



The International Standard for  
**RESULTS MANAGEMENT**

**Draft Version 1.0**

December 2018

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## PART ONE: INTRODUCTION, CODE PROVISIONS AND DEFINITIONS

### 1.0 Introduction and Scope

The International Standard for Results Management is a mandatory International Standard developed as part of the World Anti-Doping Program.

The purpose of the International Standard for Results Management is to set out the core responsibilities of Anti-Doping Organizations with respect to Results Management. In addition to explaining which Anti-Doping Organization is the Results Management Authority in a given case and describing certain general principles of Results Management (section 4), this International Standard also sets out the core obligations applicable to the various phases of Results Management from the initial review and notification of potential anti-doping rule violations (section 5), through provisional suspensions (section 6), the assertion of anti-doping rule violations and proposal of Consequences (section 7), the hearing process (section 8) until the issuance and notification of the decision (section 9) and appeal (section 10).

Notwithstanding the mandatory nature of this International Standard and the possibility that departures by Anti-Doping Organizations may give rise to compliance consequences under the International Standard for Code Compliance by Signatories, departures from this International Standard shall not constitute a basis for Athletes or other Persons to invalidate or otherwise challenge an anti-doping rule violation or breach of Ineligibility.

Terms used in this International Standard that are defined terms from the Code are written in italics. Terms that are defined in this International Standard are underlined.

### 2.0 Code Provisions

### 3.0 Terms and Definitions

#### 3.1 2021 Code Defined Terms

#### 3.2 ISTI Defined Terms

#### 3.3 ISL Defined Terms

#### 3.4 ISRM Defined Terms

3.4.1 **Hearing Process:** The process encompassing the timeframe between the appointment of a hearing panel until the issuance and notification of a decision by the hearing panel.

3.4.2 **Results Management:** The process encompassing the timeframe between initial review (for an analytical case) or notification of (a) potential anti-doping rule violation(s) under Article 0 (for any other anti-doping rule violation) through notification and charge until the final resolution of the hearing and appeal process.

- 3.4.3 **Results Management Authority:** The *Anti-Doping Organization* responsible for conducting Results Management in a given case.

## PART TWO: RESULTS MANAGEMENT PROCESS

### 4.0 General Principles

#### 4.1 Responsibility for Conducting Results Management

##### 4.1.1 General Principle

- 4.1.1.1 In principle and subject to the Specific Cases set out at 4.1.2 below Results Management shall be the responsibility, and shall be governed by the procedural rules, of:

- a) For cases involving *Sample* collection, the *Anti-Doping Organization* that initiated and directed *Sample* collection.
- b) For cases not involving *Sample* collection, the *Anti-Doping Organization* that first provides notice to the *Athlete* or other *Person* of an asserted anti-doping rule violation and then diligently pursues that violation.

- 4.1.1.2 Any Anti-Doping Organization seeking to conduct Results Management outside of the authority provided in this Article 4.1 may seek approval to do so from WADA.

- 4.1.1.3 If an *Athlete* or other *Person* retires while Results Management is underway, the *Anti-Doping Organization* with Results Management Authority retains jurisdiction for Results Management.

- 4.1.1.4 If an *Athlete* or other *Person* retires before Results Management has begun, the *Anti-Doping Organization* which would have had Results Management Authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation has jurisdiction for Results Management.

##### 4.1.2 Specific Cases

###### 4.1.2.1 **National Anti-Doping Organization Testing for International Federations and/or Major Event Organizations**

Where a *National Anti-Doping Organization* elects to collect additional *Samples* pursuant to Article 5.2.6 of the *Code*, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where the *National Anti-Doping Organization* only directs the Laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

###### 4.1.2.2 **National Anti-Doping Organization Testing of non-nationals, non-residents, etc.**

In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license-holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, Results Management shall be conducted by the applicable International Federation or by a third party as directed by the rules of the International Federation.

#### 4.1.2.3 **Delegation by International Federation to *National Anti-Doping Organization* or National Federation**

An International Federation may, if authorized by its anti-doping rules, delegate its authority for Results Management to a National Federation or a *National Anti-Doping Organization*, which will act as the Results Management Authority provided that it must apply the anti-doping rules of the International Federation.

#### 4.1.2.4 **WADA-conducted Testing**

For Results Management for a test of a further analysis conducted by WADA, or an anti-doping rule violation discovered by WADA, WADA shall designate an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person* or, if there is no such *Anti-Doping Organization* willing to do so, any other *Anti-Doping Organization* that is willing to do so.

#### 4.1.2.5 **Major Events**

For Results Management relating to a *Sample* initiated and taken during an *Event*, or an anti-doping rule violation occurring during an *Event*, the *Major Event Organization* for the *Event* shall assume Results Management responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1 of the *Code*, any forfeiture of any medals, points, or prizes from the *Event*, and any recovery of costs applicable to the anti-doping rule violation. In the event the Major Event Organization assumes only limited Results Management responsibility, the case shall be referred by the Major Event Organization to the applicable International Federation for completion of Results Management.

*[Comment to Article 4.1.2.5: The anti-doping rules of the relevant Major Event Organization shall explicitly provide for this specific Results Management regime.]*

#### 4.1.2.6 **Whereabouts Failures**

Results Management in relation to a potential Whereabouts Failure shall be undertaken by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* files whereabouts information, as provided at Annex I – *Results Management for Whereabouts Failures* **(To be drafted)**. The *Anti-Doping Organization* that determines a *Whereabouts Failure* shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.

#### 4.1.2.7 **Results Management for Athlete Passport Cases**

In accordance with Annex II - *Results Management Requirements and Procedures for the Athlete Biological Passport* **(To be drafted)**, Results Management for cases involving the *Athlete Biological Passport* shall be the responsibility of the Passport Custodian regardless of whether another ADO was the Testing Authority of any test(s) that gave rise to an *Atypical Passport Finding* or *Adverse Passport Finding*.

