submitted to the WADA Executive Committee at its meeting of 11 September 2025. The fourth and last revised draft was sent to the WADA Executive Committee and WADA Foundation Board and published on WADA website early November 2025.

For the sake of completeness, the first draft Summary of Major Changes is repeated below in black text, the second draft Summary of Major Changes is provided in green text, the third draft Summary of Major Changes is provided in red text and the fourth and final Summary of Major Changes is provided in purple text.

Some of the changes in the second draft which merited particular attention included:

- More specific references to human rights.
- The inclusion of Minors who are not Protected Persons in a number of the provisions where Protected Persons receive special consideration.
- An increased focus on the responsibility of Athlete Support Personnel for ensuring that their Athletes do not commit anti-doping rule violations either intentionally or inadvertently.
- Clarification on when Athlete consent is required for research on their anonymized samples.
- Introduction of a new Article creating an Independent Review Expert to implement a key recommendation in the Cottier Report.
- Establishment of a uniform appeal deadline for all parties other than WADA.
- An expanded definition of NADO Operational Independence which will affect the current practices of some stakeholders.
- An invitation for further discussion regarding exceptions to the mandatory Public Disclosure of anti-doping rule violation decisions.

Some of the changes in the third draft which merited particular attention included:

- Change in response to Michael Beloff's human rights opinion giving all Athletes and other Persons appeal rights to CAS.
- In addition to making themselves available for Testing, retired Athletes returning to competition must agree to be subject to anti-doping rules during their waiting period.

- Changes to the definitions of National Anti-Doping Organization Operational Independence, Operational Independence and Institutional Independence to promote independence and avoid conflicts of interest.
- Further clarification of what an Athlete may do while Provisionally Suspended or serving a period of ineligibility, in particular, regarding employment with Signatories or their members.
- No mandatory Public Disclosure in individual no violation or No Fault cases (except for where the matter has already been publicly disclosed or consequences must be explained). Mandatory statistical reporting of No Fault cases (no names or identifiable details).

Some of the changes in the fourth and final draft which merit particular attention include:

- Major Event Organizations’ authority to test has been changed back to the authority provided in the 2021 Code.
- In response to the Cottier and World Aquatics Reports emphasizing the importance of testing by parties other than the Athlete’s own NADO, a provision has been added providing that this outside testing shall not be unduly restricted.
- The process for challenging and appealing decisions related to Provisional Suspensions has been further modified to provide that challenges to Provisional Suspensions be heard first in the ADO process before an appeal to CAS. This gives Athletes the opportunity to challenge a Provisional Suspension quickly and in their own language and gives the ADO an opportunity to consider the Athlete’s arguments and, if it agrees, lift the Provisional Suspension before the CAS appeal process is initiated.
- A new definition of Independent Review Expert explains the criteria and process for selecting the IRE.
- The requirement for reliable “analytical” evidence for an Athlete to reduce the four-year period of Ineligibility to two years where they cannot establish the source of the Non-Specified Substance in their system has been changed to reliable “scientific” evidence.
- In the Contaminated Source article, the phrase stating that “Athletes take nutritional supplements and medications at their own risk” has been changed to remove the reference to “medications.”
- In cases where it has been determined after hearing and appeal that the Athlete did not commit an ADRV or has established No Fault or Negligence, the exceptions to the requirement for the Athlete’s consent to publication have been expanded to include “other compelling circumstances.”
- The previous requirement that International Federations and National Olympic Committees “ensure” that NADOs have complete authority to carry out their work has been modified to a “best efforts” obligation.

The following section offers a concise article-by-article summary of the more significant changes in the fourth and final draft of the 2027 Code.

Principles, Purpose, Scope And Organization Of The World Anti-Doping Program

Principles, Purposes and Scope

Support, monitoring and enforcing compliance has been added to this section of the Code.

The “principles of the Code” are set forth throughout the entire Code document. The reference to “Principles” in the Introduction to the Code (which was added in the third Code draft) has been deleted in order to avoid any suggestion that only those principles identified in the Introduction should be considered “principles of the Code.”

Fundamental Rationale for the World Anti-Doping Code

These provisions have been updated based on recommendations from the WADA education and ethics teams with additional input from WADA's human rights consultant. Also, the importance of human rights has been given additional prominence in the Code.

Article 2 Anti-Doping Rule Violations

Comments numbered 7 and 10 to Articles 2.1.1 and 2.2.2 clarify two points. First, an Athlete cannot be charged with use of a Prohibited Substance before they became subject to anti-doping rule violations – although that could be a legitimate basis for denying the Athlete membership in the organization. However, once an Athlete becomes subject to anti-doping rules, the presence of a Prohibited Substance in their Sample is an anti-doping rule violation notwithstanding the fact that the Adverse Analytical Finding came from the substance having been used before the Athlete became subject to the rules.

Article 4.3 Criteria for Including Substances and Methods on the Prohibited List

A substance or method must meet two of the following three criteria in order to be put on the Prohibited List: (1) potential to enhance sport performance; (2) potential health risk to the Athlete and (3) violation of the spirit of sport. It has always been the case that WADA's determination of whether or not to put a substance or method on the list is not subject to challenge. A change has been made to clarify that whether a substance or method meets any of these criteria is also based on WADA's determination.

In response to stakeholder comments expressing the view that WADA's determination regarding the Substances and Methods to be added to the Prohibited List should be based on scientific input, consultation with the WADA Prohibited List Expert Advisory Group has been added to the process described in this Article. This is also currently the practice.

Article 4.4 Therapeutic Use Exemptions

Much of the detail in this Article of the Code has been moved to the International Standard for Therapeutic Use Exemptions. There is one substantive aspect of the TUE process which has generated considerable discussion, but which has not yet been resolved. The question is whether there should be greater flexibility, particularly in the imposition of Consequences, in connection with retroactive TUEs. Based on the stakeholder feedback received, the Code Drafting Team is continuing to consider appropriate sanctioning flexibility in anti-doping rule violation cases where the criteria for obtaining a TUE in Article 4.2 of the International Standard for Therapeutic Use Exemptions are met (but the athlete has not met the criteria for a retroactive TUE).

