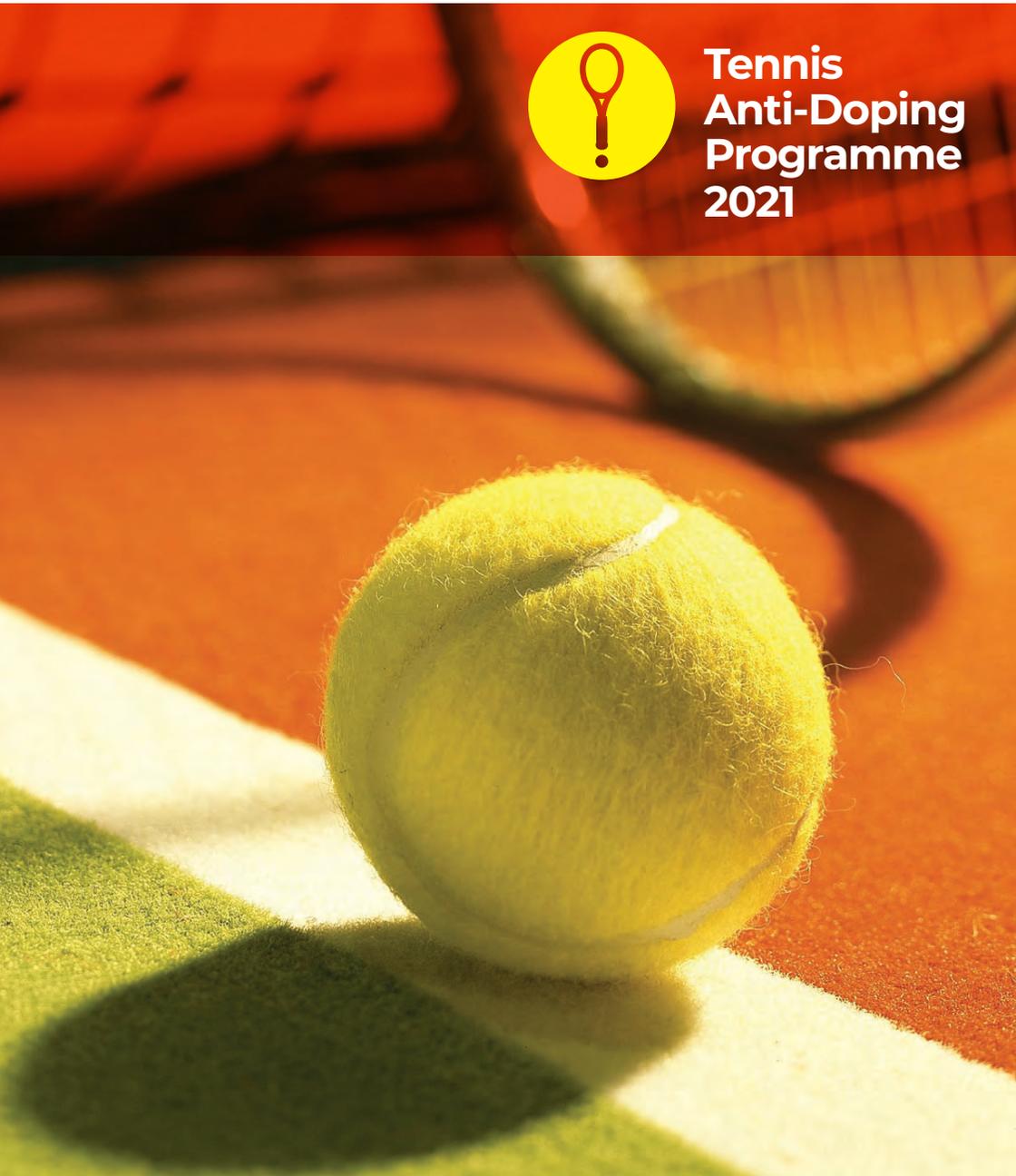




# Tennis Anti-Doping Programme 2021



# TENNIS ANTI-DOPING PROGRAMME 2021

*For information on specific  
substances or medications,  
and for TUE applications,  
contact:*

International Doping Tests &  
Management (IDTM)  
Blasieholmsgatan 2 A  
111 48 Stockholm  
Sweden  
Tel: +46 8555 10 999  
Fax: +46 8555 10 995  
Email: [tennis@idtm.se](mailto:tennis@idtm.se)

*For information regarding the  
Tennis Anti-Doping Programme,  
contact:*

Dr Stuart Miller  
ITF Anti-Doping Manager  
International Tennis Federation  
Bank Lane, Roehampton  
London, SW15 5XZ, UK  
Tel: +44 20 8392 4676  
Fax: +44 20 8392 4696  
Email: [anti-doping@itftennis.com](mailto:anti-doping@itftennis.com)



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## **1. Introduction**

### **1.1 Implementation of the 2021 Code**

- 1.1.1 The purpose of this 2021 Tennis Anti-Doping Programme (**Programme**) is to maintain the integrity of tennis and to protect the health and rights of Players.
- 1.1.2 The ITF is a Signatory to the World Anti-Doping Code (**Code**). This Programme implements the mandatory provisions of the 2021 Code as part of the ITF's continuing efforts to keep doping out of tennis.
- 1.1.3 The Code and the International Standards (each as amended from time to time) are integral parts of this Programme and will prevail over this Programme in case of conflict.
- 1.1.4 This Programme must be interpreted in a manner that is consistent with the Code and the International Standards (each as amended from time to time). The Code and this Programme must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any Signatory or government. The comments annotating various provisions of the Code, the International Standards, or this Programme, are to be used to interpret the Programme.
- 1.1.5 Subject to Article 1.1.4, this Programme is governed by English law.
- 1.1.6 Unless otherwise stated, (a) terms in this Programme beginning with capital letters are defined terms that have the meaning given to them in Appendix One to this Programme; and (b) references to Articles are to Articles of this Programme.
- 1.1.7 The ITF may delegate any aspect of Doping Control to a Delegated Third Party. The ITF will require the Delegated Third Party to perform such aspects in compliance with this Programme, the Code, and the International Standards, and will remain accountable to WADA for such compliance. Any relevant reference to the ITF in this Programme encompasses any such Delegated Third Party, where applicable and within the context of the aforementioned delegation.

### **1.2 Application**

This Programme applies to:

- 1.2.1 the ITF and any of its board members, directors, officers, and employees who are involved in any aspect of Doping Control;

- 1.2.2 each of the ATP, WTA, and Grand Slam Board, and any of their respective board members, directors, officers, and employees, who are involved in any aspect of Doping Control;
- 1.2.3 Delegated Third Parties (and their employees) who are involved in any aspect of Doping Control on behalf of the ITF;
- 1.2.4 each of the ITF's National Associations and any of their respective board members, directors, officers, and employees and Delegated Third Parties (and their employees) who are involved in any aspect of Doping Control on their behalf;
- 1.2.5 the following Players, Player Support Personnel, and other Persons:
  - 1.2.5.1 all Players and Player Support Personnel who are members of or registered with the ITF, or any National Association, or any member or affiliate organisation of any National Association;
  - 1.2.5.2 all Players entered in or participating in such capacity in Events, Competitions, and/or other activities organised, convened, authorised or recognised by the ITF or any National Association or any member or affiliate organisation of any National Association, wherever held, and all Player Support Personnel supporting such Players' participation;
  - 1.2.5.3 all Players who have an ATP or WTA ranking (including any 'protected' or 'special' ranking) in the 2021 calendar year; and
  - 1.2.5.4 any other Player, Player Support Person or other Person who, whether by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the authority of the ITF or the ATP or WTA, or any National Association or any member or affiliate organisation of any National Association, including:
    - (a) any tournament director, official, owner, operator, employee, agent, contractor or any similarly situated person and ATP, ITF and WTA staff providing services at any Covered Event and any other person who receives accreditation at a Covered Event at the request of one of the above; and
    - (b) any management representative, agent, family member, tournament guest, business associate or other affiliate or associate of any Player, or any other person who receives accreditation at a Covered

Event at the request of the Player or any of the above persons.

- 1.2.6 Each of the Persons covered by Article 1.2 is deemed, as a condition of their participation in the activities described in that Article, to have agreed to be bound by this Programme, and to have submitted to the authority of the ITF to enforce this Programme, including any Consequences for breach thereof, and to the jurisdiction of the hearing panels identified below to hear and determine cases and appeals brought under this Programme.

### 1.3 **Core responsibilities under this Programme**

- 1.3.1 It is the personal responsibility of each Player to:
- 1.3.1.1 be knowledgeable of and comply with this Programme at all times;
  - 1.3.1.2 be available for Sample collection at all times upon request, whether In-Competition or Out-of-Competition;
  - 1.3.1.3 take responsibility for what they Use;
  - 1.3.1.4 carry out research regarding any products or substance that they intend to Use to ensure that Using them will not constitute or result in an Anti-Doping Rule Violation. Such research must, at a minimum, include a reasonable internet search of:
    - (a) the name of the product or the substance;
    - (b) the ingredients/substances listed on the product or substance label; and
    - (c) any potentially relevant information revealed through research of points (a) and (b);
  - 1.3.1.5 inform medical personnel of their obligation not to Use Prohibited Substances or Prohibited Methods;
  - 1.3.1.6 ensure that any medical treatment they receive does not violate this Programme;
  - 1.3.1.7 disclose to the ITF and their NADO any decision (whether by a Signatory or non-Signatory) finding that they infringed applicable anti-doping rules within the previous ten years;
  - 1.3.1.8 in accordance with Article 5.7.2, report to the ITF Anti-Doping Manager any knowledge or suspicion that any

- Person may have committed an Anti-Doping Rule Violation;
- 1.3.1.9 cooperate fully with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations;
  - 1.3.1.10 disclose the identity of their Player Support Personnel upon request to the ITF, their NADO, and/or any other Anti-Doping Organisation with authority over the Player; and
  - 1.3.1.11 ensure that the ITF is able to communicate with them efficiently and reliably in relation to matters arising under this Programme. To that end, each Player is deemed to be immediately contactable at the email address, postal address, and telephone number that they have specified on any Doping Control form that they complete, and it is the Player's responsibility to complete such contact details (to be referred to herein as the '**Player's Nominated Address**') as necessary to ensure that they are immediately contactable at the Player's Nominated Address. Any notice required to be given to the Player under this Programme, if delivered by courier service to the Player's Nominated Address, will be deemed to have been received by the Player on the date of delivery to such address reflected in the confirmation of delivery provided by the courier service company. At its discretion, as an alternative to or in conjunction with such courier delivery, the ITF may use any other method of secure and confidential communication available, including but not limited to email and/or electronic notification via the Tennis Anti-Doping Programme Portal; provided that if the Player denies receipt of such notice, the burden will be on the ITF to prove that the Player did receive it.
- 1.3.2 It is the personal responsibility of each Player Support Person to:
- 1.3.2.1 be knowledgeable of and comply with this Programme at all times;
  - 1.3.2.2 cooperate with Testing;
  - 1.3.2.3 use their influence on Player values and behaviour to foster anti-doping attitudes;
  - 1.3.2.4 disclose to the ITF and to their NADO any decision (whether by a Signatory or non-Signatory) finding that

- they infringed applicable anti-doping rules within the previous ten years;
  - 1.3.2.5 in accordance with Article 5.7.2, report to the ITF Anti-Doping Manager any knowledge or suspicion that any Person may have committed an Anti-Doping Rule Violation;
  - 1.3.2.6 cooperate fully with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations; and
  - 1.3.2.7 not Use or Possess any Prohibited Substance or Prohibited Method without valid justification. Breach of this prohibition will constitute a violation of Article 7.15.
- 1.3.3 Other Persons subject to this Programme must:
  - 1.3.3.1 be knowledgeable of and comply with this Programme at all times;
  - 1.3.3.2 disclose to the ITF and to their NADO any decision (whether by a Signatory or non-Signatory) finding that they infringed applicable anti-doping rules within the previous ten years;
  - 1.3.3.3 in accordance with Article 5.7.2, report to the ITF Anti-Doping Manager any knowledge or suspicion that any Person may have committed an Anti-Doping Rule Violation; and
  - 1.3.3.4 cooperate fully with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

#### 1.4 Retirement

- 1.4.1 Each Player will continue to be bound by and required to comply with this Programme, unless and until they give written notice of their retirement to:
  - 1.4.1.1 (in the case of Players who are International-Level Players) the ITF, the ATP or WTA (as applicable); or
  - 1.4.1.2 (in the case of Players who are not International-Level Players) their National Association and their NADO.

In each case, the Player will be deemed to have retired (and to be no longer subject to the Programme) with effect from the date given in

the written notice of retirement or the date the notice is received (whichever is later).

- 1.4.2 Each Player Support Person and other Person who is not a Player will continue to be bound by and required to comply with this Programme unless and until they no longer carry out the activity (or are no longer bound by the arrangement) that brought them within Article 1.2 in the first place.
- 1.4.3 Subject to Article 1.4.4, retired Players may not compete in any Covered Event or national-level event unless they have (i) given the ITF and their NADO at least six months' written notice of their intent to return to competition, and (ii) made themselves available for Testing (including, if requested, by providing whereabouts information) for a period of six months before returning to competition. Any competitive results obtained in violation of this Article 1.4.3 will be Disqualified, unless the Player can establish that they could not have reasonably known that the event they were participating in was a Covered Event or national-level event.
- 1.4.4 WADA, in consultation with the ITF and the Player's NADO, may exempt a Player from the six-month written notice requirement where the strict application of that requirement would be unfair to the Player. WADA's decision to grant or not to grant such exemption may be appealed under Article 13.
- 1.4.5 If a Player retires while subject to a period of Ineligibility, they must give written notice of such retirement to the ITF and (if the period of Ineligibility was not imposed under the Programme or a predecessor version) to the Anti-Doping Organisation that imposed the period of Ineligibility. The Player may not return to compete in a Covered Event or national-level event unless the Player has (i) given six months' prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six months) to the ITF and to their NADO of their intent to return to competition, and (ii) made themselves available for Testing (including, if requested, by providing whereabouts information) for that notice period.
- 1.4.6 Where a Covered Event or national-level Event that will take place after the applicable period set out in Article 1.4.3 or 1.4.5 has expired has an entry deadline that falls during such period, the Player may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application the applicable period has not yet expired.
- 1.4.7 The ITF, relevant National Association, relevant NADO, Independent Tribunal, and CAS (as applicable), will continue to have

jurisdiction under this Programme over a Player in respect of matters taking place prior to the Player's retirement, and over any other Person in respect of matters taking place prior to the application of Article 1.4.2.

1.4.7.1 If such Player or other Person retires or ceases to be subject to the Programme while subject to a Results Management process, the ITF or other Anti-Doping Organisation conducting that Results Management process retains authority to complete that process.

1.4.7.2 If such Player or other Person retires or ceases to be subject to the Programme before any Results Management process has begun, and the ITF or other Anti-Doping Organisation would have had Results Management authority over them at the time that they committed an Anti-Doping Rule Violation, the ITF or other Anti-Doping Organisation retains authority to conduct Results Management.

1.4.8 During any Results Management process conducted in accordance with Article 1.4.7, the Player or other Person involved is required to cooperate fully with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations committed prior to their retirement, and will be liable for any Tampering they commit during such Results Management process.