[Comment to Article 4.1.2.7: *The associated procedures shall be administered and managed by an Athlete Passport Management Unit (APMU) acting on behalf of or established within an Anti-Doping Organization.*]

#### 4.1.2.8 **WADA Designation**

WADA may direct an *Anti-Doping Organization* with Results Management authority to conduct Results Management in a particular case. If that *Anti-Doping Organization* refuses to conduct Results Management within a reasonable deadline set by WADA, WADA may direct another *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, that is willing to do so, to take Results Management responsibility in place of the refusing *Anti-Doping Organization* or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, the refusing *Anti-Doping Organization* shall reimburse the costs and attorney's fees of conducting Results Management to the other *Anti-Doping Organization* designated by WADA. Failure to conduct Results Management as directed or failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

#### 4.1.2.9 **Disputes**

- 4.1.2.9.1 If a dispute arises between Anti-Doping Organizations as to which Anti-Doping Organization is the Results Management Authority, WADA shall decide which organization has Results Management Authority.
- 4.1.2.9.2 The protocol for disputes regarding the applicable Results Management Authority is set out at Annex III to this International Standard **(To be drafted)**.
- 4.1.2.9.3 WADA's decision may be appealed to CAS by any of the *Anti-Doping Organizations* involved in the dispute within seven days of notification of the decision. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a single arbitrator.

## 4.2 **Confidentiality of Results Management**

- 4.2.1 Save for disclosures that are required or permitted under Article 4.3, all processes and procedures related to Results Management shall not be disclosed beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until the details of the anti-doping rule violation are *Publicly Disclosed* by the Results Management Authority.
- 4.2.2 Except as provided in Article 4.3, no *Anti-Doping Organization* or any of its officials shall publicly comment on the specific facts of any pending case (as opposed to general description

of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.

#### 4.3 Public Disclosure

- 4.3.1 After notice has been provided to the *Athlete* or other *Person* and to the applicable *Anti-Doping Organizations* in accordance with Article 4.3.5, the identity of the *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and nature of the violation involved, and whether such *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the Results Management Authority.
- 4.3.2 No later than twenty days after it has been determined in a final appellate decision, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the Results Management Authority must *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The same Results Management Authority must also *Publicly Disclose* within twenty days the results of final appeal decisions concerning anti-doping rule violation, including the information described above.
- 4.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The Results Management Authority shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 4.3.4 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 4.3.5 The mandatory *Public Disclosure* required in 4.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Vulnerable Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Vulnerable Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

#### 4.4 Timeliness

In the interest of fair and effective sport justice, anti-doping rule violations should be prosecuted in a timely manner. Irrespective of the type of anti-doping rule violation involved, *Anti-Doping Organizations* should be able to conclude Results Management (including the hearing process) within a maximum of six months from the notification under Article 5 below.

## 5.0 First Results Management Phase

This Article 5 sets out the procedures applicable for the first Results Management phase as follows: *Adverse Analytical Findings* (Article 5.1), *Atypical Findings* (Article 5.2) and other matters (Article 5.3), which include Evading, refusing or failing to submit to *Sample* collection or *Tampering* or *Attempted Tampering with Doping Control* (Article 5.3.1), *Athlete Biological Passport* findings (Article 5.3.2), Whereabouts Failures (Article 5.3.3), Prohibited association (Article 5.3.4) and other anti-doping rule violations (Article 5.3.5). The notification requirements in respect of Articles 5.3.1 to 5.3.5 are described under Article 5.3.6.

### 5.1 Adverse Analytical Findings

#### 5.1.1 Initial Review

Upon receipt of an *Adverse Analytical Finding*, the Results Management Authority shall conduct a review to determine whether (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions (Article 5.1.1.1), (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Adverse Analytical Finding* (Article 5.1.1.2) or (c) the *Adverse Analytical Finding* resulted from an administration of a glucocorticoid through an authorized route (Article 5.1.1.3).

##### 5.1.1.1 Therapeutic Use Exemption

- 5.1.1.1.1 The Results Management Authority shall consult the *Athlete's* records in *ADAMS* and other *Anti-Doping Organizations* that might have approved a *TUE* for the *Athlete* (e.g., the *National Anti-Doping Organization* or the International Federation) to determine whether a *TUE* exists.

*[Comment to Article 5.1.1.1.1: In the event of a detection in an Athlete's Sample at all times or In-Competition, as applicable, of any quantity of the following substances subject to Threshold Limits: formoterol, salbutamol, cathine, ephedrine, methylephedrine and pseudoephedrine, in conjunction with a diuretic or masking agent (S5 of the Prohibited List), the Results Management Authority shall determine whether the Athlete has an approved Therapeutic Use Exemption (TUE) for that substance in addition to the one granted for the diuretic or masking agent.]*

- 5.1.1.1.2 If the initial review reveals that the *Athlete* has an applicable *TUE*, then the Results Management Authority shall conduct such follow up investigation as necessary to determine if the specific requirements of the *TUE* have been complied with.

##### 5.1.1.2 Apparent Departure from ISTI and/or ISL

The Results Management Authority must review the *Adverse Analytical Finding* to determine if there has been any departure from the International Standard for Testing and Investigations and/or the International Standard for Laboratories. This may include a review of the Laboratory Documentation Package produced by the Laboratory to support the *Adverse Analytical Finding* (if available at the time of the review) and relevant *Doping Control* form(s) and *Testing*

documents. The sole purpose of the review is to identify if there has been a serious or obvious departure from the International Standard for Testing and Investigations and/or the International Standard for Laboratories that could have caused the *Adverse Analytical Finding*.