While there was strong stakeholder support for a more lenient and flexible sanctioning regime in such cases, the Code Drafting Team is seeking further feedback on what such a regime might look like. In particular:

1. Applying a standard "fault" analysis to impose a period of Ineligibility between a reprimand to two years does not appear to work well in such cases. In particular, the fault of the Athlete can often be assessed as high in that context/using such definition, as the Athlete has not met the criteria for a retroactive TUE and often has simply failed to apply for a TUE in advance.
2. One potential option would be to have a specific, standalone sanctioning regime for such therapeutic use cases (similar to the regime for Substances of Abuse). For example, a provision such as the following:

"Notwithstanding any other provision in Article 10.2, if the Athlete can establish that the presence, Use or Attempted Use or Possession met the criteria in Article 4.2 of the *International Standard for Therapeutic*

Use Exemptions, then the period of *Ineligibility* shall be between three (3) and six (6) months depending on the *Athlete's* degree of *Fault*. The period of *Ineligibility* established in this Article [x] is not subject to any reduction based on any provision in Article 10.6.”

3. Another option would be to simply have a fixed 3-month sanction in such cases (which also has the benefit of simplicity and not requiring an ADO/hearing panel to have to spend time trying to assess fault.)
4. If no sanction at all were to be imposed, there is a concern that this would be granting a retroactive TUE in all but name (albeit through a different process to the TUE process). This may risk disincentivizing Athletes to apply for a TUE in advance, and other potential consequences would also need to be carefully considered, e.g., would this approach risk putting ADOs/hearing panels under undue pressure when trying to retroactively determine if the Article 4.2 criteria are met? There is also concern that this would be setting up a highly complex and time-intensive retroactive TUE process and accompanying Code sanctioning process only to ultimately get to the exact same outcome. If this is the desired policy approach from stakeholders, query if it would be more straightforward to just remove the need to apply for a TUE in advance and state that if an Athlete meets the criteria in Article 4.2 they will get a TUE (whether prospective or retroactive)?

After extensive discussion and consideration of stakeholder feedback, the WADA TUE group has recommended the following solution to address the issues discussed above: A new Article 10.2.4 has been added which imposes a flat two-month period of Ineligibility (not subject to further reduction) where the Athlete can establish that when they used the Prohibited Substance or Method, that use would have met the TUE criteria set forth in the International Standard for Therapeutic Use Exemptions (except for the requirement to show that there was no reasonable permitted therapeutic alternative available). This recommendation has been accepted and is reflected in Article 10.2.4.1 of the third 2027 Code draft.

Article 5.2 Authority to Test

Article 5.2.3 has been modified to make clear that for potential competitors who are not already subject to a Major Event Organization's Testing authority, the Major Event Organization may adopt and enforce eligibility criteria for their Event establishing a deadline prior to the Event by which competitors must agree to be bound by the Major Event Organization's anti-doping rules.

The proposed changes in version 3.0 were rejected in favor of the language contained in the 2021 Code which was considered to have worked well. Specifically, Major Event Organizations shall have Out-of-Competition Testing authority over Athletes entered in one of their future events, or who have otherwise been made subject to the Testing authority of the Major Event Organization.

Article 5.2.7. Following the recommendations in the World Aquatics and the Cottier Reports calling for additional testing of Athletes by Anti-Doping Organizations beyond their own National Anti-Doping Agency, a new Article 5.2.7 has been added to ensure that testing by others outside the NADO is not unduly restricted.

Article 5.6. Retired Athletes Returning to Competition

Revisions to Articles 5.6.1 and 5.6.2 make clear that in addition to making themselves available for Testing, retired Athletes returning to competition must also agree to be bound by applicable anti-doping rules. Further, a comment to Article 5.6.2 has been added which states that nothing in the Code precludes a sport organization from adopting

and enforcing eligibility rules that allow the organization to deny or revoke the membership of an Athlete who has engaged in conduct during retirement, if such conduct would have constituted an anti-doping rule violation had it occurred while the person was bound by anti-doping rules.

Article 6.2. Analysis of Samples and Assessment of Analytical Data for Anti-Doping Purposes

Laboratories are permitted to analyze samples and data for anti-doping purposes. Although he did not identify it as a requirement, Michael Beloff's human rights opinion suggested that the description of the types of laboratory analysis considered to be "anti-doping purposes" could be listed in a single place. This has been done in a reorganization of Articles 6.2 and 6.3.

Article 6.3 Research on Samples

Research on Athlete samples shall always be anonymized in a way that prevents tracing the Sample back to a particular Athlete. Even then, Athlete consent for research using their Samples is required in certain limited circumstances. Changes to this Article better define and provide examples of those circumstances.

Article 6.5 Further Analysis of Samples Prior to or During Results Management

This Article has been revised to make clear that a laboratory may conduct repeat or additional analysis on a sample prior to the time a RMA notifies an Athlete that the sample is the basis for an anti-doping rule violation charge, or after that case has been finally resolved. Between the time that the Athlete has been charged and completion of the case, additional analysis on the sample may only be performed with the consent of the Athlete or the approval of the hearing panel.

Article 7.1.6 Responsibility for Conducting Whereabouts Failure Results Management

Generally, Results Management for whereabouts failures is conducted by the Anti-Doping Organization with which the Athlete files their whereabouts information. An exception to that general rule has been added in Article 7.1.6 which provides that where an attempt to Test leads to the discovery of a potential whereabouts failure, the Results Management for the potential failure shall be administered by the Anti-Doping Organization that initiated the Test unless the two Anti-Doping Organizations agree otherwise.

Article 7.4 Provisional Suspensions

Under the current Code, stakeholders have noted the difficulty of conducting the results management process and imposing a Provisional Suspension for Substance of Abuse when the period of Ineligibility (with treatment) is only one month. In this draft, the mandatory Provisional Suspension applicable to Adverse Analytical Findings and Adverse Passport Finding for Non-Specified Substances will not be applicable to Substances of Abuse.

When a Provisional Suspension imposed by a Major Event Organization does not extend beyond the completion of the Event or is not binding on other Signatories under Article 15.1.4, a revision to Article 15.2 provides that the RMA shall promptly make its own determination on whether a Provisional Suspension should be imposed.

As revised, Article 7.4.1 now provides that a mandatory Provisional Suspension shall be imposed by the RMA when the person is first notified of the potential anti-doping rule violation. It may be lifted by the same RMA based on the person's well-founded assertion that the violation involved a Contaminated Source or other relevant factors, for example, when the time already served under the Provisional Suspension would exceed the period of Ineligibility likely to be imposed for the anti-doping rule violation. After a hearing body has decided not to lift a Provisional

Suspension, only that hearing body may subsequently decide, based on new information, to lift it. As an exception to the above, when a Provisional Suspension imposed by a Major Event Organization remains in place through the end of the Event, the Provisional Suspension shall continue in force beyond the Event, and an application to lift the Provisional Suspension may be submitted to, or considered by, the applicable International Federation or its hearing body.