## 1.5 **Effective Date**

1.5.1 This Programme comes into full force and effect on 1 January 2021 (the '**Effective Date**'), replacing the Tennis Anti-Doping Programme that was in force prior to the Effective Date.

1.5.2 This Programme does not apply retroactively to matters arising prior to the Effective Date. However:

1.5.2.1 Anti-Doping Rule Violations that took place prior to the Effective Date, whether under predecessor versions of the Programme and/or other relevant rules, count as prior violations for purposes of determining sanctions under Article 10 for further Anti-Doping Rule Violations committed after the Effective Date.

1.5.2.2 Any case that is pending as of the Effective Date, and any case brought after the Effective Date based on an Anti-Doping Rule Violation that allegedly occurred prior to the Effective Date, will be governed by the substantive anti-doping rules in effect at the time the alleged Anti-Doping Rule Violation occurred, and not by the substantive anti-

doping rules set out in this Programme (unless the hearing panel determines that the principle of *lex mitior* appropriately applies under the circumstances of the case), but the procedural aspects of the case will be governed by this Programme. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.5 and the statute of limitations in Article 16 are procedural rules, not substantive rules, and should be applied retroactively (along with all of the other procedural rules in this Programme), save that the Article 16 statute of limitations will only apply if the previously applicable statute of limitation period (whether the original one or as extended by subsequent rules) has not already expired by the Effective Date.

- 1.5.2.3 Any Article 2.4 Whereabouts Failure (whether a Filing Failure or a Missed Test) that took place prior to the Effective Date may be relied upon as one of the requisite elements of an Article 2.4 Anti-Doping Rule Violation under this Programme.
- 1.5.2.4 Where a final decision finding that an Anti-Doping Rule Violation has been committed and imposing a period of Ineligibility is rendered prior to the Effective Date, but the Player or other Person is still serving the period of Ineligibility as of the Effective Date, the Player or other Person may apply to the ITF before the period of Ineligibility has expired to reduce the period of Ineligibility in light of a *lex mitior* in this Programme. The ITF's decision on that application may be appealed pursuant to Article 13.2.
- 1.5.2.5 For purposes of assessing the period of Ineligibility for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility that would have been imposed for that first violation had this Programme been applicable at that time will be used in Article 10.9.1.2 to help determine the period of Ineligibility for the second violation under Article 10.9.1.

## 1.6 Amendments

- 1.6.1 The Board of Directors of the ITF may amend this Programme from time to time. Such amendments will come into effect on the date specified by the Board of Directors.

- 1.6.2 Amendments to the Code, the Prohibited List, and any International Standard will come into effect automatically in the manner set out in the Code, and such amendments will be binding upon all Persons who are subject to this Programme without further formality.
- 1.6.3 Changes to the Prohibited List and Technical Documents relating to substances or methods on the Prohibited List will not be applied retroactively unless they specifically so provide. However, when a substance or method is removed from the Prohibited List, a Player or other Person currently serving a period of Ineligibility on account of an Anti-Doping Rule Violation based on the former Prohibited Substance or Prohibited Method may apply to the ITF to consider a reduction in the period of Ineligibility in light of the removal of the substance or method from the Prohibited List.

## **2. Anti-Doping Rule Violations**

Doping is defined as the occurrence of one or more of the following (each, an **Anti-Doping Rule Violation**):

### **2.1 The presence of a Prohibited Substance or any of its Metabolites or Markers in a Player's Sample, unless the Player establishes that such presence is consistent with a TUE granted in accordance with Article 4.4.**

- 2.1.1 It is each Player's personal duty to ensure that no Prohibited Substance enters their body. Players are responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary to demonstrate intent, Fault, Negligence, or knowing Use on the Player's part in order to establish an Article 2.1 Anti-Doping Rule Violation; nor is the Player's lack of intent, Fault, Negligence or knowledge a defence to an assertion that an Article 2.1 Anti-Doping Rule Violation has been committed.
- 2.1.2 Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established by any of the following: (a) the presence of a Prohibited Substance or its Metabolites or Markers in the Player's A Sample where the Player waives analysis of the B Sample and the B Sample is not analysed; or (b) where analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample; or (c) where the Player's A or B Sample is split into two parts, the presence of a Prohibited Substance or its Metabolites or Markers in the first part of the split Sample and the Player waives analysis of the confirmation part of the split Sample or analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample.

- 2.1.3 Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample constitutes an Anti-Doping Rule Violation under Article 2.1, unless the Player establishes that such presence is consistent with a TUE granted in accordance with Article 4.4.
- 2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List, International Standards or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances.
- 2.2 **Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method, unless the Player establishes that such Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.4.**
  - 2.2.1 It is each Player's personal duty to ensure that no Prohibited Substance enters their body and that no Prohibited Method is Used. Accordingly, it is not necessary to demonstrate intent, Fault, Negligence, or knowing Use on the Player's part in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or a Prohibited Method under Article 2.2; nor is the Player's lack of intent, Fault, Negligence or knowledge a defence to a charge that an Anti-Doping Rule Violation of Use has been committed under Article 2.2.
  - 2.2.2 It is necessary to demonstrate intent on the Player's part in order to establish an Anti-Doping Rule Violation of Attempted Use.
  - 2.2.3 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. For an Article 2.2 Anti-Doping Rule Violation to be committed, it is sufficient that the Player Used or Attempted to Use the Prohibited Substance or Prohibited Method.
  - 2.2.4 Out-of-Competition Use of a Prohibited Substance that is only prohibited In-Competition is not an Article 2.2 Anti-Doping Rule Violation. However, if that substance (or any of its Metabolites or Markers) is still present in a Sample collected In-Competition, that is an Article 2.1 Anti-Doping Rule Violation.
- 2.3 **A Player evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised Person.**

**2.4 Whereabouts Failures by a Player.**

Any combination of three Missed Tests and/or Filing Failures within a 12-month period by a Player in a Registered Testing Pool.

**2.5 Tampering or Attempted Tampering with any part of Doping Control by a Player or other Person.**

**2.6 Possession of a Prohibited Substance or a Prohibited Method by a Player or a Player Support Person.**

2.6.1 Possession by a Player In-Competition of any Prohibited Substance or Prohibited Method, or Possession by a Player Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition, unless the Player establishes that such Possession is consistent with a TUE granted in accordance with Article 4.4 or other acceptable justification.

2.6.2 Possession by a Player Support Person In-Competition of any Prohibited Substance or Prohibited Method, or Possession by a Player Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition in connection with a Player, Competition or training, unless the Player Support Person establishes that such Possession is consistent with a TUE granted to the Player in accordance with Article 4.4 or other acceptable justification.

**2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by a Player or other Person.**

**2.8 Administration or Attempted Administration by a Player or other Person either to (a) any Player In-Competition of any Prohibited Substance or Prohibited Method, or (b) any Player Out-of-Competition of any Prohibited Substance or Prohibited Method that is prohibited Out-of-Competition.**

**2.9 Complicity or Attempted complicity by a Player or other Person.**

Assisting, encouraging, aiding, abetting, conspiring to commit, covering up, or any other type of intentional complicity or Attempted complicity involving an Anti-Doping Rule Violation, an Attempted Anti-Doping Rule Violation, or a violation of Article 10.14.1 by another Person.

**2.10 Prohibited association by a Player or other Person.**

2.10.1 Association by a Player or other Person subject to the authority of an Anti-Doping Organisation in a professional or sport-related capacity with any Player Support Person who:

- 2.10.1.1 if subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or
  - 2.10.1.2 if not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a Results Management process pursuant to this Programme or the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct that would have constituted a violation of Code-compliant anti-doping rules if such rules had been applicable to such Person. The disqualifying status of such Person will be in force for the longer of (i) six years from the criminal, professional or disciplinary decision; and (ii) the duration of the criminal, disciplinary or professional sanction imposed; or
  - 2.10.1.3 is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.
- 2.10.2 To prove an Article 2.10 Anti-Doping Rule Violation, the ITF must establish that the Player or other Person knew of the Player Support Person's disqualifying status.
- 2.10.3 If the Player or other Person establishes either:
- 2.10.3.1 that their association with a Player Support Person described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity; or
  - 2.10.3.2 that such association could not have been reasonably avoided;
- that will be a complete defence to the charge that the Player or other Person has committed an Article 2.10 Anti-Doping Rule Violation.
- 2.10.4 If the ITF or other Anti-Doping Organisation becomes aware of any Player Support Person who meets the criteria described in Articles 2.10.1.1, 2.10.1.2 or 2.10.1.3, they will submit that information to WADA.
- 2.11 Acts by a Player or other Person to discourage or retaliate against reporting to authorities.**
- 2.11.1 Where such conduct does not constitute a violation of Article 2.5:
    - 2.11.1.1 Any act that threatens or seeks to intimidate another Person with the intent of discouraging the Person from the good faith reporting of information that relates to an alleged Anti-Doping Rule Violation or alleged non-

compliance with this Programme or the Code to WADA, the ITF, another Anti-Doping Organisation, law enforcement, a regulatory or professional disciplinary body, a hearing body, or a Person conducting an investigation for WADA, the ITF, or another Anti-Doping Organisation.

2.11.1.2 Retaliation against a Person who has provided evidence or information in good faith that relates to an alleged Anti-Doping Rule Violation or alleged non-compliance with this Programme or the Code to WADA, the ITF, another Anti-Doping Organisation, law enforcement, a regulatory or professional disciplinary body, a hearing body, or a Person conducting an investigation for WADA, the ITF, or another Anti-Doping Organisation.

2.11.2 For purposes of Article 2.11, retaliation, threatening, and intimidation include an act taken against such Person that lacks a good faith basis or is a disproportionate response.

### **3. Proof of doping**

#### **3.1 Burdens and standards of proof**

3.1.1 The ITF will have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof will be whether the ITF has established the commission of the Anti-Doping Rule Violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

3.1.2 Where this Programme places the burden of proof on the Player or other Person alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, then except as provided as in Articles 3.2.4 and 3.2.5 the standard of proof will be by a balance of probability.

#### **3.2 Methods of establishing facts and presumptions**

The following rules of proof apply in doping cases:

3.2.1 Facts related to Anti-Doping Rule Violations may be established by any reliable means, including admissions.

3.2.2 Analytical methods or Decision Limits that have been approved by WADA after consultation within the relevant scientific community or that have been the subject of peer review will be presumed to be scientifically valid. Any Player or other Person seeking to challenge

whether the conditions for such presumption have been met or to rebut the presumption must (as a condition precedent to any such challenge) first notify WADA and explain the basis for their position. The hearing panel, on its own initiative, may also inform WADA of any such challenge or attempt to rebut the presumption. Within ten days of WADA's receipt of such notice and the case file related to such challenge, WADA will also have the right to intervene as a party, appear as amicus curiae, or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel will appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

- 3.2.3 Compliance with an International Standard (as opposed to an alternative standard, practice or procedure) will be sufficient to conclude that the procedures addressed by the International Standard were performed properly.
- 3.2.4 WADA-accredited laboratories and other laboratories approved by WADA are presumed to have conducted Sample analysis and custodial procedures in compliance with the ISL. The Player or other Person asserted to have committed an Anti-Doping Rule Violation may rebut this presumption by establishing that a departure from the ISL occurred that could reasonably have caused the Adverse Analytical Finding (or the factual basis for any other Anti-Doping Rule Violation asserted). Where the presumption is rebutted, the ITF will have the burden of establishing that such departure did not cause the Adverse Analytical Finding (or the factual basis for such other Anti-Doping Rule Violation).
- 3.2.5 Departures from any other International Standard, or other anti-doping rule or policy set out in the Code or this Programme will not invalidate analytical results or other evidence of an Anti-Doping Rule Violation, and will not constitute a defence to an Anti-Doping Rule Violation; but if the Player or other Person establishes a departure from one of the specific International Standards listed below, and further establishes that that departure could reasonably have caused an Adverse Analytical Finding or Adverse Passport Finding or a Whereabouts Failure based on which an Anti-Doping Rule Violation is asserted, the ITF will have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the Whereabouts Failure:
  - 3.2.5.1 A departure from the ISTI relating to Sample collection or Sample handling that could reasonably have caused the Adverse Analytical Finding based on which the Anti-Doping Rule Violation is asserted, in which case the ITF will have the burden to establish that such departure did not cause the Adverse Analytical Finding.

- 3.2.5.2 A departure from the ISRM or ISTI relating to an Adverse Passport Finding that could reasonably have caused the Adverse Passport Finding based on which an Anti-Doping Rule Violation is asserted, in which case the ITF will have the burden to establish that such departure did not cause the Adverse Passport Finding.
- 3.2.5.3 A departure from the ISRM relating to the requirement to provide notice to the Player of the B Sample opening that could reasonably have caused the Adverse Analytical Finding based on which the Anti-Doping Rule Violation is asserted, in which case the ITF will have the burden to establish that such departure did not cause the Adverse Analytical Finding.
- 3.2.5.4 A departure from the ISRM relating to Player notification that could reasonably have caused a Whereabouts Failure based on which the Anti-Doping Rule Violation is asserted, in which case the ITF will have the burden to establish that such departure did not cause the Whereabouts Failure.
- 3.2.6 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that is not the subject of a pending appeal will be irrebuttable evidence against the Player or other Person to whom the decision pertained of those facts, unless that Player or other Person establishes that the decision violated principles of natural justice.
- 3.2.7 The hearing panel in a hearing on an Anti-Doping Rule Violation may draw an inference adverse to the Player or other Person who is asserted to have committed an Anti-Doping Rule Violation based on the Player's or other Person's refusal (a) to respond to a Demand or other questions put to them as part of an investigation; or (b) after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions put by the hearing panel or the ITF.

#### **4. The Prohibited List**

##### **4.1 Incorporation of the Prohibited List**

- 4.1.1 This Programme incorporates the Prohibited List, which is published and revised by WADA as described in Code Article 4.1.
- 4.1.2 A copy of the Prohibited List is set out at Appendix Three to this Programme. Unless provided otherwise in the Prohibited List or a revision thereto, the Prohibited List and revisions thereto will come

into effect automatically under this Programme three months after their publication by WADA on its website, without the need for any further action by the ITF.

4.1.3 All Players and other Persons are bound by the Prohibited List and any revisions thereto from the date they come into effect, without further formality. It is the responsibility of all Players and other Persons to be familiar with the most up-to-date version of the Prohibited List and all revisions thereto.

4.1.4 Without prejudice to the last sentence of Article 4.1.3, the ITF will take reasonable steps to publicise any amendments made by WADA to the Prohibited List, and to distribute the Prohibited List to National Associations. Each National Association must in turn take reasonable steps to distribute the Prohibited List to its members and constituents.

## 4.2 **Prohibited Substances and Prohibited Methods identified on the Prohibited List**

4.2.1 Prohibited Substances and Prohibited Methods:

4.2.1.1 The Prohibited List identifies those substances and methods that are prohibited at all times (i.e. both In-Competition and Out-of-Competition) and those substances and methods that are prohibited In-Competition only.

4.2.1.2 Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.

4.2.1.3 As described in Code Article 4.2.1, WADA may expand the Prohibited List for the sport of tennis.

4.2.1.4 WADA may also include additional substances or methods that have the potential for abuse in the sport of tennis, in the monitoring program described in Code Article 4.5.