### 5.1.1.3 **Glucocorticosteroids**

In the event that the *Adverse Analytical Finding* relates to a glucocorticoid (S9 of the *Prohibited List*), the Results Management Authority shall review the *Doping Control* form to verify the route of administration. The Results Management Authority shall verify that any indication of the route of administration on the *Doping Control* form matches the level detected in the *Sample* with the *Laboratory* (or other relevant expert).

### 5.1.2 **Notification**

5.1.2.1 If the review of the *Adverse Analytical Finding* does not reveal an applicable *TUE* or entitlement to the same as provided in the International Standard for Therapeutic Use Exemptions, a departure from the ISTI or the ISL that caused the *Adverse Analytical Finding* or does not involve a glucocorticoid administered through an authorized route, the Results Management Authority shall promptly notify the *Athlete* of:

- a) The *Adverse Analytical Finding*;

*[Comment to Article 5.1.2.1 a): In the event that Adverse Analytical Finding relates to salbutamol, formoterol, urinary human chorionic gonadotrophin or clenbuterol, the Results Management Authority shall in addition indicate the information contained in Article 5.1.2.2.]*

- b) The fact that the *Adverse Analytical Finding* may result in an anti-doping rule violation of Article 2.1 and/or Article 2.2 of the *Code* and the applicable *Consequences*;

*[Comment to Article 5.1.2.1 b): The Results Management Authority should always refer to both Articles 2.1 and 2.2 of the Code in the notification and charging letter (Article 7.0) to an Athlete if the matter relates to an Adverse Analytical Finding.]*

- c) The *Athlete's* right to request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed irrevocably waived;

*[Comment to Article 5.1.2.1 c): The Results Management Authority may still request the B Sample analysis even if the Athlete does not request the B Sample analysis or expressly or impliedly waives their right to analysis of the B Sample. The Results Management Authority may provide in its anti-doping rules that the costs of the B Sample analysis shall be covered by the Athlete.]*

- d) The scheduled date, time and place for the *B Sample* analysis if the *Athlete* or Results Management Authority chooses to request an analysis of the *B Sample*;

*[Comment to Article 5.1.2.1 d): In order to provide this information, the Results Management Authority shall immediately liaise with the Laboratory to determine a date for the B Sample analysis. The Results Management Authority should provide information and/or instructions in writing to the Laboratory regarding the B Sample analysis within ten (10) working days following the notification of an A Sample Adverse Analytical Finding by the Laboratory.*

*The timing of the B Sample confirmation analysis may be strictly fixed at short term with no postponement possible, when circumstances so justify. This can notably and without limitation be the case in the context of Testing during or immediately before or after Major Events.]*

- e) The opportunity for the *Athlete* and/or the *Athlete's* representative to attend the B Sample opening and analysis;

*[Comment to Article 5.1.2.1 e): As per Article **[To be determined]** of the International Standard for Laboratories, the B Sample opening (and not analysis) may be witnessed through video conference.]*

- f) The *Athlete's* right to request copies of the A Sample Laboratory Documentation Package which includes information as required by the International Standard for Laboratories;

*[Comment to Article 5.1.2.1 f): The Results Management Authority may provide in its anti-doping rules that the costs relating to the issuance of the Laboratory Documentation Package(s) shall be covered by the *Athlete*.]*

- g) The opportunity for the *Athlete* to provide an explanation within a short deadline;
- h) The opportunity for the *Athlete* to provide *Substantial Assistance* as set out under Article 10.7 of the *Code* or to benefit from a timely admission under Article 10.8.1 of the *Code* (if applicable) or seek to enter into a case resolution agreement under Article 10.8.2 of the *Code*; and

*[Comment to 5.1.2.1 h): For the purposes of Article 10.8.1 of the *Code*, the *Athlete* shall admit the asserted anti-doping rule violation within ten calendar days from after receiving notice of the B Sample analysis (or waiver of/expiry of the deadline to request such analysis).]*

- i) Any matters relating to *Provisional Suspension* as per Article 6.0 (if applicable).

5.1.2.2 In addition, in the event that the *Adverse Analytical Finding* relates to the *Prohibited Substance* set out below, the Results Management Authority shall:

- a) Salbutamol or Formoterol: draw the attention of the *Athlete* in the notification letter that the *Athlete* can prove, through a controlled pharmacokinetic study, that the *Adverse Analytical Finding* was the consequence of a therapeutic dose [by inhalation] up to the maximum dose indicated under S3 of the *Prohibited List*;

- b) Urinary human chorionic gonadotrophin: follow the procedures set out at Article 6.0 of the TD2018CG/LH;
- c) Clenbuterol: follow the procedures set out at TD **(To be drafted)**.

5.1.2.3 If the *Athlete* requests the B *Sample* analysis but claims that he or his representative is not available on the scheduled date indicated by the Results Management Authority, the Results Management Authority shall liaise with the Laboratory and reasonably attempt to find an alternative date convenient to both the *Athlete* and the Laboratory.

5.1.2.4 If the *Athlete* declines to be present in person and/or through a representative, or does not respond to the invitation or if the *Athlete* or the *Athlete's* representative claims not to be available on the date of the opening, despite reasonable attempts to find an alternative date convenient both the *Athlete* and the Laboratory, the Results Management Authority shall instruct the Laboratory to proceed regardless and appoint an Independent Witness to verify that the B *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

*[Comment to Article 5.1.2.4: An Independent Witness may be appointed even if the Athlete has indicated that he/she will be present and/or represented.]*

5.1.2.5 If the results of the B *Sample* analysis confirm the results of the A *Sample* analysis, the Results Management Authority shall promptly notify the *Athlete* of such results and shall grant the *Athlete* a short deadline to provide or supplement his/her explanations. The *Athlete* shall also be granted a deadline of 10 calendar days to admit the anti-doping rule violation to potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 of the *Code* if applicable.