Article 7.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding

The grounds for lifting a Mandatory Suspension have been expanded from demonstration of a Contaminated Source to include the likelihood of a finding of no anti-doping rule violation, No Fault or Negligence, or the time already served by the Athlete under the Provisional Suspension will exceed the Period of Ineligibility asserted in the charging letter for the anti-doping rule violation.

Article 7.4.3 and 13.2.2 Appeal to CAS by Athletes and Other Persons

WADA retained Michael Beloff, an expert in human rights, to review various parts of the Code in relation to human rights issues. In his opinion, Mr. Beloff concluded that under the principle of “equality of arms,” if inter alia WADA has a final appeal right to CAS then all Athletes and other Persons must have the same right. His opinion applies to both appeals on the merits and challenges to Provisional Suspensions. The incorporation into the Code of the human rights principles identified by Mr. Beloff relating to appeals to CAS may have an impact on the resources, financial and otherwise, of National Anti-Doping Organizations, WADA and other international Signatories should they choose to get involved in the CAS appeal. This issue could only be addressed once Mr. Beloff’s opinion was received, which was well after the close of the second consultation phase. The Code Drafting Team has explored all alternatives which take into account the requirement to give all Athletes the right to appeal both final and Provisional Suspension decisions to CAS. Important factors which we have considered include: avoiding delay in the final resolution of cases; the need for a quick resolution of challenges to Provisional Suspension decisions; the impact on the resources of National Anti-Doping Organizations, WADA, other international Signatories and on the Athletes and to coordinate the concurrent proceedings in an efficient manner. The third draft of the 2027 Code recommends the following approach:

Appeals on the Merits Article 13:

- International Level Athletes retain the right to appeal hearing panel decisions directly to CAS. WADA and other international Signatories retain the same right.
- Other Athletes and Persons retain the right to appeal hearing panel decisions to the national level appellate body – they have a new right to appeal that body’s decision to CAS. WADA and the other international Signatories retain the same rights.

Appeals of Provisional Suspensions Article 7.4.3:

- International level Athletes are given the right to appeal a Hearing Panel’s decision not to lift a Provisional Suspension to CAS. WADA and the other international Signatories continue to have the right to CAS appeals challenging an Anti-Doping Organization’s decision not to impose or to lift a Provisional Suspension and the hearing panel’s decision to lift a Provisional Suspension.
- Other Athletes and Persons: Because it is important to resolve an Athlete’s Provisional Suspension status quickly, it makes no sense to utilize the three-level process (hearing panel, national appellate body and CAS) which applies to final decisions involving non-international level Athletes. This third draft of the 2027 Code provides that, like international level Athletes, all Athletes shall have the right to appeal Provisional Suspension decisions directly to CAS. WADA and other international stakeholders would retain the same right.

To avoid delay in the final resolution of the underlying cases, text has been added to Article 7.4.3 providing that Provisional Suspension appeals to CAS shall not be accepted as grounds for delaying the resolution of the underlying case. WADA’s right to intervene in CAS appeals by Athletes and other Persons has also been further clarified.

The process for challenging and appealing decisions related to Provisional Suspensions has been further modified

to ensure that Athletes have an opportunity to have their challenge to a Provisional Suspension heard in the ADO process before they take the case to CAS. This gives Athletes the opportunity to challenge a Provisional Suspension quickly and in their own language and the ADO an opportunity to consider the Athlete's arguments and, if it agrees, lift the Provisional Suspension before the CAS process is initiated. This approach is supported by both Athletes and ADOs.

Article 7.7. Retirement from Sport

In addition to the new provisions in Article 5.6 discussed above, an additional provision has been added to Article 7.7 which provides that when a retired Athlete or other Person tampers with the ongoing Results Management of an anti-doping rule violation for which they have been charged, the Athlete or other Person shall remain subject to the authority of all relevant Signatories for the violation of Tampering under Article 2.5.

Article 7.8 Cases Subject To Review By Independent Review Expert

This is a completely new Article based on the recommendations of the Independent Prosecutor Eric Cottier, and which has been approved in concept by the WADA Executive Committee. In summary, this Article makes clear that when an ADO receives the report of an Adverse Analytical Finding and there are no apparent departures from the International Standard for Testing or International Standard for Laboratories, and the Athlete does not have a Therapeutic Use Exemption, an ADO cannot simply close the case without notifying the Athlete and following through with the Results Management process. In these circumstances: 1) the Athlete must be notified; 2) before closing the case the ADO must submit a request for an opinion from the Independent Review Expert with a copy to WADA; 3) after reviewing the file and any other information deemed necessary, the independent Review Expert shall issue a written opinion and recommendation to the ADO with a copy to WADA advising whether a departure from the normal Results Management process is justified in the particular circumstances of the case; 4) after receiving the Independent Review Expert's opinion and recommendation, the ADO shall issue a written decision on whether it will proceed with normal Results Management or dismiss the Adverse Analytical Finding; 5) copies of the ADO's decision along with the Independent Review Expert's opinion and recommendation will be provided to each of the other parties entitled to appeal the decision, which appeal will be directly to CAS; and 6) where an ADO dismisses an Adverse Analytical Finding case without seeking an opinion and recommendation from the Independent Review Expert or fails to go forward with the normal Results Management process in contravention of the Independent Review Expert's opinion and recommendation, and where it is ultimately determined on appeal that an anti-doping rule violation did occur, then under Article 24 of the Code and the International Standard for Code Compliance by Signatories, the ADO may be subject to non-compliance outcomes and also will be required to reimburse the appealing parties for costs and reasonable legal fees incurred in connection with the appellate process. This Article must be incorporated without change into each Signatory's rules (Article 23.2.2). Further detail on the Independent Review Expert process is provided in the International Standard for Results Management.

Some of the details in the Article have been moved to the International Standard for Results Management. Also, Article 7.8.1.2 requires that in addition to WADA, each of the other parties entitled to appeal the Anti-Doping Organization's decision not to go forward with the case shall also receive a copy of the Anti-Doping Organization's request for an opinion from the Independent Review Expert.

To answer stakeholder questions about who the IRE will be, and how they will be selected, a new definition of

Independent Receiver Expert has been added to the Code. Also, a comment has been added to make clear that, notwithstanding the IRE process, the requirement for the imposition of mandatory Provisional Suspensions upon notice to the Athlete shall be respected.

