

2027 CODE & IS UPDATE PROCESS

Final Draft: Summary of Major Changes

International Standard for Results Management

Executive Summary

Following the review and consideration of stakeholder comments provided during the [Third Consultation Phase](#), including Athlete feedback provided as part of the [Athlete-Centered Consultation](#), and through further consultations with the anti-doping community, the International Standard for Results Management (ISRM) Drafting Team has proposed further key changes in a final draft of the 2027 ISRM as part of the ongoing [2027 Code & IS Update Process](#).

The purpose of this document is to summarize the major changes proposed in the final draft of the 2027 ISRM, which predominantly build on those proposed in the [second draft of the 2027 ISRM](#) and as summarized in the corresponding [second draft Summary of Major Changes](#).

The following section offers a concise article-by-article summary of the changes in this final draft of the 2027 ISRM.

Article 3: Interpretation

Changes from the Second Draft

Defined terms have been moved to Appendix 1 to harmonize the document's format and structure with the Code and other International Standards. Additional clarification has also been provided to clearly distinguish between mandatory requirements and recommendations in the document.

Article 4.1: Responsibility for conducting Results Management

NEW ADDITION

A comment to Article 4.1 has been added to reflect amendments made to Article 20 in the final draft of the 2027 Code (Code), which prohibits, *inter alia*, the delegation of any aspect of Results Management to national sports organizations.

Article 4.2: Confidentiality of Results Management

Changes from the Second Draft

The ISRM Drafting Team has provided further explanations regarding the comment to Article 4.2, clarifying that decisions relating to another case, which are publicly disclosed or could be publicly disclosed, do not fall within the scope of confidentiality as described in Article 4.2 and may therefore be produced by any party to a case.

Article 5.1.1.1: Therapeutic Use Exemption (TUE)

Changes from the Second Draft

The ISRM Drafting Team has made further adjustments in respect of retroactive TUE (r-TUE) applications. Under the International Standard for Therapeutic Use Exemptions (ISTUE), in certain specific circumstances, an Athlete may be allowed to apply for an r-TUE following notification of an Adverse Analytical Finding (AAF), which may result (if granted) in the Use (and the resulting Presence) not being determined as an anti-doping rule violation under the Code.

Bearing in mind the requirement for the initial notice under Article 5.1.2.1 to be made within 21 days of the Results Management Authority (RMA) receiving the AAF (see Article 5.1.2.2, obligation arising from the Cottier Report), and the principle that the analysis of the “B” Confirmation procedure should take place within one month of receipt of the AAF (as per Comment to Article 5.1.2.6), it was decided to address r-TUE applications through a new Article, Article 5.1.2.5, which also covered Atypical Findings (see Article 5.2.1). This new Article encourages RMAs to draw Athletes' attention, in the letter notifying them of the AAF, to the possibility of requesting a r-TUE as per Article 4.3 of the ISTUE, and to conduct the assessment of such application without delay in circumstances where a mandatory Provisional Suspension has been imposed.

Article 5.1.2: Notification

Changes from the Second Draft

In accordance with comments received from stakeholders and to ensure consistency with the Cottier Report, as well as certain provisions in other final drafts of the 2027 International Standards, further adjustments to the notification process described in this Article have been made, covering in particular:

- The possibility for an Athlete to apply for a r-TUE (Article 5.1.2.5, see further explanations under Article 5.1.1.1 above).
 - The “B” Confirmation procedure, which should be requested through the RMA, in writing and within thirty days following the reporting of the AAF for the “A” Sample (Article 5.1.2.1(c)) and to be conducted as soon as possible (comment to Article 5.1.2.6).
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Article 5.5: Cases Subject to Review by the Independent Review Expert

Changes from the Second Draft

The new Code definition for the “Independent Review Expert” (or IRE), as drafted by the Code Drafting Team, which provides details regarding the qualifications required and the appointment process for the Primary Expert

and their Back-Up as well as how other details of their engagement will be determined, has now been included in Appendix 1.

Furthermore, Article 5.5.2 has implemented the new requirement set out in Code Article 5.5.2, which requires that in addition to WADA, each of the other parties entitled to appeal the RMA's decision not to go forward with the case shall also receive a copy of the RMA's request for an opinion from the IRE.