5.1.2.6 Any communication notified to the *Athlete* under this Article 5.1.2 shall simultaneously be notified by the Results Management Authority to the *Athlete's National Anti-Doping Organization(s)*, International Federation and WADA and shall promptly be reported into ADAMS.

*[Comment to Article 5.1.2.6: To the extent not already set out in the communication to the Athlete, this notification shall include the following information (if applicable): the Athlete's name, country, sport and discipline within the sport, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the International Standard for Testing and Investigations.]*

## **5.2 Atypical Findings**

5.2.1 Upon receipt of an *Atypical Finding*, the Results Management Authority shall conduct a review to determine whether (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions (see Article 5.1.1.1), (b) there is

any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding* (see Article 5.1.1.2). If that review does not reveal an applicable *TUE* or departure that caused the *Atypical Finding*, the Results Management Authority shall conduct the required investigation.

5.2.2 The Results Management Authority need not provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

- a) if the Results Management Authority determines that the B Sample should be analyzed prior to the conclusion of its investigation, the Results Management Authority may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 5.1.2.1.1 c) to f);
- b) if the Results Management Authority receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the Results Management Authority shall identify any *Athlete* after first providing notice of the *Atypical Finding* to the *Athlete*; or
- c) If the *Atypical Finding* is, in the opinion of qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention.

5.2.3 If after the investigation is completed the Results Management Authority decides to pursue the *Atypical Finding* as an *Adverse Analytical Finding* then the procedure shall follow the provisions of Article 5.1 *mutatis mutandis*.

### 5.3 Matters not involving an Adverse Analytical Finding or Atypical Finding

#### 5.3.1 Evading, Refusing or Failing to Submit to *Sample* collection or *Tampering* or *Attempted Tampering with Doping Control*

5.3.1.1 Where an attempt to collect a *Sample* from an *Athlete* produces information (or other factual circumstance) indicating a possible evasion of *Sample* collection and/or refusal or failure to submit to *Sample* collection after due notification, in violation of Article 2.3 of the *Code*, or possible *Tampering* or *Attempted Tampering with Doping Control*, in violation of Article 2.5 of the *Code*, the matter shall be investigated in accordance with Annex IV – *Investigating a Possible Failure to Comply* **(To be drafted)**.

5.3.1.2 The Results Management Authority shall, as a minimum, review all relevant documentary evidence (including *Doping Control* documentation where applicable) and shall attempt to interview as many persons as possible who were present at the time of the alleged anti-doping rule violation or whose evidence may be material to the determination of whether an anti-

doping rule violation has been committed. This shall include obtaining the *Athlete's* or other *Person's* explanation (either through interview or in writing) for the alleged anti-doping rule violation.

### 5.3.2 ***Athlete* Biological Passport Findings**

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the Annex II – Results Management Requirements and Procedures for the *Athlete Biological Passport* (To be drafted) and the International Standard for Laboratories.

### 5.3.3 **Whereabouts Failures**

Review of potential Whereabouts Failures shall take place as provided in the Annex I – *Results Management for Whereabouts failures* (To be drafted).

### 5.3.4 **Prohibited Association**

Where a Results Management Authority becomes aware of a potential anti-doping rule violation for Prohibited Association (Article 2.10 of the *Code*), it shall, as a minimum, review all relevant documentary evidence and shall attempt to interview as many persons as possible (including the *Athlete* or other *Person*, the *Athlete Support Person* subject to disqualifying status and any other *Persons* whose evidence may be material) to establish whether the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status, or knew that there was a significant risk that the *Athlete Support Person* had a disqualifying status and that the *Athlete* or other *Person* could reasonably avoid the association.

### 5.3.5 **Other Anti-Doping Rule Violations**

The Results Management Authority or other reviewing body established by it shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the *Code* or which the Results Management Authority otherwise considers appropriate.

### 5.3.6 **Notification under Article 5.3**

5.3.6.1 At such time as the Results Management Authority considers that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s), the Results Management Authority shall promptly notify the *Athlete* of:

- a) The relevant anti-doping rule violation(s) and the applicable *Consequences*;
- b) The relevant factual circumstances that the Results Management Authority;
- c) The relevant evidence in support of those facts that the Results Management Authority considers demonstrate that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s);

- d) The *Athlete* or other *Person's* right to provide an explanation within a reasonable deadline;
- e) The opportunity for the *Athlete* or other *Person* to provide *Substantial Assistance* as set out under Article 10.7 of the *Code*, to admit the anti-doping rule violation within 10 calendar days from the notice and potentially benefit from a one-year reduction in the period of *Ineligibility* under Article 10.8.1 of the *Code* (if applicable) or seek to enter into a case resolution agreement under Article 10.8.2 of the *Code*; and
- f) Any matters relating to *Provisional Suspension* as per Article 6.0 (if applicable).

5.3.6.2 The communication notified to the *Athlete* shall simultaneously be notified by the Results Management Authority to the *Athlete's National Anti-Doping Organization(s)*, International Federation and *WADA* and shall promptly be reported into ADAMS.

[Comment to Article 5.3.6.25.1.2.6: To the extent not already set out in the communication to the *Athlete*, this notification shall include the following information (if applicable): the *Athlete's* name, country, sport and discipline within the sport.]

## 5.4 Decision not to move forward

If at any point during Results Management up until the charge under Article 7.0, the Results Management Authority decides not to move forward with a matter, it must notify the *Athlete* or other *Person* and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3 of the *Code*.

## 6.0 Provisional Suspensions

### 6.1 Scope

6.1.1 In principle, a *Provisional Suspension* means that an *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity in accordance with Article 10.14.1 of the *Code* prior to the final decision at a hearing pursuant to Article 8.0.

