

## **INTERNATIONAL STANDARD FOR CODE COMPLIANCE BY SIGNATORIES (ISCCS)**

### **Second consultation phase**

**Showing: All (21 Comments)**

- **INTERNATIONAL STANDARD FOR CODE COMPLIANCE BY SIGNATORIES (General Comments) (7)**

**ATP, [Andrey Rublev](#), Tennis player (Russia)**

Sport - Athlete

I agree.

**International Cricket Council, [Vanessa Hobkirk](#), Anti-Doping Manager (United Arab Emirates)**

Sport - IF – IOC-Recognized

Whilst the ICC supports the general IS for Code Compliance by Signatories, it suggests that WADA considers each case of non-compliance individually as some cases can be quite unique and therefore require additional consideration. The ICC would also recommend that WADA seek to work with signatories and provide them with the necessary or requested support if only by way of assurances to help maintain compliance.

**Ministry of sport of Russia, [Veronika Loginova](#), Head of Antidoping Department (Russia)**

Public Authorities – Government

Currently, the standard contains too strict measures against Signatories.

In case the signatory of World Anti-Doping Code is declared non-complying with it, the criteria for its restoration, sanctions and restrictions should be linked only with those roles and responsibility, which are introduced in the Code, and related to the operational activity of the organization. If the state party is declared non-complying with the UNESCO Convention the conditions for its restoration, sanctions and restrictions should be linked only with the obligations of the state, introduced in the Convention. It is necessary to adhere to the principle of a "unified approach" and non-discrimination.

**Antidoping Switzerland, [Ernst König](#), CEO (Switzerland)**

NADO - NADO

There is a clear need for a defined set of rules on Code compliance, that is why Antidoping Switzerland supported the introduction of the ISCCS. However, there is a fine line between setting out clear rules and regulations and overregulating a business. The administrative burden for signatories is already very high, and especially for smaller ADOs the administration of Code compliance is taking up significant resources that could otherwise be used for effectively fighting doping.

The outlined prioritization of ADOs into 3 tiers for the introduction of the ISCCS is a good way of increasing the effectiveness of the available resources. It should be considered if this risk based approach can be applied in a similar way based on the outcome of the CCQ. For example, if an ADO has a high number of corrective actions to implement, it might be audited again in a short period of time, whereas if an ADO has no or very few corrective actions, the period until the next audit/CCQ can be extended. This risk based approach has been implemented in audition programs in different business areas successfully for a long time.

**Doping Authority Netherlands, Olivier de Hon, Chief Operating Officer (Netherlands)**

NADO - NADO

We agree that this Standard is an important element of the WADP. Since it is still relatively new, we do not have any commentaries at this time.

**International Paralympic Committee, James Sclater, Director (Germany)**

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

There should be compliance for third-party service providers such as private collection agencies and de-facto ADOs such as the ITA, AIU, and CADF.

**WADA Athlete Committee, Ben Sandford, Member (New Zealand)**

WADA - Others

1. Deadlines, timeframes and dates.

I think the use of the terms 'deadlines' and 'timeframes' needs to be improved so that there are not multiple interpretations of the same term.

For instance, it is difficult to understand how when it is stated that 'data will be accepted no later than date x', and it is accepted after that date, that there are no consequences. Handing over the data after the deadline in this situation should still incur a consequence but less than not handing it over.

Currently a deadline is set, yet i would argue it's not actually a deadline, it is more of a date on which a process begins, the actual deadline is some time in the future. It should be the second of these that is the deadline as the first is not a deadline if there is a way to fully comply after it has passed. Further, if the last resort principle applies in each case then the last possible point to comply must be the deadline, not the first possible point.

To this end I suggest we have a clear defined difference between a 'date' and a 'deadline'. We need to be clear for everyones sake that a deadline is hard and missing it will result in consequences, a date on which a process begins is a different matter.

For me part of the issue is how the last resort principle is described. The last two words in 5.2 are 'required timelines'. But there seem to be two different required timelines. One being when the process will begin and the other when the data in this example needs to be handed over, would it be better to call these two processes two different names (i.e. referral date and compliance deadline).

2. Fast track

It's still unclear to me how the principle of last resort is read into the fast track procedure. This is again partly due to 5.2 stating that "Having a Signatory declared non-compliant and Signatory Consequences imposed is the last resort, to be pursued only where the Signatory has failed, despite

every encouragement, to take the necessary corrective actions within the required timelines". I would argue that because there are multiple definitions of 'required timelines' it is hard to work out up to what stage the last resort principle applies.

I recommend writing 5.2 into 9.5 so that it is clear that a signatory has the ability to correct the non-conformity right up until WADA ExCo accepts the recommendation, or presumably the signatory is heard at the CAS, and how this practically works. At the moment i don't think it is clear how the fast track and the last resort work together and if there is a standard required timeline (i.e. before ExCo), or if this is flexible depending on circumstances.

3. Another issue.

Assuming that a non-conformity causes some type of harm but the non-conformity is fixed before the signatory is declared non-compliant, what consequences if any can be applied?