4.2.1.5 Players and other Persons are reminded that:

- (a) Many Prohibited Substances may appear (either as listed ingredients or otherwise, e.g., as unlisted contaminants) within supplements and/or medications that may be available with or without a physician's prescription. Since Players are strictly liable for any Prohibited Substances present in Samples collected from them (see Article 2.1.1),

they are responsible for ensuring that Prohibited Substances do not enter or come to be present in their bodies by any means and that Prohibited Methods are not Used.

- (b) There are often synonyms for substances that are mentioned by name on the Prohibited List, but not all of those synonyms are necessarily included on the Prohibited List. In addition, the Prohibited List is not a 'closed list' of Prohibited Substances but instead also encompasses substances that are not mentioned by name on the Prohibited List but instead are incorporated onto the Prohibited List by category and/or by reference to 'substances with a similar chemical structure or similar biological effect(s)'. As a result, the fact that a particular substance does not appear by name on the Prohibited List does not mean that the substance is not a Prohibited Substance. It is the Player's responsibility to determine the status of the substance, e.g., by contacting IDTM (via the contact details set out in the inside front cover of the Programme).

#### 4.2.2 Specified Substances or Specified Methods:

For purposes of this Programme, all Prohibited Substances will be deemed to be '**Specified Substances**' except as identified on the Prohibited List. A Prohibited Method will not be considered to be a '**Specified Method**' unless it is specifically identified as a Specific Method on the Prohibited List.

#### 4.2.3 Substances of Abuse:

Certain Prohibited Substances are specifically classified on the Prohibited List as '**Substances of Abuse**' because they are frequently abused in society outside of the context of sport.

### 4.3 **WADA's determination of the Prohibited List**

WADA's determination of the Prohibited Substances and Prohibited Methods that are (or will be) included on the Prohibited List, the classification of substances into categories on the Prohibited List, the classification of a substance as prohibited at all times or In-Competition only, and the classification of a substance or method as a Specified Substance, Specified Method, or Substance of Abuse, is final and not subject to any challenge by a Player or other Person, including (without limitation) any challenge based on an argument that the substance or method is not a masking agent or does not

have the potential to enhance performance, represent a health risk, or violate the spirit of sport.

#### 4.4 Therapeutic Use Exemptions

4.4.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession, or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method will not be considered an Anti-Doping Rule Violation if it is consistent with the provisions of a TUE granted to the Player in accordance with the ISTUE.

4.4.2 TUE applications:

4.4.2.1 Players who are International-Level Players must apply to the ITF for a TUE.

4.4.2.2 Unless otherwise specified by the ITF, Players who are not International-Level Players must apply to their NADO for a TUE. If the NADO denies the application, the Player may appeal exclusively to the national-level appeal body described in Article 13.2.2.

4.4.3 TUE recognition:

4.4.3.1 If a Player has a TUE granted by their NADO pursuant to Code Article 4.4 that they wish to have recognised by the ITF for the purposes of the Programme, the Player must apply to the TUE Committee for recognition of the TUE, in accordance with the procedure set out in ISTUE Article 7. The request must be accompanied by all of the information specified in ISTUE Article 7, and the TUE Committee may require that further information be provided as necessary.

4.4.3.2 If the TUE Committee agrees that the TUE granted to the Player by their NADO meets the criteria set out in the ISTUE, the ITF will recognise it. If the TUE Committee considers that the TUE does not meet those criteria and so refuses to recognise it, the ITF will notify the Player and their NADO promptly, with reasons. The Player and/or the NADO will have 21 days from such notification to refer the matter to WADA for review.

4.4.3.3 If the matter is referred to WADA for review, the TUE granted by the NADO remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for International Events) pending WADA's decision. If the matter is not referred to WADA for review within

the 21-day deadline, the Player's NADO must determine whether the original TUE granted by that NADO should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Player ceases to be an International-Level Player and does not participate in International Events). Pending the NADO's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing but is not valid for International Events.

#### 4.4.4 TUE application process:

- 4.4.4.1 As a general rule, Players must obtain a TUE prior to the presence, Use or Attempted Use, Possession, or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method.
- 4.4.4.2 If the Player does not already have a TUE granted by their NADO for the substance or method in question, the Player must apply directly to the TUE Committee for a TUE as soon as the need arises, in accordance with the procedure set out in ISTUE Article 6. The request must be accompanied by all of the information specified in ISTUE Article 6, and the TUE Committee may require that further information be provided as necessary.
- 4.4.4.3 An application to the TUE Committee for the grant or recognition of a TUE must be made as soon as possible and in any event at least 30 days before the Player's next Event, subject to Article 4.4.5 (retroactive TUEs).
- 4.4.4.4 The TUE Committee will promptly evaluate and decide upon the application in accordance with the relevant provisions of the ISTUE and any specific ITF protocols posted on the ITF website, and usually (i.e. unless exceptional circumstances apply) within no more than 21 days of receipt of a complete application. Where the application is made in a reasonable time prior to an Event, the TUE Committee must use its best endeavours to issue its decision before the start of the Event.
- 4.4.4.5 The decision of the TUE Committee will be the final decision of the ITF, and may be appealed in accordance with Article 4.4.7. All TUE Committee decisions will be notified in writing to the Player by the ITF and made available by the ITF to other Anti-Doping Organisations and WADA via ADAMS in accordance with ISTUE Article 5.

- 4.4.4.6 If the TUE Committee denies the Player's application, the decision must include an explanation of the reason(s) for the denial.
- 4.4.4.7 If the TUE Committee grants the Player's application:
- (a) The ITF will notify the Player and (via ADAMS) their NADO.
  - (b) The decision must specify the dosage(s), frequency, route, and duration of Administration of the Prohibited Substance or Prohibited Method in question that the TUE Committee is permitting, reflecting the clinical circumstances, as well as any conditions imposed in connection with the TUE.
  - (c) The TUE will be effective as of the date it is granted (save where a retroactive TUE is granted, in which case the TUE Committee will specify the applicable effective date in its decision) and will have the duration specified by the TUE Committee. The TUE may also be granted subject to such conditions or restrictions as the TUE Committee sees fit.
- 4.4.4.8 If the NADO considers that the TUE granted by the ITF does not meet the criteria set out in the ISTUE, it has 21 days from such notification to refer the matter to WADA for review. If the NADO refers the matter to WADA for review, the TUE granted by the ITF remains valid for International Events and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the NADO does not refer the matter to WADA for review, the TUE granted by the ITF becomes valid for national-level Competition as well when the 21-day review deadline expires.
- 4.4.4.9 A Player may not assume that their application for a TUE (or for renewal or recognition of a TUE) will be granted. Unless and until a Player receives notice in writing of a decision granting or recognising a TUE, the Player Uses the Prohibited Substance or Prohibited Method in issue entirely at their own risk.
- 4.4.4.10 A Player who wishes to continue to Use the Prohibited Substance or Prohibited Method in question beyond the period for which the TUE has been granted must make a new application for a further TUE.

- 4.4.4.11 Players are warned that TUEs granted by the ITF may not be automatically recognised by Major Event Organisations (e.g., the IOC, for the Olympic Games). In case of doubt, Players should contact the ITF Anti-Doping Manager for advice.
  - 4.4.4.12 Subject to the foregoing provisions of this Article 4.4, a Player may not apply to more than one Anti-Doping Organisation for a TUE.
  - 4.4.4.13 The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) will constitute an Article 2.5 Anti-Doping Rule Violation.
- 4.4.5 Retroactive TUE applications:
- 4.4.5.1 A TUE may only be granted retroactively in the following limited circumstances:
    - (a) Where the Player applying for the TUE is not an International-Level Player, or (where this Programme is being applied at national level) is not a National-Level Player, and that Player is Using a Prohibited Substance or Prohibited Method for therapeutic reasons.
    - (b) Where emergency treatment or urgent treatment of a medical condition was necessary.
    - (c) Where there was insufficient time or opportunity or other exceptional circumstances for the Player to submit (or for the TUE Committee to consider) an application for the TUE prior to Sample collection.
    - (d) Where the Player Used Out-of-Competition, for therapeutic reasons, a substance that is only prohibited In-Competition.
    - (e) In exceptional circumstances where, considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE.
      - (i) For Players who are International-Level Players or National-Level Players, the ITF (or the NADO, in the case of National-Level Players) may grant a retroactive TUE pursuant

to this Article 4.4.5.1(e) only with the prior approval of WADA, which WADA may give or withhold as it sees fit.

- (ii) For other Players, the ITF does not have to obtain WADA's advance approval, but WADA may review and either agree with or reverse the ITF's grant of a retroactive TUE pursuant to this Article 4.4.5.1(e) to such Player.
- (f) Any decision made by the ITF or WADA to grant or not grant a retroactive TUE or to reverse a TUE granted pursuant to Article 4.4.5.1(e) may not be challenged either as a defence to an assertion of an Anti-Doping Rule Violation, or by way of appeal, or otherwise.

4.4.5.2 A Player must submit an application for a retroactive TUE to the TUE Committee no later than five working days after an Adverse Analytical Finding is reported in respect of the Sample collected from that Player (although the ITF may extend this deadline upon request by the Player for good cause shown). Any such TUE application must be resolved before any Adverse Analytical Finding, Atypical Finding, or Adverse Passport Finding relating to that Player's Sample is processed.

4.4.6 Expiration, withdrawal or reversal of a TUE:

4.4.6.1 A TUE granted pursuant to this Programme:

- (a) will expire automatically at the end of any period for which it was granted, without the need for any further notice or other formality;
- (b) will be cancelled if the Player does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE;
- (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or
- (d) may be reversed on review by WADA or on appeal.

4.4.6.2 The Player will not be subject to any Consequences based on their Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in

accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal, or reversal of the TUE. The review pursuant to ISRM Article 5.1.1.1 of an Adverse Analytical Finding that is reported shortly after the date of TUE expiry, cancellation, withdrawal or reversal will include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no Anti-Doping Rule Violation will be asserted.

4.4.7 Review and appeals of TUE decisions:

4.4.7.1 Review by WADA

- (a) WADA must review any decision made by the ITF not to recognise a TUE granted by a NADO that is referred to WADA by the Player or the Player's NADO. In addition, WADA must review any decision by the ITF to grant a TUE that is referred to WADA by the Player's NADO.
- (b) WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative.
- (c) If the TUE decision being reviewed meets the criteria set out in the ISTUE, WADA will not interfere with it.
- (d) If the TUE decision does not meet set out in the ISTUE, WADA will reverse it. If WADA reverses the grant of a TUE, that reversal will not apply retroactively, but rather only from the point that the Player receives notice of the reversal. Therefore, the Player's results obtained from the date that the TUE came into effect until the date that the Player receives notice of WADA's reversal of the grant of the TUE will not be Disqualified, nor will the Player be subject to any other Consequences based on their Use or Possession of the Prohibited Substance or Prohibited Method in question during such period.

4.4.8 Any decision of the TUE Committee that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Player and/or the Player's NADO exclusively to CAS.

4.4.9 A decision by WADA to reverse a TUE decision may be appealed by the Player, the Player's NADO, and/or the ITF exclusively to CAS.

- 4.4.10 A failure to render a decision within a reasonable time on a properly submitted TUE application for grant/recognition of a TUE or for review of a TUE decision will be considered a denial of the application thus triggering the applicable review/appeal.
- 4.4.11 Until such time as a TUE decision pursuant to this Programme has been reversed upon review by WADA or upon appeal, that TUE decision will remain in full force and effect.

## **5. Testing and investigations**

### **5.1 Purpose of Testing**

- 5.1.1 Testing under this Programme will be conducted in conformity with the ISTI and any specific protocols of the ITF supplementing that International Standard.
- 5.1.2 Testing will be undertaken to obtain analytical evidence as to whether the Player has violated Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Makers in a Player's Sample) or Article 2.2 (Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method).
- 5.1.3 The ITF will conduct test distribution planning and Testing as required by the ISTI.
- 5.1.4 Where reasonably feasible, Testing will be coordinated by the ITF and other Anti-Doping Organisations through ADAMS in order to maximise the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

### **5.2 Authority to test**

- 5.2.1 Subject to the limitations for Event Testing set out in Article 5.3, the ITF will have In-Competition and Out-of-Competition Testing authority over all of the Players specified in Article 1.2. For the avoidance of doubt, nothing in this Programme limits the Testing authority given to the ITF and other Anti-Doping Organisations under Code Article 5.
- 5.2.2 Players (including those serving a period of Ineligibility) must submit to Testing at any time or place upon request by or on behalf of the ITF or by or on behalf of any other Anti-Doping Organisation with Testing authority over such Player.
- 5.2.3 For the avoidance of doubt, the ITF may select Players for Target Testing so long as such Target Testing is not used for any purpose other than legitimate anti-doping purposes.

- 5.2.4 WADA will have In-Competition and Out-of-Competition Testing authority as set out in Code Article 20.7.10.
- 5.2.5 If the ITF delegates or contracts any part of Testing to a NADO, either directly or through a National Association, that NADO may collect additional Samples or direct the laboratory to perform additional types of analysis at the NADO's expense. If additional Samples are collected or additional types of analysis are performed, the ITF must be notified.
- 5.2.6 Save in exceptional and justifiable circumstances, all Testing will take place without advance notice to the Player in question.

### 5.3 **In-Competition Testing**

- 5.3.1 Except as otherwise provided below, only a single organisation will have authority to conduct Testing at Event Venues during an Event Period.
  - 5.3.1.1 At Covered Events, the ITF will have authority to conduct Testing. The selection of the Covered Events at which Testing is to take place will be made by the ITF, and will remain confidential except to those Persons with a reasonable need to know of such selection in order to facilitate such Testing. The actual timing of the Testing at a selected Event, and the selection of Players to be tested at that Event, will be at the discretion of the ITF.
  - 5.3.1.2 At the request of the ITF, any Testing during the Event Period outside of the Event Venues must be coordinated with the ITF.
  - 5.3.1.3 At national-level events, the NADO of the country in which the Event is staged will have authority to conduct Testing.
- 5.3.2 If any other Anti-Doping Organisation desires to conduct Testing of Players at a Covered Event at the Event Venue during the Event Period, the Anti-Doping Organisation must first confer with the ITF to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from the ITF, in accordance with the procedures described in the ISTI the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA will not grant approval for such Testing before consulting with and informing the ITF. WADA's decision will be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such Testing will be considered to be Out-of-Competition

Testing. Results Management for any such Testing will be the responsibility of the Anti-Doping Organisation initiating the Testing.