Article 10.2 Sanctioning Scheme for Presence, Use or Attempted Use or Possession Under Article 10.2

The basic scheme under the current Code is as follows:

- Non-Specified Substances and Methods:
 - 4-year period of Ineligibility unless the Athlete can prove that the use was not intentional. (Intentional was defined as the Athlete knew that the conduct constituted an anti-doping rule violation or knew that there was a significant risk that the conduct would constitute an anti-doping rule violation.)
 - 2-year period of Ineligibility if the Athlete can prove that the use was not intentional.
- Specified Substances or Methods. (Except for special rules for Substances of Abuse and substances which are only prohibited in-competition).
 - 4-years if the RMA can prove that the use was intentional.
 - 2-years if the RMA cannot prove that the use was intentional.

To go below a 2-year period of Ineligibility the Athlete was, and still is, required to demonstrate No Fault or Negligence, or No Significant Fault or Negligence. Both require the Athlete to establish the source of the prohibited substance in their system with exception for Protected Persons and Recreational Athletes.

A number of questions have been raised since the implementation of the 2021 Code. Should the period of Ineligibility be different when the Athlete is simply reckless as opposed to knowingly committing a violation? Can the Athlete prove that the use was not intentional without establishing the source of the prohibited substance in their system? What facts should be considered in establishing the source of the prohibited substance? In analyzing the facts of a particular case, in what order should the Athletes degree of fault be considered in determining whether the use was intentional, reckless, involved No Significant Fault or No Fault? These issues are particularly prominent when the case involves the Athlete's attempts to establish that the Adverse Analytical Finding came from a Contaminated Source.

In this first draft of the 2027 Code, the difference between who has the burden to prove that the use was not intentional for non-Specified and Specified Substances and Methods remains the same. The exceptions for Substances of Abuse and substances which are only prohibited in-competition remain the same. The special treatment of Protected Persons and Recreational Athletes not being required to establish the source of the prohibited substance in their system also remains the same. Two new distinctions are introduced in this draft: first, whether the violation was reckless as opposed to intentional; second, whether the Athlete can establish how the prohibited substance entered their system. The new sanctions scheme is as follows:

10.2.1. Non-Specified Substances or Methods & the Athlete can establish how the Prohibited Substances Entered their System

- 4-year period of Ineligibility unless the Athlete can prove that the use was not intentional.
- 3-year period of Ineligibility where the Athlete can establish that the use was reckless but not intentional.
- 2-year period of Ineligibility where the Athlete can establish that the use was neither reckless nor intentional.
- 0-2-year period Ineligibility if the Athlete can establish No Significant Fault or Negligence.
- No Ineligibility if the Athlete can establish No Fault.

10.2.2 Non-Specified Substance or Method and the Athlete CANNOT establish how the Prohibited Substance Entered their System

- 4-year period of Ineligibility is the default sanction.
- 3-year period of Ineligibility where, in exceptional cases, the Athletes can establish to the comfortable satisfaction of the decision-making body that based on reliable analytical evidence, the anti-doping rule violation was not compatible with the intentional use of a prohibited substance. Comment 63 provides examples of what would, and would not, be considered reliable analytical evidence.
- Reduction of sanction is not available based on No Significant Fault or Negligence or No Fault or Negligence when the Athlete is not able to establish the source of the Prohibited Substance.

In applying the above, Comment 60 provides that before considering whether No Significant Fault or Negligence or No Fault or Negligence apply the decision-making body must first determine whether, in the case of a non-specified substance, the Athlete has satisfied their burden of establishing that the violation was not intentional.

10.2.3 Specified Substances or Methods & the Athlete can establish how the Prohibited Substance Entered their System

- 4-year period of Ineligibility if the RMA can establish that the use was intentional.
- 3-year period of Ineligibility if the RMA can establish that the use was reckless.
- 2-year period of Ineligibility if the RMA cannot establish that the use was either intentional or reckless.
- Burden remains on the Athlete to obtain a further reduction based on No Significant Fault or Negligence or No Fault or Negligence.

The more flexible approach to Article 10.2 violations as described above was positively received by the majority of stakeholders and therefore no significant substantive changes have been made in the second draft. However, many found the actual Code text setting forth these principles to be quite complicated. To remedy that, the text of the Article has been substantially revised to deal with each of the different types of factual circumstances separately.

The substantive changes included in Article 10.2.1 and 10.2.2 are as follows (not included before):

10.2.1 Non-Specified Substances or Non-Specified Methods

For violations of Article 2.1 or 2.2 that involve a non-Specified Substance or a non-Specified Method, the period of Ineligibility may be reduced as follows:

- 10.2.1.1 Where the *Athlete* can establish how the *Prohibited Substance* entered their system and that the violation was not intentional, the period of *Ineligibility* shall be two (2) years.
- 10.2.1.2 Where the *Athlete* cannot establish that the violation was not intentional, but can establish how the *Prohibited Substance* entered their system and that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years.
- 10.2.1.3 Where the *Athlete* cannot establish how the *Prohibited Substance* entered their system, but in exceptional cases can establish to the comfortable satisfaction of the decision-making body that, based on reliable analytical evidence, the anti-doping rule violation was not compatible with intentional use of a *Prohibited Substance*, then the period of *Ineligibility* may be reduced to three (3) years.

- 10.2.1.4 For violations resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was Used *Out-of-Competition* in a context unrelated to sport performance, the period of *Ineligibility* shall be two (2) years.

(This change detail was not previously highlighted in the second draft Summary of Major Changes.)

Three additional sub-Articles have been added to Article 10.2:

Article 10.2.4 addresses unique TUE situations discussed above under Article 4.4.

Article 10.2.5 addresses the different burdens of proof and periods of Ineligibility for Possession involving non-Specified Substances and Specified Substances.

Article 10.2.6 reintroduces the special definition of “intentional” from the 2021 Code, which is used in determining periods of Ineligibility under the various provisions of Article 10.2.

The sanctioning scheme set forth in the second Code draft remains largely unchanged. Most of the modifications in the third draft are clarifications responsive to questions asked by stakeholders. One important clarification involves which “otherwise applicable periods of ineligibility” may be further suspended for Substantial Assistance or for providing Other Valuable Information.

Upon reconsideration and the opinion of human rights expert Michael Beloff, the period of Ineligibility under Article 10.2.1.3 was reduced to 2 years. (This change detail was not previously highlighted in the second draft of the Summary of Major Changes.)

Article 10.2.1.3. This Article provides that even where the Athlete cannot establish the source of the Non-Specified Substance in their system, they may reduce the four-year period of ineligibility down to two-years if they can establish, based on “scientific” evidence, that the ADRV is not compatible with the intentional use of a Prohibited Substance. The change here is that the previous Code draft referred to reliable “analytical” evidence.