6.1.2 Where the Results Management Authority is the ruling body of an *Event* or is responsible for team selection, the rules of such Results Management Authority shall provide that the *Provisional Suspension* is limited to the scope of the *Event*, respectively team selection. Upon notification under Article 4.3.5, the International Federation of the *Athlete* shall be responsible for *Provisional Suspension* beyond the scope of the *Event*.

### 6.2 Imposition of a Provisional Suspension

#### 6.2.1 Mandatory Provisional Suspension

6.2.1.1 When an Adverse Analytical Finding or Adverse Passport Finding is received for a Prohibited Substance or a Prohibited Method, other than a Specified Substance, the Results Management Authority shall impose a Provisional Suspension in the notification of Article 5 or promptly after.

6.2.1.2 A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4 of the *Code*. A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

## 6.2.2 Discretionary Provisional Suspension

6.2.2.1 For anti-doping rule violations not covered by art. 6.2.1, the Results Management Authority may decide to impose a *Provisional Suspension* on the *Athlete* or other *Person*.

*[Comment to Article 6.2.2.1: Whether or not to impose a Provisional Suspension is a matter for the Results Management Authority to decide in its discretion, taking into account all the facts and evidence. The Results Management Authority should keep in mind that if an Athlete continues to compete after being notified and/or charged in respect of an anti-doping, and is subsequently found to have committed an anti-doping rule violation, any results, prizes and titles achieved and awarded in that timeframe may be subject to Disqualification and forfeited.]*

6.2.2.2 A *Provisional Suspension* under this Article 6.2.2 may be imposed at any point during the Results Management or Hearing Process phase, including prior to the analysis of the B Sample in respect of an asserted or potential anti-doping rule violation under art. 2.1 of the *Code*. It may also be lifted at the discretion of the Results Management Authority at any time prior to the hearing panel decision under Article 8.0.

## 6.2.3 General Provisions

6.2.3.1 Notwithstanding Articles 6.2.1 and 6.2.2, a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* with: (a) an opportunity for a *Provisional Hearing*, either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; (b) an opportunity for a hearing conducted in an expedited fashion on a timely basis after imposition of a *Provisional Suspension*; or (c) the opportunity for an expedited appeal of the *Provisional Suspension* in accordance with Article 13 of the *Code*.

6.2.3.2 A *Provisional Suspension* shall start on the date on which it is notified (or deemed to be notified) by the Results Management Authority to the *Athlete* or other *Person*.

6.2.3.3 The period of *Provisional Suspension* shall end with the final decision of the hearing panel conducted under Article 8.0, unless earlier lifted in accordance with this Article 6.0. However, the period of *Provisional Suspension* shall not exceed the maximum length of the period of *Ineligibility* that may be imposed on the *Athlete* or other *Person* based on the relevant anti-doping rule violation(s).

- 6.2.3.4 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete* or *Results Management Authority*) does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the *Code*.

*[Comment to Article 6.2.3.4: The Results Management Authority may nonetheless decide to maintain and/or re-impose a *Provisional Suspension* on the *Athlete* based on another anti-doping rule violation notified to the *Athlete*, e.g. a violation of Article 2.2 of the *Code*.]*

- 6.2.3.5 In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *Major Event Organization* or *International Federation*) has been removed from an *Event* based on a violation of Article 2.1 of the *Code* and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinstated, the *Athlete* or team may continue to take part in the *Event*.

### **6.3 Voluntary Provisional Suspension**

- 6.3.1 Athletes or other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension*, if done so within ten (10) calendar days from the report of the *B Sample* (or waiver of the *B Sample*) or within ten (10) calendar days from notification of any other anti-doping rule violation under Article 5.3. Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 6.2.1 or 6.2.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

### **6.4 Notification**

- 6.4.1 Unless already notified under another provision of this International Standard, any imposition of a *Provisional Suspension* notified to the *Athlete* or voluntary acceptance of a *Provisional Suspension*, or lifting of either, shall promptly be notified by the Results Management Authority to the *Athlete's National Anti-Doping Organization(s)*, *International Federation* and *WADA* and shall promptly be reported into ADAMS.

*[Comment to Article 6.4.1: To the extent not already set out in the communication to the *Athlete*, this notification shall include the following information (if applicable): the *Athlete's* name, country, sport and discipline within the sport.]*

### **7.0 Charge**

- 7.1 If, after receipt of the *Athlete* or other *Person's* explanation or expiry of the deadline to provide such explanation, the Results Management Authority is (still) satisfied that the *Athlete* or other *Person* has committed (an) anti-doping rule violation(s), the Results Management Authority

shall promptly charge the *Athlete* or other *Person* with the anti-doping rule violation(s) he/she is asserted to have breached. In this letter of charge, the Results Management Authority:

- a) Shall set out the provision(s) of its anti-doping rules alleged to have been violated by the *Athlete* or other *Person*;

*[Comment to Article 7.1 a): The Results Management Authority is not limited by the anti-doping rules violation(s) set out in the notification under Article 5. In its discretion, the Results Management Authority may decide to assert further anti-doping rule violation(s) in its notice of charge.]*

*Notwithstanding the above, whereas it is a Results Management Authority's duty to set out all and any asserted anti-doping rule violations against an *Athlete* or other *Person* in the notice of charge, a failure to formally charge an *Athlete* with an anti-doping rule violation that is in principle an integral part of a more specific (asserted) anti-doping rule violation (e.g. a Use violation (art. 2.2 of the Code) as part of a Presence violation (art. 2.1 of the Code), or a Possession violation (art. 2.6 of the Code) as part of an asserted Administration violation (art. 2.8 of the Code)) shall not prevent a hearing panel from finding that the *Athlete* committed a violation of the subsidiary anti-doping rule violation in the event that he is not found to have committed the explicitly asserted anti-doping rule violation.]*