Article 6: Provisional Suspensions

Changes from the Second Draft

The additional amendments made by the Code Drafting Team to the Provisional Suspension regime (Code Article 7.4) have been reflected in the following Articles:

- Article 5.1.2.1 (h), which provides that the Athlete's attention should be drawn to their right to request the lifting of a Provisional Suspension; this is also a recommendation which applies to non-analytical violations under Article 5.3.2.1 (f). Similarly, this recommendation should be made if the Provisional Suspension is imposed at the time of notification of charge (Article 7.1(f)).
- Article 6.1.1.2 provides for the expansion of the grounds for lifting a Mandatory Provisional Suspension, which include not only the demonstration of a Contaminated Source (and a likely case of reprimand), but also circumstances where it is likely that no anti-doping rule violation has occurred, i.e., cases with a No Fault or Negligence finding, or cases where the period already served by the Athlete under the Provisional Suspension would exceed the period of Ineligibility specified in the letter of charge.
- Article 6.1.3.5 clarifies that upon the imposition of a Provisional Suspension, the Athlete shall be provided with the opportunity of a timely hearing to lift this measure and, if denied, with the possibility of filing a subsequent request – based on new material evidence, unless the Provisional Suspension served would exceed the period of Ineligibility to be imposed – at any time prior to the hearing on the merits.
- Article 6.1.4 specifies that any appeal by a person entitled to appeal an RMA's decision to impose or not to impose, or to lift or to not lift a Provisional Suspension, shall be made exclusively to CAS. It also clarifies WADA's right to intervene in CAS appeals. This stems from the human right's opinion of Michael Beloff K.C., and may be made on an expedited basis.

Article 8: Hearing Process

Changes from the Second Draft

The comments to Articles 8.4 and 8.6 have been amended to reflect changes made to Code Article 20 and the Code definition of "Operational Independence". Specifically, further examples of potential conflicts of interests of panel members have been provided, including the prohibition for national sports governing bodies or other national sports organizations to be involved in the appointment of, and/or have authority over, panel members of first instance or appeal bodies; and the prohibition for national sports governing bodies or other national sports organizations to have any of their members, consultants, or officials sitting as a panel member on a case involving an Athlete from the same sport and country.

NEW ADDITION

In the comment to Article 8.1, RMAs and hearing bodies are now encouraged to make the necessary and reasonable adjustments, modifications and/or alteration to accommodate Athletes with impairments.

Article 9: Decisions

Changes from the Second Draft

The comment to Article 9.2.4 has been amended to reflect amendments to Code Articles 13.2.3.4(b) and 13.2.3.5(b) which now establish that for WADA and all other parties with a right to appeal, the complete case file will not be considered to have been received until said file has been produced in accordance with Code Article 14.2.2 (i.e., in machine-readable form, with an index and a short description of each document in English or French in circumstances where the file contains documents in another language).

Article 10: Appeals

Changes from the Second Draft

Amendments have been made to Article 10.3, to clarify:

- How WADA and any other Anti-Doping Organization (ADO), which would have had a right of appeal but is not a party to a Court of Arbitration for Sport (CAS) case, shall be informed of the appeal (c), and that
 - The requirement that WADA's written approval is not only necessary for settlements embodied in a CAS award, but also to matters settled out-of-court by parties whilst a CAS appeal is pending (d).
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Annex B: Results Management for Whereabouts Failures

Changes from the Second Draft

The ISRM Drafting Team has implemented the following changes to Annex B to provide further explanations as requested by stakeholders and to reflect amendments in the 2027 International Standard for Testing (IST) or Code, where applicable:

- Article B.1.3(a)(i) mirrors the clarifications made to IST Article 4.10.6.1, which confirms the possibility for ADOs to include Athletes in their Registered Testing Pools (RTPs) during the calendar quarter.
- Comment to Article B.2.3 clarifies that a first, second or third (alternative) Whereabouts Failures can be recorded where notice of a prior (alternative) unsuccessful attempt has not been received.
- Articles B.3.1 and B.3.2 implement the amendments made to Code Article 7.1.6 regarding the responsibility for conducting Results Management for Whereabouts Failures: Results Management will be conducted by the ADO with which the Athlete files their whereabouts information (i.e., the “Whereabouts Custodian”), unless the discovery of the potential failure resulted from an attempted test initiated by another ADO (then the latter will be responsible for conducting results management unless agreed otherwise with the Whereabouts Custodian).
- The administrative review process for individual Whereabouts Failures, as currently provided at Article B.3.2(f) of the 2021 ISRM, shall not be reinstated in the 2027 ISRM despite several stakeholder comments received to this effect. This decision is in line with the overwhelming support received as part of the Athlete-Centered Consultation, where more than 80% of the Athletes considered that this change will streamline the process without having a negative impact on their rights. In this respect, a comment to Article B.3.4(e) has been added to further clarify that the recording of an individual Whereabouts Failure – which occurs after notification of the alleged failure to the Athlete, and which gives them the opportunity to challenge it – shall

not be binding in the context of a Code Article 2.4 charge, as each of the three Whereabouts Failures will be considered on a de novo basis.

- Article B.3.6 clarifies the responsibility for conducting Results Management for a violation of Code Article 2.4, i.e., the commission of three Whereabouts Failures within one year. The RMA in such respect shall be the ADO with which the Athlete files their Whereabouts information, unless agreed otherwise between ADOs. Furthermore, the comment to this Article provides for the cooperation between ADOs when an Athlete changes to another ADO's RTP.