- 5.3.3 The following periods will be deemed **‘In-Competition Periods’**, and Samples collected during such a period will be deemed to have been collected **‘In-Competition’** for purposes of this Programme:
- 5.3.3.1 from 11:59 p.m. local time on the day before the first match of the main draw (or of the qualifying draw, if the Player is participating in the qualifying draw) of the first Competition in which the Player is participating in an Event;
  - 5.3.3.2 through to the end of the Player’s last match (in any Competition) in the Event and the Sample collection process related to that match that is conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the Player’s last match (120 minutes if the Player’s last match in the Event is the final match in the Competition in question); or
  - 5.3.3.3 (where the Player is participating in the Event as a nominated member of a team) through to the end of the team’s last match in the Event and the Sample collection process related to the team’s last match in the Event that is conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the team’s last match in the Event (120 minutes if the team’s last match in the Event is the final match in the Competition in question); or
  - 5.3.3.4 (where the Player withdraws from the Event after the time noted at Article 5.3.3.1, whether before or after playing in any match at the Event) until the end of any Sample collection process conducted pursuant to notification of Testing given to the Player no more than 60 minutes after the Player has given notice of such withdrawal to the official at the Event specified in the Event rules. If so requested, the Player shall remain at the Event Venue for that 60-minute period to allow such notification to take place. If the Player’s withdrawal is from a doubles Competition, their doubles partner must also submit to Testing at the same time if requested to do so and that Testing shall also be In-Competition Testing.
- 5.3.4 If a Player withdraws or is defaulted from or ‘no shows’ at an Event after the time noted at Article 5.3.3.1, and the Player cannot be given notification of Testing within 60 minutes of the Event official being advised of the withdrawal or default or ‘no show’ because the Player is no longer at the Event Venue, the ITF may collect a Sample from

the Player subsequently, and any Sample collected pursuant to the notification of Testing given to the Player within 12 hours of the time that the Player advised the Event official of their withdrawal or 'no show' will be deemed to have been collected In-Competition. The Player may be required to contribute to the cost of the subsequent Sample collection in an amount up to US\$5,000. In addition, the ITF will consider whether the Player should be charged with an Article 2.3 Anti-Doping Rule Violation (evading Sample collection at the Event).

#### 5.4 **Out-of-Competition Testing and Player whereabouts requirements**

- 5.4.1 Any period that is not an In-Competition Period is an '**Out-of-Competition**' period for purposes of this Programme and the Code.
  - 5.4.1.1 Any Sample collected pursuant to a notification given to a Player outside of an In-Competition Period will be considered to have been collected Out-of-Competition.
  - 5.4.1.2 The ITF may select any Player for Out-of-Competition Testing, whether or not they have been included in the International Registered Testing Pool. The timing of such Out-of-Competition Testing will be at the discretion of the ITF. Decisions relating to timing and selection of Players for Out-of-Competition Testing will remain confidential except to those with a reasonable need to know of them in order to facilitate such Testing.
  - 5.4.1.3 A reasonable effort will be made to avoid inconvenience to a Player who is subjected to Out-of-Competition Testing. However, the ITF will not be liable for any inconvenience or loss caused to the Player as a result of such Testing.
- 5.4.2 International Registered Testing Pool:
  - 5.4.2.1 The ITF may from time to time designate any Player or Players for inclusion in a pool of Players to be known as the '**International Registered Testing Pool**'. Any Player designated for inclusion in (or removed from) the International Registered Testing Pool will be notified of such inclusion or removal in accordance with ISTI Article 4.8.7.
  - 5.4.2.2 A Player who is included in the International Registered Testing Pool is required (in each case, in accordance with ISTI Article 4.8):
    - (a) to advise the ITF of their whereabouts on a quarterly basis;

- (b) to update that information as necessary, so that it remains accurate and complete at all times; and
  - (c) to make themselves available for Testing at such whereabouts.
- 5.4.2.3 In accordance with ISTI Article 4.8.8.4, a Player in the International Registered Testing Pool is not required to provide a 60-minute time-slot for dates falling within the In-Competition Period of a Covered Event in which the Player is scheduled to compete (**'In-Competition Dates'**). However:
  - (a) This does not apply to Events organised by a Major Event Organisation. The Player must continue to provide a 60-minute time-slot for all dates falling within the In-Competition Periods of those Events.
  - (b) In respect of Covered Events to which this Article does apply, if circumstances change such that dates that the Player has identified in their whereabouts filing as In-Competition Dates no longer qualify as such (for example, because the Player withdraws or retires from or is knocked out of a Covered Event), the Player must update their whereabouts filing to provide a 60-minute time-slot for each of the dates that no longer qualifies as an In-Competition Date, in accordance with ISTI Article 4.8.8.3. Failure to do so will constitute a Filing Failure.
- 5.4.2.4 A Player will remain in the International Registered Testing Pool and will continue to be subject to the requirements of ISTI Article 4.8 unless and until:
  - (a) they retire from their sport in accordance with Article 1.4; or
  - (b) the ITF has informed them in writing that they have been removed from the International Registered Testing Pool.
- 5.4.2.5 For purposes of Article 2.4, a failure by a Player in the International Registered Testing Pool to comply with the requirements in ISTI Articles 4.8.8 and/or 4.8.9 will be deemed a Filing Failure or a Missed Test where the conditions set out in Annex B of the ISRM for declaring a Filing Failure or Missed Test are met.

- 5.4.2.6 The ITF will make available through ADAMS a list that identifies by name those Players that the ITF has included in the International Registered Testing Pool. The ITF will review and update as necessary its criteria for including Players in the International Registered Testing Pool, and will revise the membership of that pool from time to time as appropriate in accordance with the set criteria.
- 5.4.2.7 Where a Player is included in the International Registered Testing Pool and in a National Registered Testing Pool, the ITF will be responsible for Results Management in respect of any apparent Whereabouts Failure by that Player, and the NADO will be required to provide any necessary information or other support required by the ITF to carry out such Results Management.
- 5.4.3 The ITF may collect whereabouts information from Players who are not included in the International Registered Testing Pool. If it chooses to do so, a Player's failure to provide complete and accurate whereabouts information on or before the date required by the ITF may result in the ITF putting the Player into the International Registered Testing Pool.
- 5.4.4 Whereabouts information relating to a Player will be shared (through ADAMS) with WADA and other Anti-Doping Organisations having authority to collect Samples from that Player, will be maintained in strict confidence at all times, will be used exclusively for purposes of Code Article 5.5, and will be destroyed in accordance with the ISPPPI once it is no longer relevant for those purposes.

## 5.5 ABP Testing

- 5.5.1 The ITF will implement an ABP Programme in accordance with the relevant International Standards.
- 5.5.2 The ITF will designate one or more person(s) or entity to administer and manage the ABP Programme on behalf of the ITF ('**Athlete Passport Management Unit**' or 'APMU'). The ITF will also appoint suitably qualified independent experts to form the Expert Panel for purposes of the ABP Programme.
- 5.5.3 The ITF will decide which Players will be selected for ABP Testing. The ITF will also decide (consulting as appropriate with the APMU and/or the Expert Panel, via the APMU) on the timing of such Testing. The ITF will also coordinate as necessary with other competent Anti-Doping Organisations carrying out ABP Testing in relation to any Player(s).

- 5.5.4 Samples that are intended to be part of the ABP Programme will be collected, transported, and analysed in accordance with the relevant International Standards.
- 5.5.5 The data arising from analysis of such Samples will be processed and reviewed to identify Atypical Passport Findings that warrant referral to an Expert Panel, in accordance with the relevant International Standards.

## 5.6 **Independent Observer Program**

The ITF and the organising committees for Covered Events, as well as National Associations and the organising committees for national-level events, will authorise and facilitate the Independent Observer Program at such events where so requested by WADA.

## 5.7 **Investigations and intelligence gathering**

- 5.7.1 In addition to conducting the Testing, the ITF has the power to gather anti-doping intelligence and conduct investigations in accordance with the requirements of the Code and the ISTI into matters that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation. Such investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other Signatories and/or other relevant authorities. The ITF may stay its own investigation pending the outcome of investigations being conducted by other Signatories and/or other relevant authorities.
- 5.7.2 Where a Player or other Person knows or suspects that any other Person has committed an Anti-Doping Rule Violation, it is the obligation of that Player/Person to report such knowledge or suspicion to the ITF Anti-Doping Manager as soon as possible. The Player/Person then has a continuing obligation to report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to the ITF Anti-Doping Manager, even if their prior knowledge or suspicion has already been reported. If the Player or Person refuses or fails to report in accordance with this Article without compelling justification, Article 7.15 will apply.
- 5.7.3 Players and other Persons must cooperate fully with investigations conducted pursuant to this Article 5.7. If a Player or Person refuses or fails to do so without compelling justification, Article 7.15 will apply). In particular (but without limitation):
  - 5.7.3.1 The ITF Anti-Doping Manager may make a written demand to a Player or other Person (**'Demand'**) to provide to the ITF Anti-Doping Manager any object or information that may evidence or lead to the discovery of evidence of

an Anti-Doping Rule Violation, including (without limitation) requiring the Player or other Person (i) to attend an interview and/or to provide a written statement setting forth their knowledge of the relevant facts and circumstances, (ii) to furnish to the ITF personal devices that store electronic information (including mobile telephone(s), tablets, computers, and/or hard drives) so that the ITF may copy and/or download data and/or other information from those devices that it reasonably believes may be relevant to the investigation, (iii) to provide the ITF with access to any social media accounts and data accessed via cloud services by the Player or other Person (including provision of user names and passwords), and/or (iv) to furnish to the ITF hard copy or electronic records that it reasonably believes may be relevant to the investigation (including, without limitation, itemised telephone billing statements, text of messages received and sent by SMS or WhatsApp or any other messaging service, banking statements, cryptocurrency wallets, transaction histories for any money transfer service or e-wallet, and internet service records). The Player or other Person must furnish such object(s) and information immediately, where practicable to do so, or within such other deadline as may be specified by the ITF Anti-Doping Manager. The Player or other Person subject to a Demand acknowledges and agrees that considering the large volume of data on some personal devices, the ITF's examination and extraction of information may take several hours, and that the duration of the extraction process (no matter how long) will not provide a basis to object to the immediate compliance with a Demand. Any information furnished to the ITF Anti-Doping Manager shall be (1) used by the ITF solely for the purposes of investigating and/or bringing proceedings relating to an Anti-Doping Rule Violation; and (2) kept confidential except when it becomes necessary to disclose such information to further the investigation of and/or to bring proceedings relating to an Anti-Doping Rule Violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.

*[Comment to Article 5.7.3.1: Where a Player or other Person provides objects and/or information to the ITF pursuant to Article 5.7.3.1 that may evidence or lead to the discovery of evidence of one or more Anti-Doping Rule Violation(s) by one or more other Persons, the ITF will not reveal to third parties the identity of the*

*Player or other Person who has furnished the objects and/or information unless absolutely necessary to enable the ITF to pursue the investigation of, and/or to bring proceedings in relation to, the Anti-Doping Rule Violation(s), or to enable administrative, professional or judicial authorities to pursue the investigation or prosecution of non-sporting laws or regulations. Otherwise, the ITF will use all reasonable endeavours only to use the objects and information provided in a manner that does not reveal the identity of that Player or other Person.]*

- 5.7.3.2 Each Player and other Person waives and forfeits any rights, defences, and privileges provided by any law in any jurisdiction to withhold objects and/or information requested in a Demand. If a Player or other Person refuses or fails to produce such objects and/or information, then (a) if disciplinary proceedings are brought against them under Article 7.15, or (b) if the Review Board confirms, in accordance with Article 7.9, that there is a good faith basis for the Demand, the eligibility of the Player or other Person to compete in Covered Events (or, in the case of a Player Support Person, to assist Players participating in Covered Events) may be withdrawn, and they may be denied credentials and access to Covered Events, pending compliance with the Demand.
- 5.7.4 If the Player or other Person subverts or Attempts to subvert the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), proceedings may be brought against them for violation of Article 2.5 (Tampering or Attempted Tampering).
- 5.7.5 Where, as the result of an investigation under this Article 5.7, the ITF forms the view that a Player or other Person has a case to answer for commission of an Anti-Doping Rule Violation, the ITF will refer the matter to the Review Board, to be dealt with as set out in Article 7.8.
- 5.7.6 The ITF will keep WADA informed of its investigations in accordance with the requirements of the ISTI, including advising WADA where it decides following investigation not to assert that a Player or other Person has committed an Anti-Doping Rule Violation. That decision may be appealed pursuant to Article 13.

## **6. Analysis of Samples**

Samples will be analysed in accordance with the following principles:

### **6.1 Purpose of analysis of Samples and data**

- 6.1.1 Samples and related analytical data or Doping Control information will be analysed (a) to detect the presence of (or to detect evidence of

Use of) Prohibited Substances (and/or their Metabolites or Markers) and Prohibited Methods and other substances as may be directed by WADA pursuant to the monitoring program described in Code Article 4.5; (b) to assist the ITF in profiling relevant parameters in a Player's urine, blood or other matrix, including for DNA or genomic profiling; and/or (c) for any other legitimate anti-doping purpose.

6.1.2 As between the Player and the ITF, Samples provided by a Player under this Programme are the property of the ITF, and the ITF is entitled (subject to Article 6.3) to determine all matters regarding the analysis and disposal of such Samples.

## 6.2 Use of accredited/approved laboratories and other laboratories

6.2.1 For purposes of establishing an Adverse Analytical Finding under Article 2.1, the ITF will send Samples for analysis only to WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of such laboratory will be determined exclusively by the ITF.

6.2.2 As provided in Article 3.2.1, facts related to Anti-Doping Rule Violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

## 6.3 Research on Samples and related data

6.3.1 Samples, related analytical data, and Doping Control information may be used for anti-doping research purposes. However, no Sample may be used for research without the Player's written consent. Samples and related analytical data or Doping Control information that are used for research purposes will first be processed in such a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a particular Player.

6.3.2 Any research involving Samples and related analytical data or Doping Control information must adhere to the principles set out in Code Article 19.

6.3.3 Samples, related analytical data, and Doping Control information may also be used for non-research purposes, such as method development or to establish reference populations, provided they are first processed in such a manner as to prevent them being traced back to the Player.

#### **6.4 Standards for Sample analysis and reporting**

- 6.4.1 Laboratories will analyse Samples and report the results of such analysis in accordance with the Code, the ISL, the ISTI, and Technical Documents in force at the time of analysis.
- 6.4.2 Laboratories may at their own expense analyse Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu or otherwise requested by the ITF. Results from any such analysis must be reported to the ITF in the same manner as the other results of analysis of the Samples in question, and will have the same validity as those other results.
- 6.4.3 Any Adverse Analytical Finding, Atypical Finding, or Adverse Passport Finding reported by the laboratory in respect of a Sample collected under this Programme will be dealt with in accordance with the ISL, ISRM, and Article 7.
- 6.4.4 Subject to Articles 5.3.5 and 7.11.6, the ITF will pay the costs of collection and analysis of Samples under this Programme.

#### **6.5 Further analysis of a Sample prior to or during Results Management**

There is no limitation on the authority of a laboratory to conduct repeat or additional analysis on a Sample prior to the time the ITF notifies a Player that the Sample is the basis of an Article 2.1 Anti-Doping Rule Violation charge. If the ITF wishes to conduct further analyses on that Sample after the Player has been sent formal notice of such charge, it may do so with the consent of the Player or else with the approval of the panel hearing the case against the Player.

#### **6.6 Further analysis of a Sample after it has been reported as negative or has otherwise not resulted in an Anti-Doping Rule Violation charge**

A Sample that has been reported as negative or has otherwise not resulted in a charge may be stored and subjected to further analyses for the purposes described in Article 6.2 at any time exclusively at the direction of the ITF (where it is responsible for Results Management in respect of that Sample) or WADA. Any other Anti-Doping Organisation with authority to test the Player that wishes to conduct further analysis on a stored Sample may do so with the permission of the ITF or WADA, and will be responsible for any follow-up Results Management. Any Sample storage or further analysis initiated by WADA, the ITF, or another Anti-Doping Organisation will be at (respectively) WADA's, the ITF's or that other Anti-Doping Organisation's expense. The circumstances and conditions for storage and further analysis of Samples must comply with the requirements of the ISL.