- b) Shall provide a detailed summary of the relevant facts upon which the allegations are based, enclosing any additional underlying evidence not already provided in the notification under Article 5;

*[Comment to Article 7.1 b): the Results Management Authority shall, however, not be prevented from relying on other facts and/or adducing further evidence not contained in either the notification letter under Article 0 or the charge letter under Article 7.0 during the Hearing Process and/or on appeal.]*

- c) Shall indicate the specific *Consequences* being sought in the event that the asserted anti-doping rule violation(s) is/are upheld and that such *Consequences* shall have binding effect on all *Signatories* in all sports and countries as per Article 15 of the Code;

*[Comment to Article 7.1 c): The *Consequences* of an anti-doping rule violation set out in the letter of charge shall include as a minimum the relevant period of Ineligibility and Disqualification. The Results Management Authority shall refer to ADAMS or another system approved by WADA and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the relevant *Consequences*. The proposed *Consequences* shall in all circumstances be compatible with the provisions of the Code and shall be appropriate based on the explanations given by the *Athlete* or other *Person* or the facts as established by the Results Management Authority. For these purposes, it is expected that the Results Management Authority will investigate the explanations given by the *Athlete* or other *Person* and assess their credibility (for example, by checking the authenticity of documentary evidence and the plausibility of the explanation from a scientific perspective) before proposing any *Consequences*. If the *Results Management* phase is substantially delayed by the investigations, the *Results**

*Management Authority shall inform WADA, setting out the reasons for the substantial delay.]*

- d) Shall grant a deadline of not more than twenty days from receipt of the letter of charge (which may be extended only in exceptional cases) to the *Athlete* or other *Person* to admit the anti-doping rule violation asserted and to accept the proposed *Consequences* by signing, returning and dating an Acceptance of Consequences form, which shall be enclosed to the letter;
- e) For the eventuality that the *Athlete* or other *Person* does not accept the proposed *Consequences*, shall already grant a deadline of not more than [20] days from receipt of the letter of charge (which may be extended only in exceptional cases) to the *Athlete* or other *Person* to make a written request for a hearing before the relevant hearing panel;
- f) Shall indicate that if the *Athlete* or other *Person* does not request a hearing within the prescribed deadline, he/she shall be deemed to have admitted the anti-doping rule violation and to have accepted the *Consequences* set out by the Results Management Authority in the letter of charge;
- g) Shall indicate that the *Athlete* or other *Person* may be able to obtain a suspension of *Consequences* if he/she provides *Substantial Assistance* under Article 10.7 of the *Code* and/or seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under Article 10.8.2 of the *Code*;
- h) Shall set out any matters relating to *Provisional Suspension* as per Article 6.0 (if applicable).

7.2 The notice of charge notified to the *Athlete* shall simultaneously be notified by the Results Management Authority to the *Athlete's National Anti-Doping Organization(s)*, International Federation and *WADA* and shall promptly be reported into ADAMS.

*[Comment to Article 7.25.1.2.6: To the extent not already set out in the notice of charge, this notification shall contain the following information (wherever applicable): Athlete's name, country, sport and discipline within the sport, and, for a violation of Article 2.1 of the Code, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the International Standard for Testing and Investigations, and, for any other anti-doping rule violation, the anti-doping rule(s) violated and the basis for the asserted violation(s).]*

7.3 In the event that the *Athlete* or other *Person* either (i) admits the anti-doping rule violation and accepts the proposed *Consequences* or (ii) is deemed to have admitted the violation and accepted the *Consequences* by failing to request a hearing within the relevant deadline, the Results Management Authority shall promptly issue the decision and notify it in accordance with Article 9.0.

7.4 If, after the *Athlete* or other *Person* has been charged, the Results Management Authority decides to withdraw the charge, it must notify the *Athlete* or other *Person* and give notice (with

reasons) to the *Anti-Doping Organizations* with a right of appeal under Article 13.2.3 of the Code.

- 7.5 Subject to Article 7.6, in the event that the *Athlete* or other *Person* requests a hearing, the matter shall be referred to the Results Management Authority's hearing panel and be dealt with pursuant to Article 8.0.

*[Comment to Article 7.5: In the event that an Athlete or other Person does not formally request a hearing but denies the charge in writing within the prescribed deadline, the Results Management Authority may in its discretion decide to nonetheless hold a hearing before the hearing panel instead of issuing a decision at that stage.]*

## **7.6 Sole instance before CAS**

- 7.6.1 In its discretion, the Results Management Authority may propose to the *Athlete* or other *Person* that his/her case be heard by the CAS as a sole instance, with no requirement of a prior hearing, with the agreement of all *Anti-Doping Organizations* with a right of appeal pursuant to art. 13.2.3 of the Code.

- 7.6.2 If the *Athlete* or other *Person* agrees with this proposal, it shall be the responsibility of the Results Management Authority to liaise in writing with all other *Anti-Doping Organizations* with a right of appeal to determine whether they agree to the proposal. Should one of the *Anti-Doping Organizations* with a right of appeal not agree (in its entire discretion), then the case shall be heard by the Results Management Authority's hearing panel at first instance.

*[Comment to Article 7.6.2: In the event that all Anti-Doping Organizations with a right of appeal agree to refer the case to the CAS as a sole instance, the proceedings shall be governed by the rules of the CAS. For these purposes, the Results Management Authority shall be considered as the claimant and the Athlete or other Person as the Respondent. The Results Management Authority shall promptly notify the other Anti-Doping Organizations with a right of appeal of its filing of the claim so that the latter may intervene in the proceedings (if they wish to). The final decision rendered by the CAS shall not be subject to any appeal, save to the Swiss Federal Tribunal.]*

## **8.0 Hearing Process**

- 8.1 The Results Management Authority shall confer jurisdiction on hearing panels to hear and determine whether an *Athlete* or other *Person* subject to its anti-doping rule has committed an anti-doping rule violation and, if applicable, to impose the relevant Consequences.