- **Part One: Introduction, Code Provisions, International Standard Provisions, and Definitions (1)**

ATP, **Andrey Rublev**, tennis player (Russia)

Sport - Athlete

I agree

- **3.0 Relevant Provisions of the International Standard for Laboratories (Fixed text; no comments requested) (1)**

ATP, **Andrey Rublev**, tennis player (Russia)

Sport - Athlete

I agree

- **4.0 Definitions and interpretation (1)**

ATP, **Andrey Rublev**, tennis player (Russia)

Sport - Athlete

I agree

- **4.2 Defined terms from the 2021 International Standard for Testing and Investigations that are used in the International Standard for Code Compliance by Signatories (Fixed text; no comments requested) (1)**

ATP, **Andrey Rublev**, tennis player (Russia)

Sport - Athlete

I agree

- **4.3 Defined terms specific to the International Standard for Code Compliance by Signatories (1)**

ATP, **Andrey Rublev**, tennis player (Russia)

Sport - Athlete

I agree

- **Part Two: Standards for WADA's Monitoring and Enforcement of Code Compliance by Signatories (3)**

Men's National Team Water Polo, **Chase Travisano**, Athlete (United States)

Sport - Athlete

I think that the monitoring is very fair by the WADA

ATP, **Andrey Rublev**, tennis player (Russia)

Sport - Athlete

I agree

Freelance journalist, **Karayi Mohan**, Freelance journalist (India)

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

The International Cricket Council (ICC) has been breaching the Code for several years in relation to Indian NADO's authority to test Indian cricketers. The BCCI seems to be in no mood to relent. Someone has to tell them that the choice is not their's but it is a provision within the Code to which the ICC is a signatory.

## **6.0 WADA's Compliance Monitoring Program**

- **6.2 Independent Review and Recommendations (1)**

Institute of National Anti-Doping Organisations, **Graeme Steel**, Chief Executive (Germany)

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

6.2.1 The Compliance Review Committee is an independent, non-political WADA Standing Committee that oversees WADA's Code Compliance monitoring efforts and enforcement activities, and provides advice and recommendations on such matters to WADA's Executive Committee. 6.2.1.1 The CRC is governed by bylaws designed to ensure the independence, political neutrality and specialization of its members that underpin the credibility ISCCS – Draft Version 1.0 – December 2018 Page 29 of 76 of its work.

If the by-laws are available on the WADA web site they are elusive. The term "independence" requires a lot more specificity. To date the CRC has operated essentially as an arm of (or at least hand in hand with) WADA Management as it addresses potential non-compliances. Of course there must be sharing of information between the two but deliberations of the CRC must be conducted away from any involvement of or influence by WADA Management and Governors. If WADA Managers and or Governors are party to those deliberations then the CRC cannot be regarded as an "independent" body. If the current by-laws and/or practice are permissive of this they need to be strengthened presumably via this Standard.

- **8.0 Monitoring Signatories' Compliance Efforts (1)**

**Organizacion Nacional Antidopaje de Uruguay, José Veloso Fernandez, Jefe de control Dopaje (Uruguay)**

NADO - NADO

The effort made by the local NADOs, the work that links the administrators with their acting technicians and the mechanism of interest that is used to be in order with the regulations of the NADOs, should be taken into account in the process of review of compliance with the WADC 2021. code in the country.

- **8.8 Special Provisions Applicable to Major Event Organizations (1)**

**International Paralympic Committee, James Sclater, Director (Germany)**

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

8.8.8.2 only mentions the IOC and IPC, while it should apply to all relevant MEOs. Having a compliance aspect for the LOC would be beneficial as well.

- **9.0 Giving Signatories the Opportunity to Correct Non-Conformities (1)**

**CHINADA, Yao Cheng, Result Management (China)**

NADO - NADO

Practice shows that 3 months is indeed too hasty for the modification of key items because many of them are concerned about the signatory's anti-doping system, organization and rules. However, reconstructing the system, improving the organization, amending the rules involve a lot of complex work. Besides, it takes more time to communicate with WADA regarding the rules, get WADA's recognition and approval from the Chinese superior administration. Therefore, we think the time for rectification of key items should be appropriately extended while the rectification time for high priority and important items, many of which are specific technical problems, can be relatively shortened so as to improve the efficiency of rectification.

- **11.0 Determining Signatory Consequences (1)**

**Gouvernement du Canada, Francois Allaire, Agent Principal de Programme (Canada)**

Public Authorities - Government

**International Standard for Code Compliance by Signatories – Article 11.2.6 on Signatory Consequences**

The Government of Canada does not support the intent or spirit of Article 11.2.6 which, subject to WADA's Executive Committee approval, opens the door to athletes and athlete support personnel to participate in a neutral capacity in events and major games despite having potentially benefited from an inadequate or manipulated testing program. This runs counter to the Anti-Doping Charter of Athlete Rights, in particular Article 1 on Equality of Opportunity and as well the purpose of the World Anti-Doping Program to protect the athletes' fundamental right to participate in doping-free sport. Such an alternative to compete neutrally, even with WADA's approval, is unfair to other competitors and undermines public confidence in the integrity of the events.

- **12.0 Reinstatement**

**Annex A: Categories of Non-Compliance (1)**

**World Rugby, David Ho, Anti-Doping Manager - Compliance and Results (Ireland)**

Sport - IF – Summer Olympic

World Rugby does not support the reallocation of 'the implementation of an education programme', from a critical requirement to a high priority requirement. We note the material difference is simply the time allocated to correct the non-compliance but at a time when WADA are implementing a new education standard, to downgrade education in importance vis-à-vis testing would appear counter-intuitive. The Anti-Doping Charter of Athlete Rights gives equal footing to the 'right to education' and 'equitable and fair testing programmes', but the categorisation of importance/seriousness of failing to have an education programme in the ISCCS is less than that of having a testing programme. No athlete should be tested before being given the opportunity to be educated. We would propose this amendment be reversed.