## 6.7 **Split of A or B Sample**

Where WADA, the ITF, and/or a WADA-accredited laboratory (with approval from WADA or the ITF or the other Anti-Doping Organisation with Results Management authority) wishes to split an A or B Sample in order to use the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, the applicable procedures in the ISL must be followed.

## 6.8 **WADA's right to take possession of Samples and data**

6.8.1 WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data or information in the possession of a laboratory or Anti-Doping Organisation. Upon request by WADA, the laboratory or Anti-Doping Organisation in possession of the Sample or data must immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to the laboratory or Anti-Doping Organisation before taking possession of a Sample or data, it must provide such notice to the laboratory and Anti-Doping Organisation within a reasonable time after taking possession.

6.8.2 After analysis and any investigation of a seized Sample or data, if a potential Anti-Doping Rule Violation is discovered WADA may direct another Anti-Doping Organisation with authority to test the Player to assume Results Management responsibility for the Sample or data.

## 7. **Results Management: responsibility, initial review, notice, Provisional Suspensions, and Charge Letters**

### 7.1 **Incorporation of the ISRM**

This Programme incorporates the ISRM, as amended from time to time. The ISRM is therefore binding on all Players and other Persons in the same way that this Programme is binding on them.

### 7.2 **Results Management responsibility**

7.2.1 The circumstances in which the ITF will take responsibility for conducting Results Management in respect of Anti-Doping Rule Violations involving Players and other Persons will be determined by reference to and in accordance with Code Article 7, the ISRM, and this Article 7.2.

7.2.2 The ITF (and any Delegated Third Party) will conduct Results Management and the investigation of potential Anti-Doping Rule

Violations in accordance with Code Article 7, the ISRM, and this Article 7.2.

7.2.3 Without prejudice to the generality of Article 7.2.1, the ITF will have Results Management authority under this Programme:

7.2.3.1 where the conduct in question was identified as a result of Testing initiated and directed by the ITF pursuant to this Programme or otherwise arose in relation to this Programme;

7.2.3.2 where the conduct in question was identified as a result of Testing conducted pursuant to other applicable rules or otherwise arose in relation to those other rules, and the ITF agrees with the body that issued such rules that the ITF will take jurisdiction over the matter, or the ITF agrees that it is otherwise appropriate in all of the circumstances for the ITF to take jurisdiction over the matter;

7.2.3.3 where the conduct in question was identified by means other than Testing, and the ITF was the first Anti-Doping Organisation to send an Article 7.10 Notice to the Player or other Person of the potential Anti-Doping Rule Violation; and

7.2.3.4 in relation to an Article 2.4 Anti-Doping Rule Violation, where the Player in question is in the International Registered Testing Pool.

7.2.4 Where a Player commits an Anti-Doping Rule Violation at the Olympic Games, the International Olympic Committee will determine at least the question of Disqualification from the Olympic Games. Where a Player commits an Anti-Doping Rule Violation at the Paralympic Games, the International Paralympic Committee will determine at least the question of Disqualification from the Paralympic Games. In each case, if the question of further Consequences, if any, to be imposed in relation to such Anti-Doping Rule Violation is not determined by the International Olympic Committee or the International Paralympic Committee (as applicable), it will be determined in accordance with this Programme.

7.2.5 Unless otherwise agreed by the ITF, where another Anti-Doping Organisation tests a Player under its own rules, and that test results in an Adverse Analytical Finding, or if that Anti-Doping Organisation uncovers or receives other evidence of an Anti-Doping Rule Violation by a Player or other Person, then (save for cases involving Whereabouts Failures where the ITF has Results Management) it will be the responsibility of that Anti-Doping Organisation to investigate

and pursue the matter, including bringing proceedings against the Player or other Person (if appropriate) under its rules, failing which the ITF may take responsibility over the matter.

7.2.6 Any dispute between the ITF and another Anti-Doping Organisation over which organisation has Results Management authority in respect of a particular matter will be settled by WADA in accordance with Code Article 7.

7.2.7 The ITF delegates responsibility for Results Management to the National Association (or its NADO) in respect of conduct that was identified as a result of Testing or investigations initiated and directed by the National Association or the NADO (as applicable). The results of all Testing conducted on behalf of the National Association must be reported to the ITF and to WADA within 14 days of the conclusion of the National Association's process. Any apparent Anti-Doping Rule Violation by a Player who is affiliated to that National Association must be promptly referred to an appropriate hearing panel established pursuant to the rules of the National Association and in accordance with Code Article 20.3.2.

### **7.3 Review and notification regarding potential Anti-doping Rule Violations**

7.3.1 Where it takes responsibility for Results Management, the ITF will carry out the review and notification of any potential Anti-Doping Rule Violation in accordance with the ISRM and this Article 7.

7.3.2 Review Board:

7.3.2.1 The ITF may (at its sole discretion) submit any review required by the ISRM (other than those reserved for an Expert Panel) to a Review Board.

7.3.2.2 Where a matter is referred to the Review Board under this Programme, the Review Board will carry out such review in accordance with the ISRM and this Programme.

7.3.2.3 Composition:

(a) For the review of Adverse Analytical Findings, Atypical Findings, and evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding or an Atypical Finding or an Adverse Passport Finding, the ITF will appoint three Review Board members to consider the matter.

(b) For the review of Whereabouts Failures or Demands, the ITF will appoint one or more suitably qualified Review Board members.

- (c) Each Review Board member will be suitably qualified to consider the case in issue. In particular, Review Boards reviewing Atypical Findings and Adverse Analytical Findings will have one technical, one legal, and one medical expert.
- 7.3.2.4 There is no obligation for the Review Board to meet in person to deliberate. However, any decision by the Review Board that the Player or other Person has a case to answer under Article 2 must be unanimous.
- 7.3.2.5 The ITF will send the relevant papers and evidence to each of the Review Board members.
  - (a) Where necessary, the Review Board may request that the ITF provide additional information for the Review Board's consideration. However, in a case involving an Adverse Analytical Finding or Atypical Finding, at no point during its deliberations as to case to answer should the Review Board be advised of the identity of the Player involved.
  - (b) Where an Adverse Analytical Finding may be consistent with a TUE previously granted to the Player, in the first instance only the laboratory's certificate of analysis of the A Sample and anonymised copies of the TUE application and decision will be sent to the three Review Board members. However, if there is no potentially applicable TUE, or if the Review Board determines that the Adverse Analytical Finding is not consistent with the TUE in question, the ITF Anti-Doping Manager will send the entire A Sample laboratory documentation package to the three Review Board members, along with any other relevant papers.
- 7.3.3 Notwithstanding any other provision in this Programme, at any point in the Results Management process (including, without limitation, after any further analysis of a Sample, any further Testing, and/or any further investigation conducted in accordance with Article 6), the ITF may decide not to bring an Adverse Analytical Finding or other evidence of a potential Anti-Doping Rule Violation forward as an Anti-Doping Rule Violation (either at all or simply at that time). The ITF will notify any Interested Party of that decision (with reasons), and (if notice has previously been sent to the Player in accordance with Article 7.10) the Player.

## 7.4 Review of Adverse Analytical Findings

- 7.4.1 Adverse Analytical Findings in relation to an A Sample will be reviewed in accordance with ISRM Article 5.1 and this Article 7.4.
- 7.4.2 Upon receipt of an Adverse Analytical Finding in relation to an A Sample, the Review Board will conduct a review of any TUE granted to the Player as well as of the documentation relating to the Sample collection and the A Sample analysis, and any other relevant information, to determine:
- 7.4.2.1 whether the presence of the Prohibited Substance or its Metabolites or Markers in the Player's Sample is consistent with a valid and applicable TUE held by the Player (or alternatively whether the Player should be invited to apply for a retroactive TUE); or
  - 7.4.2.2 whether there has been any apparent departure from the ISTI and ISL that caused the Adverse Analytical Finding; or
  - 7.4.2.3 whether it is apparent that the Adverse Analytical Finding was caused by an ingestion of the Prohibited Substance by a permitted route.
- 7.4.3 If pursuant to Article 7.4.2 the Review Board determines that either the Adverse Analytical Finding is consistent with a valid and applicable TUE held by the Player (including any retroactive TUE), or that there has been an apparent departure from either the ISTI or the ISL that caused the Adverse Analytical Finding, or that it is apparent that the Prohibited Substance was ingested by a permitted route, the ITF will advise the Player and each Interested Party of that fact, and will take no further action in relation to the Adverse Analytical Finding.
- 7.4.4 If pursuant to Article 7.4.2 the Review Board determines that there is neither a valid and applicable TUE with which the Adverse Analytical Finding is consistent, nor a departure from either the ISTI or the ISL that caused the Adverse Analytical Finding, and nor is it apparent that the Prohibited Substance was ingested by a permitted route, the ITF will send the Player a Notice in accordance with Article 7.10.
- 7.4.5 Where an application for a retroactive TUE is made in accordance with Article 4.4.5 for the Prohibited Substance in question, no further action will be taken in respect of the Adverse Analytical Finding pending a decision on the application.

## 7.5 Review of Atypical Findings

- 7.5.1 Atypical Findings in relation to an A Sample will be reviewed in accordance with ISRM Article 5.2 and this Article 7.5.
- 7.5.2 Where a laboratory reports the presence in a Sample of a Prohibited Substance or its Markers or Metabolites as an Atypical Finding, the Review Board will conduct a review to determine:
  - 7.5.2.1 whether the presence of the Prohibited Substance or its Marker or Metabolite in the Player's Sample is consistent with a valid and applicable TUE held by the Player (or alternatively whether the Player should be invited to apply for a retroactive TUE, if they have not applied already); or
  - 7.5.2.2 whether there has been any apparent departure from the ISTI or the ISL that caused the Atypical Finding; or
  - 7.5.2.3 whether it is apparent that the Atypical Finding was caused by an ingestion of the Prohibited Substance by a permitted route.
- 7.5.3 If it is determined pursuant to Article 7.5.2 either that the Atypical Finding is consistent with a valid and applicable TUE held by the Player (including any retroactive TUE), or that there has been an apparent departure from either the ISTI or the ISL that caused the Atypical Finding, or that it is apparent that the Prohibited Substance was ingested by a permitted route, the ITF will advise the Player and each Interested Party of that fact, and will take no further action in relation to such Atypical Finding.
- 7.5.4 If it is determined pursuant to Article 7.5.2 that there is neither a valid and applicable TUE with which the Atypical Finding is consistent, nor a departure from either the ISTI or the ISL that caused the Atypical Finding, and it is not apparent that the Prohibited Substance was ingested by a permitted route, the ITF will conduct any necessary follow-up investigation, including directing any further Testing that may be required.
- 7.5.5 Pending the outcome of the investigation, the Atypical Finding will be kept confidential, save that:
  - 7.5.5.1 if the ITF determines that the B Sample should be analysed as part of the investigation, it will notify the Player in accordance with Article 7.10.1.5, and such notice will additionally include a description of the Atypical Finding and specify the Player's right to request copies of the A and B Sample laboratory documentation packages;

- 7.5.5.2 if requested by an organisation that is about to select Player to participate in an International Event, the ITF may confirm that the Player has a pending Atypical Finding, after informing the Player; and
  - 7.5.5.3 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, the ITF may inform the Player of the Atypical Finding.
  - 7.5.6 If the ITF decides not to pursue the Atypical Finding as a potential Anti-Doping Rule Violation, it will notify the Player and each Interested Party of that fact. Any such Interested Party may either appeal that decision in accordance with Article 13 or (if it is an Anti-Doping Organisation) may elect to pursue the Atypical Finding as an Anti-Doping Rule Violation under its own rules.
  - 7.5.7 If the ITF decides to pursue the Atypical Finding as one or more potential Anti-Doping Rule Violations under Article 2, the ITF will send the Player a Notice in accordance with Article 7.10.
- 7.6 Review of Adverse Passport Findings**
- 7.6.1 Where an Atypical Passport Finding or other ABP-related case is referred to a single expert from the Expert Panel in accordance with Article 5.5.5, and the opinion of the single expert is ‘likely doping’, the file will be referred to a group of three experts from the Expert Panel (composed of the single expert appointed in the initial review and two further experts chosen by the APMU from the Expert Panel) for consideration in accordance with ISRM Annex C.
  - 7.6.2 Where all of the three experts from the Expert Panel, having reviewed the ABP Documentation Package, render a joint opinion of ‘likely doping’ (an Adverse Passport Finding), the ITF will send the Player a Notice in accordance with Article 7.10.
- 7.7 Review of Whereabouts Failures**
- 7.7.1 Results Management in relation to potential Whereabouts Failures will be conducted in accordance with ISRM Annex B.3.
  - 7.7.2 Where a Whereabouts Failure by a Player who is subject to the ITF's Results Management authority is uncovered through an attempt by or on behalf of an Anti-Doping Organisation other than the ITF to test that Player, the ITF will procure the requisite information and assistance from that other Anti-Doping Organisation pursuant to ISRM Annex B.3.2 to enable the ITF to carry out Results Management in respect of the Whereabouts Failure.

- 7.7.3 Where a Player requests an administrative review of a Filing Failure or Missed Test declared by the ITF, the Review Board will carry out that administrative review in accordance with ISRM Annex B.3.2(f).
- 7.7.4 If the Review Board concludes that the requirements for recording a Whereabouts Failure are not all met, the ITF will so advise the Player and Interested Parties (and the Anti-Doping Organisation that uncovered the Whereabouts Failure, if applicable), giving reasons for that decision. Subject to the rights of appeal set out at Article 13, the matter will not proceed any further.
- 7.7.5 If the Review Board concludes that all of the requirements for recording a Whereabouts Failure are met, or if the Player does not request an administrative review, the ITF notify the Player that it is recording a Whereabouts Failure against them.
- 7.7.6 The ITF will report a decision to record a Whereabouts Failure against a Player to WADA and all other relevant Anti-Doping Organisations via ADAMS.
- 7.7.7 Where the Whereabouts Failure recorded in accordance with Article 7.7.5 is the Player's third Whereabouts Failure within a 12-month period, the matter will be referred to the Review Board to determine whether the Player may have committed an Article 2.4 Anti-Doping Rule Violation. If the Review Board determines(s) that the Player may have committed an Article 2.4 Anti-Doping Rule Violation, the ITF will send the Player a Notice in accordance with Article 7.10.
- 7.8 Review of other evidence of a potential Anti-Doping Rule Violation**
- 7.8.1 Where there is evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding, an Atypical Finding, an Adverse Passport Finding, or Whereabouts Failures, the ITF will review the file in accordance with ISRM Annex A (where applicable), and will refer the file to the Review Board to determine whether the Player or other Person may have committed one or more Anti-Doping Rule Violations under Article 2.
- 7.8.2 Where the Review Board conclude that the Player or other Person may have committed one or more Anti-Doping Rule Violations under Article 2, the ITF will send the Player or other Person a Notice in accordance with Article 7.10.
- 7.9 Review of Demands**
- 7.9.1 Where the ITF Anti-Doping Manager wishes to apply the consequences set out in Article 5.7.3 for a Player's or other Person's failure to comply with a Demand, the ITF Anti-Doping Manager will first refer the Demand to one or more members of the Review Board

to determine whether there is a good faith basis for the Demand. This reference to the Review Board may be made before the Demand is made of the Player or other Person, or after the Demand has been made and the Player or other Person has failed to comply, but in any event no consequences may be applied unless and until the Review Board has determined that there is a good faith basis for the Demand.