*[Comment to Article 8.1: It is not a Code requirement that a hearing should take place in person. Hearings may also take place remotely by the participants joining together using technology. There are no restrictions as to the technology that can or should be used, but include means such as conference calling, video conferencing technology or other online communication tools. Depending on the circumstances of a case, it may also be fair or necessary – for example, where all the facts are agreed and the only issue is as to the Consequences - to conduct a hearing “in writing,” based on written materials without an oral hearing.]*

- 8.2 Appointment of hearing panel members must be made based on relevant expertise and experience, including legal, sports, medical and scientific expertise. At least one member must have a legal background.
- [Comment to Article 8.2: How a hearing panel is appointed depends on the anti-doping rules of the Anti-Doping Organization that has charged the Athlete or other Person. It will generally be appointed from a wider pool of hearing panel members. The size and composition of the hearing panel may vary depending on the nature of the charge and the evidence put forward. Members of the pool of hearing panel members should receive regular anti-doping education.]*
- 8.3 Upon appointment to a hearing panel, each hearing panel member shall sign a declaration that there are no facts or circumstances known to him/her which might call into question his/her impartiality in the eyes of any of the parties, other than any circumstances disclosed in the declaration. If such facts or circumstances arise at a later stage of the Hearing Process, the relevant hearing panel member shall promptly disclose them to the parties.
- [Comment to Article 8.3: For example, any member who is in any way connected with the case and/or the parties – such as family or close personal/professional ties and/or an interest in the outcome of the case and/or having expressed an opinion as to the outcome of the particular case - must openly disclose on the declaration all circumstances that might interfere with the impartial performance of his/her functions.]*
- 8.4 The parties shall be notified of the identity of the hearing panel members appointed to hear and determine the matter and be provided with their declaration at the outset of the Hearing Process. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within 7 days from notification. Any challenge shall be decided upon by an independent person from the wider pool of hearing panel members, to be agreed upon by the Results Management Authority and relevant *Athlete* or other *Person*.
- 8.5 The rules governing the activities of the Results Management Authority shall guarantee the operational independence of hearing panel members.
- [Comment to Article 8.5: Persons who are an organ or sit in a commission of the Results Management Authority cannot be appointed as members and/or clerks of hearing panels of that Results Management Authority. Further, hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Results Management Authority or any third party.]*
- 8.6 *Anti-Doping Organizations* shall provide adequate resources to ensure that hearing panels are able to fulfil their tasks efficiently and independently and otherwise in accordance with this Article 8.0.
- 8.7 The Hearing Process shall respect, at a minimum, all of the following principles:
- a) The hearing panel members must remain fair and impartial at all times;
  - b) The Hearing Process shall be accessible and affordable;

*[Comment to Article 8.7 b): Procedural fees, if any, shall be set at a level that does not prevent the accused person from accessing the hearing. When necessary, the Results Management Authority and/or the relevant hearing panel should consider establishing a legal aid mechanism in order to ensure such access.]*

- c) The Hearing Process shall be conducted within a reasonable time;

*[Comment to Article 8.7 c): All decisions shall be issued and notified promptly after the hearing in person or, if no hearing in person is requested, after the parties have filed their written submissions. Save in very complex matters, this timeframe should not exceed two months.]*

- d) The right to be informed in a fair and timely manner of the asserted anti-doping rule violation(s), the right to be represented by counsel at the *Athlete* or other *Person's* own expense, the right of access to and to present evidence, the right to submit written and oral submissions, the right to call and examine witnesses, and the right to an interpreter at the hearing at the *Athlete* or other *Person's* own expense.

*[Comment to Article 8.7 d): In principle, where the hearing is in person, it should be composed of an opening phase, where the parties are given an opportunity to briefly present their case, an evidentiary phase, where the evidence is assessed and witnesses and experts (if any) are heard and a closing phase, where all parties are given an opportunity to present their final arguments in light of the evidence.]*

- 8.8 Hearing Processes held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.

## **9.0 Decisions**

### **9.1 Content**

- 9.1.1 All decisions rendered, including decisions where the *Athlete* or other *Person* has waived his right to a hearing, has admitted the anti-doping rule violation and accepted (or refused) the Consequences, must not purport to be limited in to a particular geographic area or sport and shall be reasoned. For these purposes, they shall include at least the following content:

- a) Jurisdictional basis and applicable rules;  
b) Detailed factual background;

*[Comment to Article 9.1.1 b): For instance, where the violation is based on an Adverse Analytical Finding, the decision shall set out inter alia the date and place of the Sample Collection Session, the type of Sample collection (blood or urine), whether the control was Out-of-Competition or In-Competition, the Prohibited Substance detected, the WADA-accredited laboratory that performed the analysis, if the B Sample analysis was requested and/or performed as well as the results of the analysis. For any other violation, a full and detailed description of the facts shall be made.]*

- c) Anti-doping rule violation(s) committed;

*[Comment to Article 9.1.1 c): Where the violation is based on an Adverse Analytical Finding, the decision shall inter alia set out that there was no departure from the International Standards, or that the alleged departure(s) did or did not cause the Adverse Analytical Finding and demonstrate that the violation of Article 2.1 of the Code is made out (see Article 2.1.2 of the Code). For any other violation, the hearing panel shall assess the evidence presented and explain why it considers that the evidence presented by the Results Management Authority meets or does not meet the required standard of proof. In case the hearing panel considers that the anti-doping rule violation(s) is/are established, it shall expressly indicate the anti-doping rule(s) violated.]*

d) Applicable Consequences;

