

One of the most important achievements to date in the fight against doping in sport has been the implementation of the World Anti-Doping Code (Code), a harmonized set of anti-doping rules.

The Code is the core document that provides the framework for harmonized anti-doping policies, rules, and regulations within sport organizations and among public authorities. It works in conjunction with five International Standards aimed at bringing harmonization among anti-doping organizations in the following areas: testing, laboratories, Therapeutic Use Exemptions (TUEs), protection of privacy and personal information, and the List of Prohibited Substances and Methods. This harmonization works to address the problems that previously arose from disjointed and uncoordinated anti-doping efforts, such as, among others, a scarcity and splintering of resources necessary to conduct research and testing, a lack of knowledge about specific substances and procedures being used and to what degree, and an uneven approach to penalties for athletes found guilty of doping.

The development of the Code occurred through an extensive consultation process. WADA solicited comments from stakeholders throughout its development and incorporated relevant suggestions into the document.

Since it entered into force on January 1, 2004, the Code has proven to be a very powerful and effective tool in the harmonization of anti-doping efforts worldwide. This has been demonstrated by the overwhelming support of governments and sports in accepting the Code, in addition to the growing body of jurisprudence from the Court of Arbitration for Sport (CAS) in supporting the Code's tenets.

The adoption of the original Code (2003 Code) led to several significant advances in the global fight against doping in sport, including the formalization of certain rules as well as the clarification of stakeholder responsibilities. This brought about harmonization to a system where previously rules had varied, and in some cases did not exist.

Additionally, the Code allowed for the sanctioning of "non-analytical" rule violations, meaning that a sanction could be applied in cases where there is evidence that an anti-doping rule violation has occurred but where there is no positive doping control test.

WADA's Monitoring Role

As the international independent organization responsible for the Code, WADA has a duty to monitor all three aspects of stakeholder Code activities—from acceptance to implementation to compliance.

WADA therefore facilitates and monitors government and sport anti-doping efforts, taking necessary measures to ensure the integrity of the Code. This includes working with governments in their ratification of the UNESCO International Convention against Doping in Sport (Convention)—the practical tool enabling governments to align domestic policy with the Code, thus harmonizing the rules governing anti-doping in sport. Since many governments cannot be legally bound by a non-governmental document, they are implementing the Code by individually ratifying this international treaty, which was unanimously adopted by 191 governments at UNESCO's General Conference in October 2005 and came into force in February 2007.

In working with sport, WADA aims to ensure that sport rules are consistent with the Code and that they are enforced as such. As of today, more than 570 sports organizations, including all International Federations of Olympic Sports, all national Olympic and Paralympic Committees, the International Olympic Committee, the International Paralympic Committee, and many other sports organizations have accepted the Code.

WADA has the duty to review sanctions imposed by anti-doping organizations and to seek appeal to CAS when decisions in doping cases are not Code-compliant. Furthermore, WADA ensures that the Code evolves regularly by engaging in extensive consultation and thorough review of the Code, and its associated International Standards, on a periodic basis.

2009 Code

To this end, building on the experience gained in the application of the Code and with the goal of enhancing anti-doping programs, WADA initiated a consultation process in 2006 for the practical review and fine-tuning of the Code's provisions. Throughout the revision process, WADA encouraged comments and suggestions, from both its stakeholders and all those who want clean and fair sport, that would benefit the global community of athletes.

Following an open and transparent consultation process that included three phases and the publication of several preliminary drafts, the revised Code (2009 Code) was unanimously adopted by WADA's Foundation Board and endorsed by the 1,500 delegates present on November 17, 2007, at the Third World Conference on Doping in Sport, hosted in Madrid (Spain). The revisions to the Code entered into force on January 1, 2009.

The Code review process has resulted in an even stronger, more robust tool to ensure that all athletes benefit from the same anti-doping procedures and protections, no matter the sport, the nationality, or the country where tested, so that, in the end, athletes may participate in competition that is safe and fair.

Key Changes

Although the key principles and elements of the 2003 Code have remained in place, several important changes are reflected in the revision. Two general themes, namely firmness and fairness, have emerged from these changes, both targeted at strengthening the fight against doping in sport.

Among the most significant changes, the 2009 Code introduces a greater flexibility in the application of sanctions in general. It provides for an increase of sanctions in doping cases involving certain "aggravating circumstances" such as being part of a larger doping scheme or the athlete having used multiple substances. At the same time, lessened sanctions may be imposed to athletes who can clearly prove that the substance involved was not intended to enhance performance.

The 2009 Code also addresses delays and accelerates the process and management of doping cases (e.g. reduced period between analysis of the A and B samples, and mandatory provisional suspension following an A sample adverse analytical finding for a prohibited substance other than a specified substance).

In addition, the revisions bring greater harmonization in areas, such as athlete whereabouts requirements and missed tests, where stakeholders had initially wanted flexibility and were given such latitude in the original Code.