Article 10.2.4 Substances of Abuse

While stakeholder feedback on the 2021 Code’s treatment of Substances of Abuse has generally been favorable, questions were raised in the following areas:

- The potential one-month period of Ineligibility does not give the RMA sufficient time to evaluate and process a case.
- It is logistically impractical to require that the Athlete “complete” a Substance of Abuse program to have their period of Ineligibility reduced from 3 months to 1 month.
- Requiring enrollment in a Substance of Abuse program is overkill for many first-time violators.
- There are some circumstances, like the inadvertent ingestion of coca tea, where requiring rehabilitation to reduce the period of Ineligibility is simply not appropriate.
- A number of stakeholders continue to argue that having to deal with rehabilitation at all is outside their area of expertise.

Taking these concerns into consideration the first draft of the new Code takes the following approach:

- A flat two-month period of Ineligibility for a first violation. There is no requirement for rehabilitation or opportunity for reduction on a first violation.

- For a second violation involving the same Substance of Abuse, the period of Ineligibility is four months which may be reduced to two months if the Athlete “enters” a Substance of Abuse program. The RMA may also, at its discretion, impose the two-month period of Ineligibility where it determines that a treatment program is not necessary (e.g. the ingestion of coca tea).

Redrafted and now Article 10.2.3, but no substantive change.

This Article previously provided that where a Substance of Abuse was used in-competition, but the Athlete could establish that the use was unrelated to sport performance, the period of ineligibility to be imposed was between one and two years. In the third draft, that period of ineligibility was modified to between six months and two years.

In response to submissions from WADA science, a comment has been added to the two-month sanction for a first out-of-competition substance of abuse violation that is unrelated to sport. While the Code does not condition the two-month period of ineligibility for a first violation on the Athlete or other Person entering a treatment program, in the comment guidance has been provided to Anti-Doping Organizations that, to the extent of their expertise and resources, they should consider adopting policies which would encourage and facilitate Athlete’s and other Person’s to seek medical evaluation after a first violation and if recommended, to enter a treatment or rehabilitation program as appropriate.

Article 10.3.2 Sanctions and Results Management for Whereabouts Failures

The sanction for a whereabouts failure violation under Article 2.4 is two years subject to reduction down to a minimum of one year, depending on whether the Athlete can establish circumstances mitigating the Athletes degree of fault. The changes to this Article make clear that fault shall be assessed equally against all three Whereabouts Failures with the expectation that the Athlete should be on heightened alert after the first and second failures.

Article 7.1.6 clarifies which ADO has responsibility for initiating an anti-doping rule violation rising out of a filing failure or missed test. Where an individual filing failure causes a potential anti-doping rule violation under Article 2.4, results management for the violation shall be administered by the ADO with whom the athlete in question files whereabouts information at the time of the failure. Where an individual missed test causes a potential anti-doping rule violation under Article 2.4, the anti-doping rule violation will be administered by the ADO that ordered the test.

Article 10.6.1.2. Contaminated Source

The previous Code Article with this number addressed a potential reduction in the period of Ineligibility for anti-doping rule violations involving “Contaminated Products.” The new “Contaminated Source” definition is broader and includes sources of contamination such as food or drink, environmental contamination, or exposure through contact with a third person or object touched by a third person.

The definition of Contaminated Source has been further clarified to provide that in contamination through physical contact cases, there must have been no basis for the Athlete to suspect that the third person who contaminated them have used or possessed or been exposed to the Prohibited Substance.

The previous draft provided that Athletes are on notice that they take “nutritional supplements and medications” at their own risk. The reference to “medications” in this context has been deleted.

Article 10.7.1 Substantial Assistance

There was widespread stakeholder support, particularly those stakeholders with investigation units, to expand the scope of Article 10.7.1. It was pointed out that the utility of 10.7.1 was limited by the requirement that the substantial assistance had to “result” in criminal or disciplinary action. That requirement has been eliminated. A provision has also been added allowing the RMA to suspend a smaller portion of the period of Ineligibility in an initial decision

and, based on later reconsideration of the value of the information received, increase the amount of the period of Ineligibility suspended.

The triggering criteria for the application of this Article has been tightened up somewhat by requiring the production of information “which results in” the ADO discovering facts constituting, or bringing forward a case involving, an anti-doping rule violation. The language in the first revised Code draft “is likely to result in”, was thought to be susceptible to abuse and unnecessary. Still, the ADO’s “discovering facts constituting [e.g., an anti-doping rule violation],” as opposed to actually bringing forward a case, is sufficient.

NEW ARTICLE: 10.7.2 Other Valuable Information and Assistance in the Effort to Eliminate Doping in Sport

This new provision allows an RMA to suspend up to 15% of the otherwise applicable period of Ineligibility based on receipt of valuable information which does not otherwise meet the criteria for Substantial Assistance under Article 10.7.1. (Article 10.7.1 permits a suspension of up to 75% of the period of ineligibility.) For example, an Athlete provides information on how he has doped and avoided detection, but without identifying any third-party with culpability as required by Article 10.7.1.

No significant changes other than the emphasis on preventing the doping of Protected Persons or Minors.

Article 10.8.1 Result Management Agreements

Article 10.8.1 of the current Code allows an Athlete charged with an anti-doping rule violation which would result in a four-year period of an eligibility to admit the violation no later than 20 days after receiving notice of the charge and have the period of Ineligibility reduced by one year. Stakeholders have reported that this has been a very useful tool to quickly resolve cases and have requested that the scope of Article 10.8.1 be expanded. Accordingly, this provision has been expanded to apply to anti-doping rule violations with the charged period of Ineligibility of less than 4 years providing for a reduction of 25%.

Revisions to the Article clarify that the 25% reduction of sanction for early admission and acceptance of sanction is calculated from the period of Ineligibility stated in the charging letter, not the potential period of Ineligibility stated in the first notice of a potential anti-doping rule violation.

Article 10.9 Multiple Violations

New article 10.9.3.4. This article clarifies the outcome in the unique situation where an Athlete can establish that a second Adverse Analytical Finding resulted solely from the residual presence of the Prohibited Substance in their system from the same ingestion or use that resulted in the Athlete’s first Adverse Analytical Finding. In this situation, the Athlete would have any competitive results associated with the second Adverse Analytical Finding disqualified, but would have no increased period of Ineligibility and the multiple violation rule (Article 10.9) would not be applicable.

Article 10.11. Forfeited Prize Money

Based on stakeholder feedback, this Article has gone back to the 2021 Code version. Allocation of medals and placement continues to be left to the rules of the Signatory responsible for the Event.

Article 10.14.1 Status During Ineligibility or Provisional Suspension

This Article describes what a person serving a Provisional Suspension or period of Ineligibility can or cannot do. Multiple stakeholders have asked that the language in this Article be expanded and examples provided. That has

been done in this draft.