*[Comment to Article 9.1.1 d): The decision shall identify the specific provisions on which the sanction, including any reduction, is based and provide reasons justifying the imposition of the relevant Consequences. In particular, where the applicable rules grant discretion to the hearing panel (eg. for Specified or Contaminated Substances under Article 10.5.1.1 and 10.5.1.2 of the Code), the decision shall explain why the period of Ineligibility imposed is appropriate. The decision shall also indicate the start date of the period of Ineligibility (if any) and provide justifications in the event that this date is earlier than the date of the decision (see Article 10.12.1 of the Code). The decision shall also indicate the period of Disqualification, with justification in the event that certain results are not Disqualified for reasons of fairness (Article 10.9 of the Code), and set out any other relevant Consequences based on the applicable rules.]*

e) Appeal routes and deadline to appeal for the Athlete or other Person

*[Comment to Article 9.1.1 e): The decision shall indicate whether the Athlete is an International-Level Athlete for the purposes of the appeal route under Article 13 of the Code. If this information is not available to the hearing panel, the hearing panel shall request the Results Management Authority to liaise with the relevant Anti-Doping Organization (e.g. the International Federation of the Athlete). The decision shall then set out the appropriate appeal route (including the address to which any appeal should be sent to) and the deadline to appeal.]*

- 9.1.2 A Results Management decision or adjudication by a Major Event Organization in connection with one of its Events shall address and determine, at a minimum, the following issues: (i) whether an anti-doping rule violation was committed, the factual basis for such determination, and the specific Code Articles violated, and (ii) applicable *Disqualifications* under Articles 9 and 10.1 of the Code, with any resulting forfeiture of medals, points and prizes.

*[Comment to Article 9.1.2: With the exception of Results Management decisions by Major Event Organizations, each decision by an Anti-Doping Organization should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 of the Code (which is left to the ruling body for an Event). Pursuant to Article 15 of the Code, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained*

*in the Competition would be Disqualified under Article 9 of the Code and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10 of the Code; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1 of the Code.]*

## **9.2 Notification**

- 9.2.1 Decisions shall be promptly notified by the Results Management Authority to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right of appeal under Article 13.2.3 of the *Code* and shall promptly be reported into ADAMS. Where the decision is not in English or French, the Results Management Authority shall provide an English or French summary of the decision and the supporting reasons.
- 9.2.2 An *Athlete* or other *Person* subject to a period of *Ineligibility* shall be made aware by the Results Management Authority of his/her status during *Ineligibility*, including the consequences of a violation of the prohibition of participation during *Ineligibility*, pursuant to art. 10.12 of the *Code*. The Results Management Authority shall ensure that the period of *Ineligibility* is duly respected.
- 9.2.3 An *Athlete* subject to a period of *Ineligibility* should also be made aware by the Results Management Authority that he/she remains subject to *Testing* during the period of *Ineligibility*.
- 9.2.4 If the decision concerns an *Adverse Analytical Finding* or *Atypical Finding*, and after any deadline to appeal has elapsed and no appeal has been filed against the decision, the Results Management Authority shall promptly notify the relevant Laboratory that the matter has been finally disposed of.
- 9.2.5 Where, further to notification of the decision, an *Anti-Doping Organization* with a right of appeal requests a copy of the full case file pertaining to the decision, it shall be provided promptly by the Results Management Authority.

*[Comment to Article 9.2.5: The case file shall contain all documents relating to the case. For an analytical case, it shall include at a minimum the doping control form, laboratory results and/or laboratory documentation package(s) (if issued), any submissions and exhibits and/or correspondence of the parties and all other documents relied upon by the hearing body. The case file should be sent by email in an organized manner with a table of contents.]*

## **10.0 Appeals**

- 10.1 The rules governing appeal rights and avenues are set out at Article 13 of the *Code*.
- 10.2 With respect to national appellate instances within the meaning of article 13.2.2 of the *Code* (i.e. independent and impartial national-level arbitral bodies):
- a) The appointment of hearing panel members and the Hearing Process on appeal are governed by Article 8.0 *mutatis mutandis*. In addition to being fair and impartial, hearing panel members sitting on appeal shall also be independent and the hearing panel on

appeal shall constitute an arbitral body for the purposes of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards;

*[Comment to Article 10.2 a): To assess whether a hearing panel member is independent, the Results Management Authority is advised to refer to the [Guidelines on Conflicts of Interest in International Arbitration](#).]*

- b) The appeal decision rendered by an appeal body shall comply with the requirements of Article 9.1;
- c) The appeal decision shall promptly be notified by the Results Management Authority to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal the prior instance decision under Article 13.2.3;
- d) The further notification requirements at Article 9.2 shall apply *mutatis mutandis*.

### 10.3 With respect to appeals before CAS:

- a) The appeal procedure shall be governed by the Code of Sports-related Arbitration;
- b) All parties to any CAS appeal must ensure that WADA has been given timely notice of the appeal;
- c) No settlement embodied in an arbitral award rendered by consent of the parties as per R56 of the CAS Code shall be entered into by an *Anti-Doping Organization* without WADA's written approval. Where the parties to the CAS proceedings are envisaging settling the matter by way of a settlement embodied in an arbitral award rendered by consent of the parties, the *Anti-Doping Organization* that is a party to the proceedings shall immediately notify WADA and provide it with all necessary information in this respect;
- d) Any *Anti-Doping Organization* that is a party to an appeal before CAS shall promptly provide the CAS award to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 of the Code;
- e) The requirements of Articles 9.2.2 to 9.2.4 shall apply *mutatis mutandis*.