Annex C: Results Management for Athlete Biological Passport (ABP)

Changes from the Second Draft

The ISRM Drafting Team has made significant improvements to Annex C, in an effort to clarify and better streamline the ABP process:

- Several formal and linguistic changes have been implemented throughout Annex C, in particular:
 - Article C.1.3, which describes the scope of this Annex, has been shortened – as it was not deemed essential to repeat each of the main steps described subsequently in this Annex – and has been moved to the beginning of Section C.1.
 - The defined term “Passport Custodian” has been moved from the ISRM to the IST, where it is better suited.
- More substantive changes have also been made, clarifying, in particular, the role of the:
 - Passport Custodian, which may:
 - Provide, on their own initiative, any relevant information to the (initial and/or two additional) Expert(s) for their review (Articles C.2.2.5, C.3.1, and C.3.3).
 - Further investigate and/or seek additional information from the Athlete about their explanation at the disciplinary proceedings stage (Article C.6.1).
 - At any stage, submit a request to the Athlete Passport Management Unit (APMU) for the Expert or Expert panel to provide any further explanation relating to their evaluation of a Passport (Article C.8.1). In that respect, the Passport Custodian may also conduct any investigation or inquiry related to the Passport (Article C.8.2).
 - APMU, which:
 - Shall assess the Passport in case of a sequence abnormality as per Article C.2.1.2.
 - Where applicable, shall clearly indicate, in its report, that the reason for delaying the Expert review of a Passport is due to the collection of an additional sample (Article C.2.2.3).
 - Shall provide the two additional Experts with all the information that was provided to the first Expert (Article C.3.1).

- In case of a unanimous “Likely Doping” rendered by the three Experts, shall compile the ABP Documentation Package based on all the information shared with the Experts, including any information shared by the Passport Custodian (Article C.4.1).
- Ensures communication between the Passport Custodian and the Expert or Expert panel (Article C.8.1).
- Expert(s):
 - The initial review of the Passport is conducted based on all relevant information (whether inculpatory or exculpatory) as shared by the Passport Custodian and/or requested by the Expert through the APMU (examples of information are provided in the comment to this Article) (Article C.2.2.5).
 - The review by the two additional Experts is based on all information provided to the initial Expert, with it being specified that these two additional Experts also have the possibility of requesting, through the APMU, and/or receiving from the Passport Custodian, any further information deemed relevant to their review (Article C.3.1). The same applies when one of the three Experts does not evaluate the Passport as “Likely Doping” and further information is requested (Article C.3.3).
 - If, at the stage of their report, the Expert panel is no longer unanimous in their opinion of “Likely Doping”, it can recommend that the Passport Custodian pursue additional testing and/or gather intelligence on the Athlete (Article C.4.4).

NEW ADDITION

The ISRM Drafting Team has added the following articles to this Annex:

- Article C.1.4, which describes the role of the APMU.
- Article C.2.2.6.3, which clarifies that comments made on a Passport by an Expert as part of their initial review are not disclosable, by virtue of their informal nature and purpose (namely, guidance for the APMU and the Passport Custodian) as well as the fact that they are based on an incomplete set of information. Only the first joint Expert report, which supersedes any comments, is disclosed.
- Article C.7.2, which provides further details about the re-setting of a Passport and the allocation of a new Passport ID, in cases where an Athlete has been acquitted or the charge against them has been withdrawn.
- Comment to Article C.7.3, which specifies that in case an Athlete is found to have committed an anti-doping rule violation on any basis other than the ABP, the re-setting of their Passport may be justified if the Prohibited Method or Prohibited Substance has the potential to impact Passport Markers.
- Articles C.8.1 and C.8.2, which provide further details as to the investigation or inquiry that a Passport Custodian can conduct at any stage of the Passport review.

Athlete-Centered Consultation

As summarily described above, the feedback received from Athletes as part of the Athlete-Centered Consultation demonstrated strong support for certain proposed changes that were introduced in the previous drafts of the 2027 ISRM, namely:

- Articles 5.1.2.1(f) and 7.1(d)(i) (provision stemming from Code Article 10.8.1): Respondents agreed that the acceptance of an anti-doping rule violation and the related consequences warrants a 25% reduction in the applicable period of Ineligibility (*77% of respondents in agreement*).
- Article 5.5 (provision stemming from Code Article 7.8): Respondents agreed that in rare cases, such as cases where an ADO determines that the existence of multiple AAFs is likely due to a contaminated source and therefore considers closing the case without proceeding with the normal Results Management process, the goal of ensuring consistency and transparency for Athletes will be achieved if such cases are submitted for review by an Independent Review Expert (*81% of respondents in agreement*).
- Article B.3.4(e): Respondents agreed that the removal of the administrative review process for individual Whereabouts Failures will streamline the process without having a negative impact on athletes' rights (*80% of respondents in agreement*).

The ISRM Drafting Team wishes to thank all the respondents for their valuable input during the Athlete-Centered Consultation.