Participation during Ineligibility or Provisional Suspension results in Consequences but is not by itself an independent anti-doping rule violation. Numerous Code provisions related to anti-doping rule violations have been expanded to include violations of Article 10.14.1.

This Article has been further clarified in response to questions from stakeholders and the existence of inconsistent practices amongst stakeholders. The prohibition on involvement or employment with a Signatory or its member organizations during a period of Provisional Suspension or ineligibility has been further refined to apply to: serving as a board member, officer, director or official or senior executive, or any position involving Doping Control or involving direct contact with Athletes or Athlete Support Personnel, employment in other positions is not prohibited.

The scope of this prohibition has been repeated in the roles and responsibilities of the different Signatories set forth in Article 20. In response to a request for clarification from Athlete representatives, a comment has been added to Article 10.14.1 which makes clear that when an Athlete serving a period of ineligibility or Provisional Suspension is under a contract of employment for athletic services, Article 10.14.1(vi) does not prohibit a club from continuing to make contractual payments to the Athlete during the period of ineligibility or Provisional Suspension so long as the Athlete does not engage in any of the activities prohibited in Article 10.14.1(v).

Articles 13 and 14.2.2 Changes Related to Appeals

- Article 13.2. The list of appealable decisions has been expanded to include: decision not to bring forward an Adverse Passport Finding or an Atypical Passport Finding after review; a decision not to impose a Provisional Suspension; a decision by the RMA that the requirements for recording a whereabouts failure are not met; and a decision under Article 27.3 (retroactive application of the new Code to the period of an eligibility still being served by an Athlete based on a pre-new Code decision); and a decision by an ADO to disqualify or not to disqualify results under Article 5.6.1 (Retired Athletes Returning to Competition).
- Article 13.2.3.2. In the interest of fairness, the right to appeal from national level hearing body decisions has been expanded from the IOC, IPC, IF and WADA to include the Athlete, the Athlete's NADO and any other party to the case in which the decision was rendered.
- Article 13.2.5. Under the current Code, decisions or approvals made by WADA under Articles 10.7 (Substantial Assistance) and 10.7.2 (Other Valuable Information) were not appealable. In this draft those decisions are appealable subject to an arbitrary standard of review. The arbitrary standard of review also applies to WADA decisions under 5.6.1 (exemption from the 6-month notice rule for retired Athletes returning to competition).

Article 13.1.2. Proceedings before CAS involving WADA, an International Federation and/or a Major Event Organization as a party shall be conducted in French or English unless the above parties agree otherwise.

New Article 13.1.4 clarifies that appeals from decisions made by WADA shall be evaluated on whether WADA's decision was arbitrary.

Article 13.2.2. (See explanation provided in Article 7.4.3 Appeals to CAS by Athletes and Other Persons).

Article 14.2.2. Parties with a right to appeal a decision shall be provided with a machine-readable case file produced in French or English and, to the extent practical, in electronic digital and word searchable format.

There was considerable stakeholder pushback to the requirement found in the first draft that the case files must be produced in machine readable French or English. The second draft only requires that documents be produced in machine-readable form, and that if the case file contains documents in a language other than French or English, a case file index shall be provided in French or English with a short description of each document.

Article 13.2.3.4 (Appeal Deadline for Parties Other than WADA) has been revised to establish a uniform time to appeal for parties other than WADA. That deadline shall be the later of: (a) twenty-one days after the receipt of the decision or (b) where the appealing party makes a timely request for the complete file under Article 14.2.2, twenty-one days after receipt of the complete file relating to the decision.

Articles 14.3.2 & 14.3.4 Mandatory Public Disclosure After the Final Decision in a Case

The general requirement under Article 14.3.2 is that after a final decision in a case, the RMA must publicly disclose the result. Current Article 14.3.4 makes an exception to that general principle and requires consent of the Athlete where the Athlete has been found not to have committed an anti-doping rule violation. The first draft of the new Code makes another exception to mandatory publication where the Athlete has been found to have had No Fault or Negligence.

Request for Comment: There has been considerable debate over whether these exceptions are a good idea which provide fairness and respect the rights of Athletes who have been found to have No Fault or Negligence or a bad idea considering the importance of transparency to the credibility of the anti-doping system. Further comments on this issue are welcome.

After considering all of the comments from stakeholders where the balance between the importance of transparency vs. the potential reputational damage from publication to Athletes who have been acquitted or have been found to have committed a violation with No Fault, the Code Drafting Team's recommendation is in favor of the latter position. The third draft provides that consent to publish is required where there is a finding of no violation or No Fault except in cases where the identity of the Athlete or other Person is already public or Consequences have already been imposed. However, in the interest of transparency, Article 14.4 requires an Anti-Doping Organization to annually publish a statistical report (maintaining the anonymity of Athletes and other Persons involved) listing their anti-doping decisions finding No Fault or Negligence under Article 10.5 which detail the year of the decision, the sport involved, the Code Article violated, the Prohibited Substance or Prohibited Method involved and whether the decision was appealed. Interestingly, the number of No Fault decisions reviewed by WADA each year is minuscule compared to the total number of decisions reviewed. For example, between 2021-2024 WADA reviewed approximately 3000 cases per year and the number of No Fault decisions during that period averaged less than 19 per year. The addition to Article 14.3.7 in the second draft which requires that any publication under Article 14 in a case involving a Minor, Protected Person or Recreational Athlete be proportionate to the facts and circumstances of the case, taking into consideration the best interest of the individual has been modified so that in exceptional cases, the credibility to the anti-doping system may be subsidiarily considered.

Where it has been determined after a hearing and appeal that an Athlete did not commit an ADRV or has established that they bear No Fault or Negligence for the violation, the Athlete's consent to publication is required unless the identity of the Athlete is already public, consequences have been or are being imposed, or there are other compelling circumstances supporting public disclosure. The "other compelling circumstance" exception has been added in this fourth and final draft.

Article 18 Education

At the request of the WADA education, this Article has been refined to reflect further advances in their anti-doping education work.

Article 20 Additional Roles and Responsibilities of Signatories and WADA

Two important provisions have been added to the beginning of this Article. The first is a provision requiring Anti-Doping Organizations to work together ethically and in good faith to achieve the purposes of the Code. The second is a clarification that Anti-Doping Organizations shall not delegate any aspect of Doping Control where the

delegation could reasonably lead to a potential or actual conflict of interest.