- 7.9.2 In considering the Demand, the Review Board will have the discretion but not the obligation to invite such submissions from the ITF Anti-Doping Manager and the Player or other Person in question as it sees fit.
- 7.9.3 If the Review Board determines that there is no good faith basis for the Demand, (a) the ITF Anti-Doping Manager will not pursue the Demand with the Player or other Person; and (b) no consequences will be imposed on the Player or other Person for not complying with the Demand.
- 7.9.4 If the Review Board determines that there is a good faith basis for the Demand, then if the Player or other Person fails to produce the information requested in the Demand the consequences set out at Article 5.7.3 will apply.

## 7.10 Notice

- 7.10.1 Where it is determined, pursuant to the previous provisions of this Article 7, that a Player or other Person may have committed one or more Anti-Doping Rule Violations under Article 2, the ITF will promptly notify the Player or other Person in writing (the **Notice**) of:
  - 7.10.1.1 the Anti-Doping Rule Violation(s) that the ITF says the Player or other Person may have committed;
  - 7.10.1.2 a summary of the facts and evidence relied upon by the ITF in this regard;
  - 7.10.1.3 any Provisional Suspension to be imposed on the Player or other Person pursuant to Article 7.12.1 or 7.12.2, along with an explanation of the Player's or other Person's Article 7.12.3 rights in relation to such Provisional Suspension;
  - 7.10.1.4 the Consequences applicable under the Programme if it is established that the Player or other Person has committed the specified Anti-Doping Rule Violation(s) (including identifying any discretion that may exist in relation to such Consequences under this Programme);

- 7.10.1.5 where the specified Anti-Doping Rule Violations are Article 2.1 and Article 2.2 Anti-Doping Rule Violations based on an Adverse Analytical Finding:
- (a) the details of the Adverse Analytical Finding;
  - (b) the Player's right to a copy of the laboratory documentation package for the Adverse Analytical Finding (or a copy may simply be enclosed with the Notice);
  - (c) the right of the Player to request the analysis of the B Sample, explaining that any request for such analysis must be sent in writing so that it is received by the ITF within ten days of the Player's receipt of the Notice, failing which the right to the B Sample analysis will be deemed to be waived; and
  - (d) if such right is exercised, the right of the Player and/or the Player's representative to attend the opening and analysis of the B Sample by the laboratory that analysed the A Sample at a date and time to be specified by the ITF in accordance with Article 7.11;
- 7.10.1.6 where the specified Anti-Doping Rule Violation is based on an Adverse Passport Finding, that copies of the ABP documentation package and the joint expert report are enclosed with the Notice;
- 7.10.1.7 the right of the Player or other Person to provide an alternative explanation (by a specified deadline) for the facts based on which the ITF says the Player or other Person may have committed an Anti-Doping Rule Violation (for example, in a case based on an Adverse Passport Finding, an alternative explanation for the data on which the Adverse Passport Finding is based);
- 7.10.1.8 the right of the Player or other Person to respond to the Notice, by a specified deadline, in one of the following ways, depending on the explanation (if any) provided:
- (a) to admit the Anti-Doping Rule Violation(s) asserted, and accede to the Consequences specified in the Notice;
  - (b) to admit the Anti-Doping Rule Violation(s) asserted, but to dispute and/or seek to mitigate the Consequences specified in the Notice, and to have

the Consequences determined at a hearing conducted in accordance with Article 8; or

- (c) to deny the Anti-Doping Rule Violation(s) asserted, and (if the ITF proceeds to charge in accordance with Article 7.13) to have the assertion and (if necessary) any Consequences determined at a hearing conducted in accordance with Article 8; and

7.10.1.9 the opportunity for the Player or other Person:

- (a) to provide Substantial Assistance as set out in Article 10.7.1;
- (b) to benefit (if they admit the Anti-Doping Rule Violation(s)) from the one-year reduction of the otherwise applicable period of Ineligibility pursuant to Article 10.8.1 (if applicable); and/or
- (c) to seek to enter into a case resolution agreement as per Article 10.8.2.

7.10.2 Before sending the Notice to the Player or other Person, the ITF will refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations to determine whether the Player or other Person has any prior Anti-Doping Violations.

7.10.3 The ITF will send a copy of the Notice to each Interested Party.

## 7.11 **B Sample analysis**

7.11.1 In a case involving an Adverse Analytical Finding, if the Player exercises the right to have their B Sample analysed, such analysis will, save where the ISL provides to the contrary, be conducted by the laboratory that analysed the A Sample, on the date and at the time specified by the ITF, and the Player and/or their representative may attend at the laboratory on that date and at that time, at the Player's cost, to witness the opening and analysis of the B Sample, as may representatives of the ITF and the Player's NADO (each at their own cost).

7.11.2 If the Player and/or their representative is unable to attend at the date and time specified by the ITF for analysis of the B Sample, alternative dates and times will be offered in accordance with ISRM Article 5.1.2.4. If the Player and their representative are unable to attend on those alternative dates, the laboratory will arrange for an independent witness to attend the B Sample analysis on the specified date and time to verify, in accordance with the ISL, that the B Sample container shows no signs of Tampering and that the identifying numbers on the

container correspond to those on the Sample collection documentation.

- 7.11.3 If the Player admits the Anti-Doping Rule Violation(s) asserted in the Notice, and/or does not request analysis of their B Sample by the deadline referenced in Article 7.10.1.5(c), they will be deemed to have accepted the accuracy and reliability of the Adverse Analytical Finding based on the A Sample analysis alone, and analysis of the B Sample will not be required. The ITF may however proceed with such analysis at any time if it sees fit, in which case an independent witness will attend the analysis for the purpose set out in Article 7.11.2.
- 7.11.4 Where a Player who has requested analysis of their B Sample has been Provisionally Suspended in accordance with Article 7.12, they will remain Provisionally Suspended pending analysis of their B Sample. If the analysis of the B Sample does not confirm the Adverse Analytical Finding reported in respect of the A Sample, then (unless the ITF asserts an Article 2.2 Anti-Doping Rule Violation against the Player) the entire test will be considered negative and the Player and each Interested Party will be so informed. In such circumstances, the Notice will be withdrawn, any Provisional Suspension imposed on the Player pursuant to Article 7.12 will be deemed automatically vacated with immediate effect (without the need for any order from the Independent Tribunal), and no further disciplinary action will be taken against the Player by the ITF in relation to the original Adverse Analytical Finding (provided, however, that the ITF may investigate why the B Sample did not match the A Sample). In addition, where the Player or the Player's team has been removed from a Competition as a result of the Adverse Analytical Finding, if it is still possible (without otherwise affecting the Competition) for the Player or team to be reinstated, the Player or team may be reinstated and continue to take part in the Competition.
- 7.11.5 If the B Sample analysis confirms the Adverse Analytical Finding reported in respect of the A Sample, the ITF will provide the B Sample laboratory documentation package to the Player, and give the Player a short deadline to provide or supplement their explanation for the Adverse Analytical Finding, and/or to admit the Anti-Doping Rule Violation(s) specified in the Notice based on the Adverse Analytical Finding to potentially benefit from a one-year reduction in the otherwise applicable period of Ineligibility under Article 10.8.1 (if applicable), and/or to accept a voluntary Provisional Suspension under Article 7.12.5 (if applicable). In case of doubt as to whether the B Sample analysis confirms the Adverse Analytical Finding in respect of the A Sample, the ITF may refer the matter to one or more Review Board members, as it deems appropriate.

- 7.11.6 Where Article 7.11.3 and/or 7.11.4 applies, the ITF will be responsible for the costs of the B Sample analysis. Where Article 7.11.5 applies, the ITF may require the Player to pay the costs of the B Sample analysis.

## 7.12 **Provisional Suspension**

- 7.12.1 **Mandatory Provisional Suspension based on an Adverse Analytical Finding or Adverse Passport Finding:**

Where a Notice is issued to a Player based on an Adverse Analytical Finding or Adverse Passport Finding for a Prohibited Substance that is not a Specified Substance or for Use of a Prohibited Method that is not a Specified Method, then (subject only to Article 7.12.3) a Provisional Suspension will come into effect automatically on the date that it is notified or deemed to have been notified to the Player or other Person in question.

- 7.12.2 **Discretionary Provisional Suspension in other cases:**

In cases where a Notice is issued that is not covered by Article 7.12.1, the ITF will decide whether or not to apply this Article 7.12.2.

7.12.2.1 If the ITF decides to apply this Article 7.12.2, then (subject only to Article 7.12.3) a Provisional Suspension will come into effect automatically on the date that it is notified or deemed to have been notified to the Player or other Person in question.

7.12.2.2 If the ITF decides not to apply this Article 7.12.2, no Provisional Suspension will come into effect prior to determination of the case unless (1) it is voluntarily accepted by the Player or other Person in accordance with Article 7.12.5; or (2) it is so ordered by the Independent Tribunal on application by the ITF, which application must be based on evidence that was not available to the ITF at the time the Notice was sent.

- 7.12.3 **Challenging the imposition of a Provisional Suspension:**

7.12.3.1 A Player or other Person who receives notice of a Provisional Suspension pursuant to Article 7.12.1 or 7.12.2 has the right to apply to the Independent Tribunal, either before the Provisional Suspension comes into force or at any time prior to the final first instance decision on the merits, seeking an order that the Provisional Suspension should not be imposed (or, where it has been imposed, that it should be lifted), provided that:

- (a) If the Player or other Person applies before the date specified in the Notice for when the Provisional Suspensions comes into effect, the Provisional Suspension will not come into effect pending the decision on the application.
- (b) If the Player or other Person applies for the Provisional Suspension to be lifted after it has come into effect, the Provisional Suspension will remain in place pending the decision on the application.
- (c) The Provisional Suspension will be imposed (or will not be lifted) unless the Player or other Person establishes that:
  - (i) the assertion of an Anti-Doping Rule Violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the Player or other Person; or
  - (ii) any period of Ineligibility that might otherwise be imposed for the Anti-Doping Rule Violation(s) asserted is likely to be completely eliminated by application of Article 10.5 (No Fault or Negligence); or
  - (iii) the Anti-Doping Rule Violation asserted is likely to have involved a Contaminated Product; or
  - (iv) the Anti-Doping Rule Violation asserted involves a Substance of Abuse and the Player establishes entitlement to a reduced period of Ineligibility under Article 10.2.4.1; or
  - (v) other facts exist that make it clearly unfair, in all of the circumstances, for the Player or other Person to be subject to a Provisional Suspension prior to the final first instance decision on the merits. This ground is to be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Player or other Person participating in a particular Competition or Event will not qualify as exceptional circumstances for these purposes.

#### 7.12.3.2 Procedure:

- (a) Any submissions that the Player or other Person wishes to make (personally or through a representative) in support of the application must be made in writing to the Chair of the Independent Tribunal at the same time as the application is made, with a copy sent simultaneously to the ITF Anti-Doping Manager.
  - (b) Any submissions that the ITF Anti-Doping Manager wishes to make (personally or through a representative) must be made in writing to the Chair of the Independent Tribunal as soon as possible after receipt of the Player's or other Person's submissions, with a copy sent simultaneously to the Player or other Person.
  - (c) The Chair of the Independent Tribunal, sitting alone, will rule on the application as soon as reasonably practicable. The Chair will have discretion, where fairness requires, to invite or to allow the parties to make oral submissions, either by a telephone conference call or in person, prior to rendering their decision on the application. For the avoidance of doubt, however, neither party will have the right to make such submissions if the Chair in their discretion does not invite or allow such submissions.
- 7.12.4 Provisional Suspension decisions may be appealed as provided in Articles 13.2 and 13.4.
- 7.12.5 Voluntary acceptance of Provisional Suspension:
- 7.12.5.1 A Player may voluntarily accept a Provisional Suspension, provided that they do so no later than the latest of the following dates: (1) ten days after receipt of a Notice; (2) ten days after waiver of the B Sample analysis or receipt of the results of analysis of the B Sample (as applicable); or (3) the date after receipt of a Notice on which the Player would otherwise first compete.
  - 7.12.5.2 Other Persons may voluntarily accept a Provisional Suspension within ten days of receipt of a Notice.
  - 7.12.5.3 A Provisional Suspension that is voluntarily accepted by the applicable deadline will have effect from the date that written notice of the Player's or other Person's acceptance of a voluntary Provisional Suspension is received by the ITF, and will be treated in the same manner as a

Provisional Suspension imposed in accordance with Article 7.12.1 or 7.12.2.

- 7.12.5.4 The Player or other Person may withdraw their voluntary acceptance of a Provisional Suspension, but in that event they will not receive any credit for the Provisional Suspension served.
- 7.12.6 During the period of any Provisional Suspension (whether imposed or voluntarily accepted), the status of a Player or other Person who is subject to the Provisional Suspension will be as set out in Article 10.14.1.
- 7.12.7 A Player who is subject to a Provisional Suspension has the right, if they so wish, to an expedited hearing on the merits of the case brought against them pursuant to Article 8.
- 7.12.8 If a Player is not Provisionally Suspended and continues to compete in Events pending determination of the matter, where requested by the ITF the organisers of the relevant Events will pay to the ITF upon demand the following proportions of any Prize Money won by the Player subsequent to their receipt of the Notice (taken in aggregate, across all of the relevant Events), to be held in escrow pending the determination of the charge:

<u>Total Aggregate Prize Money</u>	<u>Percentage Withheld</u>
US\$0-7,500	0%
US\$7,501-27,500	50%
US\$27,501+	100%

If the final decision of the Independent Tribunal does not require the forfeiture of such escrowed Prize Money, then it will be returned without delay to the Player, together with any interest earned on the money while it was in escrow. If such forfeiture is required, any interest earned will be retained by the ITF.

- 7.12.9 No admission will be inferred, or other adverse inference drawn, from the decision of a Player or other Person (a) not to make an application under Article 7.12.3 to avoid (or to vacate) a Provisional Suspension; or (b) to accept a voluntary Provisional Suspension under Article 7.12.5.
- 7.12.10 Once a Provisional Suspension has come into effect:
- (a) Where the Player who has been Provisionally Suspended is a Minor, Protected Person, or Recreational Athlete, the ITF may publicly announce the Provisional Suspension if it considers it proportionate to the facts and circumstances of the case to do so.

- (b) In all other cases, the ITF will publicly announce the Provisional Suspension.

### 7.13 Charge Letter

- 7.13.1 Upon receipt of a response by a Player or other Person to an Article 7.10 Notice, the ITF will assess any explanation provided, and may conduct such further investigation as it sees fit, including (without limitation) requesting further information and/or documents from the Player or other Person to whom the Notice was sent within a set deadline, and/or liaising with third parties.
  - 7.13.1.1 In a case based on an Adverse Passport Finding, the ITF will forward any explanation provided by the Player, together with any supporting information supplied by the Player, to the three experts from the Expert Panel referred to in Article 7.6, for consideration (along with any other information that the three experts deem necessary) in accordance with the relevant International Standards.
  - 7.13.1.2 If, following such consideration, the three experts from the Expert Panel are no longer unanimously of the opinion that the case is one of 'likely doping', the ITF will notify the Player and each Interested Party and (subject to the rights of appeal set out at Article 13) the matter will not proceed any further.
  - 7.13.1.3 If, following such consideration, the three experts from the Expert Panel maintain their opinion, notwithstanding the Player's explanation, that the case is one of 'likely doping', the ITF will charge the Player in accordance with Article 7.13.2.
- 7.13.2 Where, after receipt of the response of the Player or other Person to the Notice, or after expiry of the deadline to receive such response without any response being received, and after conducting such further investigation as it sees fit (if any), the ITF considers that the Player or other Person has committed one or more Anti-Doping Rule Violations, the ITF will send the Player or other Person a letter setting out the following (the **Charge Letter**), with copies to the Chairman of the Independent Panel and each Interested Party:
  - 7.13.2.1 the Anti-Doping Rule Violation(s) that the ITF asserts the Player or other Person has committed;
  - 7.13.2.2 a summary of the facts and evidence relied upon by the ITF in support of that assertion;

- 7.13.2.3 the Consequences that the ITF will seek if it is established that the Player or other Person has committed the Anti-Doping Rule Violation(s) asserted;
  - 7.13.2.4 the right of the Player or other Person to respond to the Charge Letter (by a specified deadline of not more than 20 days, which may be extended only in exceptional cases) in one of the ways set out in Article 7.13.3.
  - 7.13.2.5 a warning that if the Player or other Person does not deny the Anti-Doping Rule Violation(s) asserted or the proposed Consequences or request a hearing by the prescribed deadline, the Player or other Person will be deemed to have waived their right to a hearing and admitted the Anti-Doping Rule Violation(s) asserted and the Consequences proposed in the Charge Letter (although, for the avoidance of doubt, this will not trigger any entitlement to the one-year reduction pursuant to Article 10.8.1);
  - 7.13.2.6 noting the position in relation to any Provisional Suspension in accordance with Article 7.10; and
  - 7.13.2.7 noting the opportunity for the Player or other Person to provide Substantial Assistance as set out in Article 10.7.1, and/or to seek to enter into a case resolution agreement as per Article 10.8.2.
- 7.13.3 The Player or other Person has the right to respond to the Charge Letter in any one of the following ways:
- 7.13.3.1 admit the Anti-Doping Rule Violation(s) charged, and accede to the Consequences specified in the Charge Letter, including the one-year reduction pursuant to Article 10.8.1 of the otherwise applicable period of Ineligibility (if applicable);
  - 7.13.3.2 admit the Anti-Doping Rule Violation(s) charged, but dispute and/or seek to mitigate the Consequences specified in the Charge Letter, and have the Consequences determined at a hearing conducted in accordance with Article 8; or
  - 7.13.3.3 deny the Anti-Doping Rule Violation(s) charged, and have the charge and (if necessary) any Consequences determined at a hearing conducted in accordance with Article 8;

provided that if no response is received by the deadline specified in the Charge Letter, the Player or other Person will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and, unless the ITF (at its sole discretion) refers the determination of the applicable Consequences to a hearing conducted in accordance with Article 8, the Player or other Person will also be deemed to have acceded to the Consequences specified in the Charge Letter.

- 7.13.4 After sending the Charge Letter, the ITF may Publicly Disclose the charge in accordance with Code Article 14.3.1.
- 7.13.5 If by the deadline specified in Article 7.13.2 the Player or other Person disputes the charge(s) and/or the Consequences specified by the ITF in the Charge Letter and requests a hearing, the matter will be referred to the Independent Tribunal in accordance with Article 8.

#### **7.14 Case resolution without a hearing**

- 7.14.1 At any time prior to a final decision by the Independent Tribunal, the ITF may invite the Player or other Person to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences (e.g., in accordance with Article 10.8); or the ITF may decide to withdraw the Charge Letter for good cause.
- 7.14.2 In the event that the ITF withdraws the Charge Letter, or the Player or other Person admits the Anti-Doping Rule Violation(s) asserted and accedes to the Consequences specified by the ITF (or is deemed to have done so in accordance with Article 7.13.3), the ITF will promptly issue a reasoned decision confirming the withdrawal of the Charge Letter or the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences (as applicable), will send notice of the decision to the Player or other Person and to each Interested Party, and (if applicable) will Publicly Disclose the decision in accordance with Article 8.6.
- 7.14.3 Any decision issued by the ITF in accordance with Article 7.14.2 that an Anti-Doping Rule Violation has been committed will not purport to be limited in effect to a particular geographic area or sport, and will address and determine (without limitation): (1) the factual basis of the decision that an Anti-Doping Rule Violation was committed; and (2) all of the Consequences to be imposed for such Anti-Doping Rule Violation, including the reasons for imposing the Consequences specified, and in particular the reasons for exercising any discretion not to impose the full Consequences available under this Programme.

#### **7.15 Other disciplinary offences**

- 7.15.1 Where a Player or other Person:

- 7.15.1.1 engages in offensive conduct towards a Doping Control official or other Person involved in Doping Control that does not rise to the level of Tampering;
- 7.15.1.2 refuses or fails to cooperate in full with the ITF and/or other Anti-Doping Organisations investigating Anti-Doping Rule Violations;
- 7.15.1.3 refuses or fails without compelling justification to comply with any provision of this Programme, where such refusal or failure does not fall within any of the Anti-Doping Rule Violations defined in Article 2; and/or
- 7.15.1.4 if they are a Player Support Person, Uses or Possesses a Prohibited Substance or Prohibited Method without valid justification;

the Player or other Person will not be deemed to have committed an Anti-Doping Rule Violation and they will not be subject to any of the Consequences set out in Articles 9 and 10. However, disciplinary proceedings may be brought against them before the Independent Tribunal in accordance with Article 8, and if the Independent Tribunal finds the misconduct alleged to be proven to its comfortable satisfaction, it may impose upon the Player or other Person such sanctions as it sees fit (which may include, if it sees fit, a period during which the Player or other Person will not be eligible to participate in the sport).

## **8. Results Management: proceedings before an Independent Tribunal**

### **8.1 Jurisdiction of the Independent Panel**

The following matters arising under this Programme will be submitted for determination by an Independent Tribunal in accordance with the Procedural Rules Governing Proceedings Before an Independent Tribunal, as amended from time to time:

- 8.1.1 A charge that one or more Anti-Doping Rule Violations has been committed (and any issues relating to that charge). Where such charge is upheld, the Independent Tribunal will determine what Consequences (if any) should be imposed, in accordance with and pursuant to Articles 9 and 10.
- 8.1.2 An application for an order that a Provisional Suspension should or should not be imposed (or should be lifted).
- 8.1.3 Any case submitted to it pursuant to Article 7.15.

## **8.2 Convening the Independent Tribunal**

- 8.2.1 Where a Player or other Person disputes all or part of a charge, and seeks a hearing before an Independent Tribunal, the Chair of the Independent Panel will appoint three people from the Independent Panel to form an Independent Tribunal to hear and determine the dispute, consisting of a legally qualified member acting as Chair of the Independent Tribunal and (subject to Article 8.3.2.1) two other suitably qualified members.
- 8.2.2 The Independent Panel and each Independent Tribunal will be Operationally Independent and Institutionally Independent, and will conduct its activities, including hearings, in accordance with ISRM Article 8, and without interference from the ITF or any third party. Board members, staff members, commission members, consultants, and officials of the ITF and its affiliates may not be appointed as members and/or clerks of the Independent Tribunal. In particular, no member or clerk of the Independent Tribunal may have previously had any involvement in any TUE application or Results Management decision relating to a case in which they are asked to sit.

## **8.3 Preliminary meeting with the Chair of the Independent Tribunal**

- 8.3.1 Once appointed, the Chair of the Independent Tribunal will convene a preliminary meeting with the ITF and its legal representatives, and with the Player or other Person and/or their legal representatives (if any), unless directions are agreed by the parties and approved by the Chair. The meeting may be held in person or by telephone conference call. The non-attendance of the Player or other Person or their representative at the meeting, after proper notice of the meeting has been provided, will not prevent the Chair of the Independent Tribunal from proceeding with the meeting in the Player's or other Person's absence, whether or not any written submissions are made on the Player's or other Person's behalf.
- 8.3.2 The purpose of the preliminary meeting will be to allow the Chair to address any pre-hearing issues. In particular (but without limitation), the Chair will:
- 8.3.2.1 consider any request by either party that the Chair hear the matter sitting alone;
  - 8.3.2.2 consider any request by either party that the case be consolidated for hearing with any other pending case(s);
  - 8.3.2.3 consider any request by a party for a public hearing;
  - 8.3.2.4 determine the date(s) (which must be at least 21 days after the meeting, unless the parties consent to a shorter period)

upon which the hearing will be held. Subject to the foregoing sentence, the hearing will be commenced as soon as practicable after the response to the Charge Letter is received, and ordinarily within 60 days of the date that the Player or other Person requests a hearing. It should be completed expeditiously;

8.3.2.5 where the Player or other Person disputes the commission of an Anti-Doping Rule Violation, establish dates reasonably in advance of the date of the hearing at which:

- (a) the ITF must submit a brief with argument on all issues that the ITF wishes to raise at the hearing (on liability and on Consequences) and written witness statements from each fact and/or expert witness that the ITF intends to call at the hearing, setting out the evidence that the ITF wishes the Independent Tribunal to hear from the witness, and enclosing copies of the documents that the ITF intends to introduce at the hearing;
- (b) the Player or other Person must submit an answering brief, addressing the ITF's arguments and setting out argument on the issues that the Player or other Person wishes to raise at the hearing, as well as written witness statements from the Player or other Person and from each other witness (fact and/or expert) that the Player or other Person intends to call at the hearing, setting out the evidence that the Player or other Person wishes the Independent Tribunal to hear from the witness, and enclosing copies of the documents that the Player or other Person intends to introduce at the hearing; and
- (c) the ITF may submit a reply brief, responding to the Player's or other Person's answer brief and producing any rebuttal witness statements and/or documents;

8.3.2.6 alternatively, where the Player or other Person accepts that they have committed the Anti-Doping Rule Violation(s) charged, but disputes the Consequences, establish dates reasonably in advance of the date of the hearing at which:

- (a) the Player or other Person must submit a brief setting out argument on the issues that the Player or other Person wishes to raise at the hearing, as well as written witness statements from the Player or other Person and from each other witness (fact and/or expert) that

the Player or other Person intends to call at the hearing, setting out the evidence that the Player or other Person wishes the Independent Tribunal to hear from the witness, and enclosing copies of the documents that the Player or other Person intends to introduce at the hearing; and

- (b) the ITF must submit an answering brief with argument on all issues that the ITF wishes to raise at the hearing and written witness statements from each fact and/or expert witness that the ITF intends to call at the hearing, setting out the evidence that the ITF wishes the Independent Tribunal to hear from the witness, and enclosing copies of the documents that the ITF intends to introduce at the hearing; and

8.3.2.7 make such order as the Chair deems appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that save for good cause shown no documents and/or other materials will be ordered to be produced in relation to any Adverse Analytical Finding beyond the documents that the ISL requires to be included in the laboratory documentation pack.

8.3.3 The parties will be required to raise at the preliminary meeting any legitimate objection that they may have to any of the members of the Independent Tribunal convened to hear the case. Any unjustified delay in raising any such objection will constitute a waiver of the objection. If any objection is made, the Chair of the Independent Panel will rule on its legitimacy.

8.3.4 If, because of a legitimate objection or for any other reason, a member of the Independent Tribunal is, or becomes, unwilling or unable to hear the case, the Chair of the Independent Panel may, in their absolute discretion: (a) appoint a replacement member from the Independent Panel; or (b) authorise the remaining members to hear the case on their own.

#### **8.4 Conduct of hearings before the Independent Tribunal**

8.4.1 A party has the right to request a public hearing. Such request may however be denied in the interest of morals, public order, national security, where the interests of Minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice, or where the proceedings are exclusively related to questions of law.

- 8.4.2 Anti-Doping Organisations with a right of appeal under Article 13.2 who are not joined as a party to the proceedings before the Independent Tribunal will have the right (a) to be kept advised of the status and outcome (with reasons) of the proceedings; and (b) to attend all hearings as observers.
- 8.4.3 Subject to the discretion of the Chair of the Independent Tribunal to order otherwise for good cause shown by either party, hearings before the Independent Tribunal will:
- 8.4.3.1 take place in London;
  - 8.4.3.2 subject to Article 8.4.1, be conducted on a confidential basis; and
  - 8.4.3.3 will be in English, and certified English translations must be submitted of any non-English documents put before the Independent Tribunal. The cost of the translation will be borne by the party offering the document(s).
- 8.4.4 If required by the Chair, the ITF will make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the Independent Tribunal). If requested by the Player or other Person, the ITF will also arrange for a translator to attend the hearing to translate oral questions and/or answers. The costs of such transcription and translation will be paid by the ITF, subject to any costs-shifting order by the Independent Tribunal.
- 8.4.5 Each of the ITF and the Player or other Person has the right to be present and to be heard at the hearing. Each of the ITF and the Player or other Person also has the right (at their own expense) to be represented at the hearing by legal counsel of their own choosing.
- 8.4.6 Subject always to the confidentiality provisions of Article 14.4:
- 8.4.6.1 WADA and the NADO of the Player or other Person may attend the hearing as observers. In any event, the ITF will keep them fully apprised as to the status of pending cases and the result of all hearings.
  - 8.4.6.2 Subject always to any contrary direction made by the Chair of the Independent Tribunal for good cause shown, (a) where the Player charged has an ATP ranking, an ATP representative may attend the hearing as an observer if the ATP so desires; (b) where the Player charged has a WTA ranking, a WTA representative may attend the hearing as an observer if the WTA so desires; and (c) where the charge is based on an Adverse Analytical Finding in respect of a Sample collected at a Grand Slam event, a

representative of the Grand Slam Board may attend the hearing as an observer if the Grand Slam Board so desires.

- 8.4.7 Subject strictly to Article 3.2.7, the Player or other Person may choose not to appear in person at the hearing, but rather to provide a written submission for consideration by the Independent Tribunal, in which case the Independent Tribunal will consider the submission in its deliberations. The non-attendance of the Player or other Person or their representative at the hearing, after proper notice of the hearing has been provided, will not prevent the Independent Tribunal from proceeding with the hearing in their absence, whether or not any written submissions are made on their behalf.
- 8.4.8 The procedure followed at the hearing will be at the discretion of the Chair of the Independent Tribunal, provided that the hearing is conducted in accordance with the relevant provisions in the ISRM, in a fair manner, with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses), address the Independent Tribunal, and present their case.