Additional, or clarified, obligations applicable to Signatories include: to publish their policies and rules online where they are readily accessible to Athletes and other Persons (e.g., 20.1.1); and a further description of the conduct necessary to satisfy the obligation to vigorously pursue all potential anti-doping rule violations by Athlete Support Personnel or other Persons (e.g., comment to Article 20.1.9).

Article 20.3 Roles and Responsibilities of International Federations

A number of stakeholders, particularly National Anti-Doping Organizations, have argued that the entities that conduct Result Management for International Federations should be required to be independent from the sport organization which they serve (e.g., the creation of independent integrity units or delegation to independent third parties like the International Testing Agency). The overwhelming feedback received in response to this suggestion was that while the suggestion might be a good idea in principle, in practice it is not. It is certainly easier to prohibit the involvement of sport organizations in the activities of National Anti-Doping Organizations than it is to prohibit the involvement of sport organizations in their own anti-doping activities. In many cases that would not be logistically or financially feasible. However, a new comment has been added to Article 20.3.1 recognizing the concerns of National Anti-Doping Organizations without imposing a new requirement on International Federations.

That comment states that International Federations are encouraged, to the extent of their resources and structural framework, to ensure that their anti-doping activities are operationally independent from sport governance and operations.

Article 20.3.2. Requires International Federations to require their national federations to ensure that the National Anti-Doping Organization in their country possess complete authority to implement its anti-doping activities over all Persons under the jurisdiction of the national federation and that members of the national federation are in compliance with the Code and International Standards.

Article 20.4 Roles and Responsibilities of National Olympic Committees and National Paralympic Committees

Article 20.4.3 has been expanded to require that National Olympic Committees and National Paralympic Committees ensure that the National Anti-Doping Organization in their country possesses complete authority to implement its anti-doping activities over all Athletes and other Persons under the jurisdiction of the National Olympic Committee or National Paralympic Committee.

The previous requirement that International Federations and National Olympic Committees “ensure” that NADOs have complete authority to carry out their work has been modified to a “best efforts” obligation. (The same change was made in Article 20.3.2 as applied to International Federations.)

Article 20.4.22. To ensure that when a national federation is conducting Testing under the authority of a National Olympic Committee or National Paralympic Committee, that the national federation uses its National Anti-Doping Organization or other independent Sample collection authority to collect Samples in compliance with the International Standard for Testing.

Because of the potential conflict of interest which arises when national federations conduct testing, this Article 20.4.22 has been deleted. National federations should not conduct testing.

Article 21 Additional Roles and Responsibilities of Athletes and Other Persons

Since the 2015 Code, Articles 21.1.6 and 21.2.6 have required Athletes and Athlete Support Personnel to cooperate with Anti-Doping Organizations investigating anti-doping rule violations (Article 21.3.3 imposing the same

responsibility on other Persons was added in the 2021 Code.) A comment to these Articles explains that the failure to cooperate is not an anti-doping rule under the Code but may be the basis for disciplinary action under a Signatory's rules. That comment has been expanded in the third draft to provide that the responsibility to cooperate is subject to appropriate procedural safeguards, including without limitation, the right to legal counsel and the right to not self-incriminate, as further described in the International Standard for Intelligence and Investigations.

Article 22 Involvement of Governments

Article 22.2 provides that each government should commit itself to the principles of the Code. There was some objection from governments to the description of the Code principles as set forth in Article 22.2 in the second draft. Consistent with the UNESCO Convention, that description of principles has been replaced with the expectation that governments will "support WADA's mission as defined in its statutes."

Articles 23.2.2 & 6.2(iv). Use of Anti-Doping Samples for Sport Regulation Purposes Other Than Anti-Doping

The current Code contains a reference in Comment 114 under Article 23.2.2 to the permitted use of Doping Control Samples for other sport regulation purposes. In this draft, the principle of that Comment has been incorporated into the text of Articles 23.2.2 and 6.2(iv). The applicable conditions for such use have been expanded to address potential data privacy concerns.

The text of 23.2.2 has been shortened but the substantive effect remains the same.

NEW DEFINITION: NADO OPERATIONAL INDEPENDENCE

Article 20.5.1 of both the current Code and proposed first draft of the new Code require NADO's to be independent in their operational decisions and activities from sport and government. This draft adds a new definition of "NADO Operational Independence" which further clarifies that requirement.

The definition of National Anti-Doping Organization Operational Independence has been substantially expanded to include activities which may have not previously been prohibited or which were overlooked including, for example, prohibiting the delegation of any Doping Control responsibility to a sport organization or government.

PART TWO: EDUCATION AND RESEARCH

Both of these Articles have been significantly updated by their WADA committees and associated interest groups.

PART THREE: Additional Roles and Responsibilities of Signatories and WADA

The following three requirements have been added to the roles and responsibilities of each of the Signatory Groups identified in Article 20:

- To conduct an automatic investigation of Athlete Support Personnel in the case of an anti-doping rule violation involving a Protected Person or Minor who they support and to conduct an automatic investigation of any Athlete Support Personnel who have provided support to more than one Athlete found to have committed an anti-doping rule violation (e.g., 20.1.10)
- To adopt and implement Code of Conduct provisions, allowing the imposition of disciplinary action against any Athlete Support Personnel who violate their obligations under Article 21.2 (to attend anti-doping

education and provide accurate information to Athletes who they support) where such violation would not otherwise constitute an anti-doping rule violation (e.g., 20.1.17).

- To respect the autonomy and independence of National Anti-Doping Organizations as well as the requirements of National Anti-Doping Organization Operational Independence (e.g., 20.1.18).

A new Article 20.7 has been added to address the roles and responsibilities of other Signatories not identified in Articles 21.1-21.6. Basically, the roles and responsibilities of these other Signatories shall be as described in Annex A to the WADA Policy for Acceptance of New World Anti-Doping Code Signatories.

Article 22 Involvement of Governments

Two new provisions have been added to this Article. New Article 22.2 sets forth each government's commitment to the principles of the Code as set forth until the UNESCO Convention. New Article 22.11 addresses government support for anti-doping education and training programs.

Article 24 Monitoring and Evaluating Compliance with the Code and UNESCO Convention.

The proposed amendments to Code Article 24 and the proposed changes to the International Standard for Code Compliance by Signatories notably include: clarification that WADA must issue a formal notice to a Signatory alleging (a) the non-compliance (b) the proposed consequences and (c) a timeline for the Signatory to respond (24.1.2); confirmation that the Signatory's response to WADA's formal notice may include a dispute of the alleged non-compliance and proposed consequences, as well as WADA's characterization of a requirement as Critical or High Priority, in which case the CAS shall resolve the dispute (24.1.5); a requirement that a Signatory who wishes to dispute any part of WADA's formal notice must deposit CHF 5'000 as a security deposit for the costs that WADA will incur in referring the dispute to CAS. Such deposit shall be returned in full by WADA if the dispute is resolved before the costs are incurred or if directed by CAS (24.1.3); confirmation that a Signatory may resolve the dispute by correcting the non-compliance at any point prior to the final decision by CAS (24.1.8.6); clarification of a Signatory's right to dispute WADA's contention that the imposed reinstatement conditions have not yet been met (24.1.7); clarification that the withdrawal of WADA privileges for non-compliance will not necessarily include access to WADA's educational resources (24.1.4.1(c)); clarification regarding consequences affecting the display of national flags and the playing of national anthems (24.1.4.8); and clarification of which Signatory representatives are covered by consequences imposed for non-compliance (Code definition of 'Representatives').

PROTECTED PERSONS, MINORS AND RECREATIONAL ATHLETES

The special protections provided to Protected Persons and Recreational Athletes in the current Code have not been changed. However, a new comment has been added to the definitions of Protected Persons and Recreational Athletes, which makes clear that those circumstances in which special treatment should be given to Protected

Persons and Recreational Athletes are specifically set forth in the Code and it should not be assumed that special treatment was intended with respect to other parts of the Code where it is not expressly stated.

New provisions have been added expanding the special treatment afforded Protected Persons and/or Recreational Athletes. In addition, some, but not all, of the special treatment afforded Protected Persons and/or Recreational Athletes has now been extended to Minors who are not Protected Persons (elite 16 and 17-year-olds). For example:

- Violations of Article 2.7 (Trafficking), 2.8 (Administration) or 2.9 (Complicity) involving Protected Persons or Minors are particularly serious and may lead to longer periods of Ineligibility. (Articles 13.3.3 and 13.3.4).
- Substantial Assistance: information and assistance related to doping of Protected Persons and Minors is particularly valuable. (Articles 10.7.1(iv) and 10.7.2.)

- Mandatory Public Disclosure of anti-doping rule violations is not required in cases where the violator is a Protected Person, Minor or Recreational Athlete, and any optional Public Disclosure shall take into consideration the best interests of the individual. (Article 14.3.6).
- Required investigation of Athlete Support Personnel where a Protected Person or Minor who they support has committed an anti-doping rule violation (e.g., 20.1.10). Requirement that Athlete Support Personnel attend anti-doping education presentations and provide accurate information to Athletes who they support, particularly Protected Persons and Minors. (Article 21.2.2)
- Government commitment to support anti-doping education and training programs focused on Protected Persons and Minors (Article 22.11).

DEFINITIONS

Aggravating Circumstances - The fact that the anti-doping rule violation was committed as a part of a sophisticated anti-doping scheme or plan has been added to the list of circumstances which may trigger the imposition of an increased period of ineligibility based on Aggravating Circumstances.

Athlete - A comment has been added to make clear that, except as provided in this definition of Athlete, an Anti-Doping Organization may not adopt different rules for lower-level Athletes with respect to therapeutic use exemptions. Further, a comment has been added which requires International Federations to publish the criteria which they use to define which Athletes are considered to be International Athletes.

Contaminated Source - This definition now includes using a “supplement” (in addition to a medication) that contains a Prohibited Substance that is not disclosed on the product label or in any information accessible by artificial intelligence or a comparable search.

Independent Review Expert - This definition has been included to answer a number of stakeholder questions about this position.

Institutional Independence - In addition to being fully institutionally independent from the organization responsible for Result Management, hearing panels shall also be independent from national sports governing bodies or other national sport organizations.

National Anti-Doping Organization Operational Independence - This provision generated more stakeholder comments and more time spent in direct communication between the Code Drafting Team and stakeholders than any other provision in the draft 2027 Code. National Anti-Doping Organizations have a unique anti-doping role because they are supposed to be independent from any vested interest in the success of national Athletes potentially applicable to sport or government. As redrafted, this definition provides that no Person with a real or potential conflict of interest shall be involved in the operational activities of the National Anti-Doping Organization. Specifically, it provides that no Person shall be involved in the management or operational activities of the National Anti-Doping Organizations and concurrently in the management or operational activities of a national federation or government department with responsibility for sport or anti-doping. In response to stakeholder questions, specific examples of permitted and prohibited relationships are provided.

Operational Independence - Ensuring the independence of hearing bodies was an important advancement advocated by many stakeholders which was included in the 2021 Code. This Article addresses the question of who picks the pool of Article 8 hearing panel arbitrators and who can serve as an arbitrator. Representatives of the Anti-Doping Organization with Results Management responsibility were previously excluded. Additional language has been added to the third draft to make clear that hearings shall not be conducted by persons appointed by or under the authority of national sport governing bodies or national sport organizations. The Code Drafting Team also considered excluding individuals involved in government management of sport or anti-doping. However, this limitation was ultimately rejected because of the practical problem of determining who would appoint the pool of panel members if both sport and government were excluded from the process.

Recreational Athlete - The definition of which participants are Recreational Athletes, and thus receive special treatment under the Code, is made by the Athlete’s National Anti-Doping Organization. To ensure harmonization and to avoid the situation where some National Anti-Doping Organizations are classifying high-level competitors as Recreational Athletes, additional restrictive criteria have been added to this definition.

Athlete-Centered Consultation

The feedback received from Athlete respondents as part of the Athlete-Centered Consultation has confirmed support for the following key changes in the 2027 Code:

- A majority of respondents considered that the ‘Fundamental Rationale of the Code’, as reconfigured in the 2027 Code notably vis-à-vis the idea regarding the ‘Spirit of Sport’, was important.

(Fundamental Rationale of the Code) (78% of respondents in agreement)

- A majority of respondents indicated that they were in favor of shorter periods of ineligibility for anti-doping rule violations where an athlete has demonstrated reckless as opposed to intentional conduct;

(Code Article 10.2) (55% of respondents in agreement)

- A majority of respondents indicated that they were in favor of the proposed adjustments to the period of ineligibility in cases involving substances of abuse

(Code Article 10.2.3) (83% of respondents in agreement)

- A majority of respondents indicated that the addition of further examples of those activities which a person can and cannot do while serving a period of ineligibility is clear and helpful.

(Comment to Code Article 10.14.1) (94% of respondents in agreement)

- A majority of respondents agreed that samples collected for anti-doping purposes (under the World Anti-Doping Program) should be used by National Anti-Doping Organizations or International Federations for purposes unrelated to doping, such as enforcing safety, Code of Conduct policies and eligibility rules, notably related to gender.

(Comment to Code Article 23.2.2) (66% of respondents in agreement)