## 8.5 Decisions of the Independent Tribunal

- 8.5.1 Once the parties have completed their respective submissions, the Independent Tribunal will retire to deliberate in private as to whether an Anti-Doping Rule Violation has been committed and (if so) what the Consequences should be. Where Article 10 specifies a range of possible sanctions for the Anti-Doping Rule Violation found to have been committed, the Independent Tribunal will also fix the sanction within that range for the case at hand, after considering any submissions on the subject that the parties may wish to make.
- 8.5.2 The Independent Tribunal will not make any verbal announcement of the decision but instead will issue its decision in writing within 14 days after the conclusion of the hearing (or where, exceptionally, that deadline cannot be met, as soon thereafter as possible). Such decision (which must comply with ISRM Article 9) must be sent to the parties and to WADA and to any other party that has a right to appeal the decision pursuant to Article 13 (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision). The decision will set out and explain:
- (a) with reasons, the Independent Tribunal's findings as to whether any Anti-Doping Rule Violation(s) has/have been committed;
  - (b) with reasons, the Independent Tribunal's findings as to what Consequences, if any, are (or are not) to be imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed;

- (c) with reasons, the date that such Consequences will come into force and effect; and
  - (d) the rights of appeal applicable pursuant to Article 13.
- 8.5.3 The ITF will pay the costs of convening the Independent Tribunal and of staging the hearing, subject to any costs-shifting order that the Independent Tribunal may make further to Article 8.5.4.
- 8.5.4 The Independent Tribunal has the power to make a costs order against any party, where it is proportionate to do so. If it does not exercise that power, each party will bear its own costs, legal, expert, hearing, and otherwise.
- 8.5.5 Subject only to the rights of appeal under Article 13, the Independent Tribunal's decision will be the full, final and complete disposition of the case and will be binding on all parties.

## 8.6 **Publication of decisions**

- 8.6.1 Where the Independent Tribunal determines that an Anti-Doping Rule Violation has been committed, the decision may be Publicly Disclosed immediately. If the decision is not appealed, or is upheld on appeal, the decision (if not previously Publicly Disclosed) must be Publicly Disclosed within 20 days of the expiry of the appeal deadline or the appeal decision (as applicable). However, this mandatory Public Disclosure will not apply where the Player or other Person who has been found to have committed an Anti-Doping Rule Violation is a Protected Person, Minor, or Recreational Athlete. Any Public Reporting in a case involving a Protected Person, Minor, or Recreational Athlete is optional and must be proportionate to the facts and circumstances of the case.
- 8.6.2 Where the Independent Tribunal has determined that an Anti-Doping Rule Violation has not been committed, the decision will not be Publicly Disclosed unless the Player or other Person consents to such disclosure. Where the Player or other Person does not so consent, a summary of the decision may be published, provided that what is disclosed does not identify the Player or other Person.
- 8.6.3 Publication will be accomplished at a minimum by placing the required information on the ITF's website and leaving the information up for the longer of (a) one month; and (b) the duration of any period of Ineligibility.

## 8.7 **Single hearing before CAS**

With the consent of the parties and WADA, an assertion that the Player or other Person has committed one or more Anti-doping Rule Violations may be heard directly by CAS, with no requirement for a prior hearing.

## 9. **Disqualification of results**

### 9.1 **Automatic Disqualification of individual results**

An Anti-Doping Rule Violation committed by a Player in connection with or arising out of an In-Competition test automatically leads to Disqualification of the results obtained by the Player in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money obtained by the Player in that Competition.

*[Comment to Article 9.1: In addition, further results obtained by the Player in the same or subsequent Events may be Disqualified, in accordance with Article 10.1 (same Event) and/or Article 10.10 (subsequent Events)].*

### 9.2 **Disqualification of Results of Doubles Partner**

9.2.1 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article 9.1 because of that Player's Anti-Doping Rule Violation in connection with or arising out of that doubles Competition, the result of the Player's doubles partner in that Competition will also be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, ranking points and Prize Money.

9.2.2 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article 10.1 because of that Player's Anti-Doping Rule Violation in relation to another Competition at that Event, the result of the Player's doubles partner in that doubles Competition will also be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, ranking points and Prize Money, unless the doubles partner establishes at a hearing, on the balance of probabilities, (a) that they were not implicated in the first Player's Anti-Doping Rule Violation; and (b) that the result in the doubles Competition was not likely to have been affected by the first Player's Anti-Doping Rule Violation.

9.2.3 Where results obtained by a Player in doubles Competition(s) in an Event played subsequent to the Competition that produced the positive Sample are Disqualified pursuant to Article 10.10 because of that Player's Anti-Doping Rule Violation, the result of the Player's doubles partner(s) in such subsequent Competition(s) will not be Disqualified unless the ITF establishes, to the comfortable

satisfaction of the Independent Tribunal, that the doubles partner(s) was implicated in the first Player's Anti-Doping Rule Violation.

**10. Ineligibility sanctions for individuals**

**10.1 Disqualification of results in the Event during which an Anti-Doping Rule Violation occurs**

10.1.1 Except as provided in Article 10.1.2, where a Player is found to have committed an Anti-Doping Rule Violation during or in connection with a Competition in an Event where the Player also participated in other Competitions, any individual results obtained by the Player in the other Competitions in that Event will be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, ranking points and Prize Money.

10.1.2 If the Player establishes that they bear No Fault or Negligence for the Anti-Doping Rule Violation in question, the Player's results obtained in the Competition(s) other than the Competition during or in connection with which the Anti-Doping Rule Violation occurred will not be Disqualified unless the ITF establishes that the Player's results in the other Competition(s) were likely to have been affected by their Anti-Doping Rule Violation.

**10.2 Imposition of a period of Ineligibility for presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method**

The period of Ineligibility imposed for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Player's or other Person's first doping offence will be as follows, subject to potential elimination, reduction, or suspension pursuant to Article 10.5, 10.6, or 10.7.

10.2.1 Save where Article 10.2.4.1 applies, the period of Ineligibility will be four years:

10.2.1.1 where the Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Player or other Person establishes that the Anti-Doping Rule Violation was not intentional; and

10.2.1.2 where the Anti-Doping Rule Violation involves a Specified Substance or a Specified Method and the ITF can establish that the Anti-Doping Rule Violation was intentional.

10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4.1) the period of Ineligibility will be two years.

10.2.3 As used in Article 10.2, the term 'intentional' is meant to identify those Players or other Persons who engage in conduct that they knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk.

10.2.3.1 An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a Prohibited Substance or a Prohibited Method that is only prohibited In-Competition will be rebuttably presumed to be not 'intentional' if the Prohibited Substance is a Specified Substance or the Prohibited Method is a Specified Method and the Player can establish that the Prohibited Substance was Used Out-of-Competition.

10.2.3.2 An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a Prohibited Substance or a Prohibited Method that is only prohibited In-Competition will not be considered 'intentional' if the Prohibited Substance is a Specified Substance or the Prohibited Method is a Specified Method and the Player can establish that the Prohibited Substance or Prohibited Method was Used Out-of-Competition in a context unrelated to sport performance.

*[Comment to Article 10.2.3: Unless otherwise specified in this Programme or the Code, 'intentional' means that the Person intended to commit the act that forms the basis of an Anti-Doping Rule Violation regardless of whether the Person knew that such act constituted a violation of this Programme or the Code].*

10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:

10.2.4.1 If the Player can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility will be three months, provided that it may be further reduced to one month if the Player satisfactorily completes a Substance of Abuse treatment program approved by the ITF. The period of Ineligibility established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

10.2.4.2 If the ingestion, Use, or Possession occurred In-Competition, and the Player can establish that the context of the ingestion, Use, or Possession was unrelated to sport performance, then the ingestion, Use, or Possession will not be considered intentional for purposes of Article

10.2.1 and will not provide a basis for a finding of Aggravating Circumstances under Article 10.4.

### **10.3 Imposition of a period of Ineligibility for other Anti-Doping Rule Violations**

The period of Ineligibility for Anti-Doping Rule Violations other than as provided in Article 10.2 will be as follows, unless Articles 10.6, or 10.7 are applicable:

- 10.3.1 For an Anti-Doping Rule Violation under Article 2.3 or 2.5 that is the Player's or other Person's first doping offence, the period of Ineligibility imposed will be four years except:
  - 10.3.1.1 in the case of failing to submit to Sample collection, if the Player can establish that the commission of the Anti-Doping Rule Violation was not intentional, the period of Ineligibility will be two years;
  - 10.3.1.2 in all other cases, if the Player or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility will be in a range from two years to four years depending on the Player's or other Person's degree of Fault; or
  - 10.3.1.3 in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility will be in a range between a maximum of two years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person's or Recreational Athlete's degree of Fault.
- 10.3.2 For an Article 2.4 Anti-Doping Rule Violation that is the Player's first doping offence, the period of Ineligibility imposed will be two years, subject to reduction down to a minimum of one year, depending on the Player's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.
- 10.3.3 For an Article 2.7 or 2.8 Anti-Doping Rule Violation that is the Player's or other Person's first doping offence, the period of Ineligibility imposed will be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation, provided that:

- 10.3.3.1 An Article 2.7 or 2.8 Anti-Doping Rule Violation involving a Protected Person will be considered a particularly serious violation and, if committed by Player Support Personnel in relation to violations not solely involving Specified Substances or Specified Methods, will result in lifetime Ineligibility for such Player Support Personnel.
- 10.3.3.2 Significant Article 2.7 or 2.8 Anti-Doping Rule Violations that may also violate non-sporting laws and regulations will be reported to the competent administrative, professional or judicial authorities.
- 10.3.4 For an Article 2.9 Anti-Doping Rule Violation that is the Player's or other Person's first doping offence, the period of Ineligibility imposed will be a minimum of two years, up to lifetime Ineligibility, depending on the seriousness of the violation.
- 10.3.5 For an Article 2.10 Anti-Doping Rule Violation that is the Player's or other Person's first doping offence, the period of Ineligibility will be two years, subject to reduction down to a minimum of one year, depending on the Player's or other Person's degree of Fault and other circumstances of the case.
- 10.3.6 For an Article 2.11 Anti-Doping Rule Violation, the period of Ineligibility will be a minimum of two years, up to lifetime Ineligibility, depending on the seriousness of the violation.

#### **10.4 Aggravating Circumstances that may increase the period of Ineligibility**

If the ITF establishes, in an individual case involving an Anti-Doping Rule Violation under Article 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 or 2.10, that Aggravating Circumstances are present that justify the imposition of a period of Ineligibility greater than the standard sanction otherwise applicable in accordance with Article 10.2 or 10.3, the period of Ineligibility otherwise applicable will be increased by an additional period of Ineligibility of up to two years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Player or other Person can establish that they did not knowingly commit the Anti-Doping Rule Violation.

#### **10.5 Elimination of the period of Ineligibility where there is No Fault or Negligence**

If a Player or other Person establishes in an individual case that they bear No Fault or Negligence for the Anti-Doping Rule Violation, the otherwise applicable period of Ineligibility will be eliminated.

#### **10.6 Reduction of the period of Ineligibility based on No Significant Fault or Negligence**

10.6.1 Reduction of Sanctions in particular circumstances for Anti-Doping Rule Violations under Article 2.1, 2.2 or 2.6:

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1.1 Specified Substances or Specified Methods

Where the Anti-Doping Rule Violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Player or other Person can establish that they bear No Significant Fault or Negligence for the violation, the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Player's or other Person's degree of Fault.

10.6.1.2 Contaminated Products

In cases involving a Prohibited Substance that is not a Substance of Abuse, where the Player or other Person can establish both No Significant Fault or Negligence for the violation and that the Prohibited Substance came from a Contaminated Product, the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Player's or other Person's degree of Fault.

10.6.1.3 Protected Persons or Recreational Athletes

Except for Anti-Doping Rule Violations involving Substances of Abuse, where the Anti-Doping Rule Violation is committed by a Protected Person or Recreational Athlete, and they can establish that they bear No Significant Fault or Negligence for the violation, the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Protected Person's or Recreational Athlete's degree of Fault.

10.6.2 Application of No Significant Fault or Negligence beyond Article 10.6.1:

In an individual case where Article 10.6.1 is not applicable, if a Player or other Person establishes that they bear No Significant Fault or Negligence for the violation, then (subject to further reduction or elimination as provided in Article 10.7) the otherwise applicable period of Ineligibility may be reduced based on the Player's or other

Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period may be no less than eight years.

**10.7 Elimination, reduction, or suspension of the period of Ineligibility and/or other Consequences for reasons unrelated to Fault**

10.7.1 Substantial Assistance in discovering or establishing Code violations:

10.7.1.1 Prior to an appellate decision under Article 13 or the expiration of the time to appeal, the ITF may suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Player or other Person has provided Substantial Assistance to the ITF, other Anti-Doping Organisation, criminal authority or professional disciplinary body that results in:

- (a) the ITF or other Anti-Doping Organisation discovering or bringing forward an Anti-Doping Rule Violation by another Person; or
- (b) a criminal authority or disciplinary body discovering or bringing forward a criminal offence or a breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the ITF or other Anti-Doping Organisation with Results Management responsibility;
- (c) WADA initiating a proceeding against a Signatory, WADA-accredited laboratory, or Athlete Passport Management Unit (as defined in the ISL) for non-compliance with the Code, an International Standard, or a Technical Document; or
- (d) (with the approval by WADA) a criminal or disciplinary body bringing forward a criminal offence or a breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, the ITF may only suspend a part of the otherwise applicable Consequences (other than Disqualification and mandatory Public Disclosure) with the approval of WADA.

- 10.7.1.2 The extent to which the otherwise applicable period of Ineligibility may be suspended will be based on the seriousness of the Anti-Doping Rule Violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport, non-compliance with the Code, and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight years. For purposes of this paragraph, the otherwise applicable period of Ineligibility will not include any period of Ineligibility that could be added under Article 10.9.4.2.

Where requested by the Player or other Person, the ITF will allow the Player or other Person to provide Substantial Assistance to it subject to a Without Prejudice Agreement.

If the Player or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of Consequences was based, the ITF will reinstate the original Consequences. A decision by the ITF to reinstate or not to reinstate suspended Consequences may be appealed pursuant to Article 13.

- 10.7.1.3 To further encourage Players and other Persons to provide Substantial Assistance, at the request of the ITF or at the request of the Player or other Person who has, or has been asserted to have, committed an Anti-Doping Rule Violation or other violation of the Code, WADA may agree at any stage of the Results Management process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even to no period of Ineligibility, no mandatory Public Disclosure, and/or no return of Prize Money or payment of fines or costs. WADA's approval will be subject to reinstatement of Consequences as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed.

10.7.1.4 If the ITF suspends any part of an otherwise applicable Consequence because of Substantial Assistance, notice providing justification for the decision will be provided to Interested Parties. In unique circumstances where WADA determines that it would be in the best interests of anti-doping, WADA may authorise the ITF to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

10.7.1.5 Where the ITF declines to exercise the discretion conferred on it by this Article 10.7.1, and the matter comes before a hearing panel under Article 8 or an appeal panel under Article 13, the hearing panel/appeal panel (as applicable) may exercise such discretion if the conditions of Article 10.7.1.1 are satisfied and the hearing panel/appeal panel sees fit. Alternatively, the hearing panel/appeal panel may consider a submission that the ITF, in exercising its discretion under this Article 10.7.1, should have suspended a greater part of the Consequences.

10.7.2 Admission of an Anti-Doping Rule Violation in the absence of other evidence:

Where a Player or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before receiving either (a) notification of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Article 2.1 Anti-Doping Rule Violation), or (b) a Notice (in the case of any other Anti-Doping Rule Violation), and that admission is the only reliable evidence of the violation at the time of the admission, the otherwise applicable period of Ineligibility may be reduced by up to but not by more than 50%.

10.7.3 Application of multiple grounds for reduction of a sanction:

Where a Player or other Person establishes entitlement to a reduction in sanction under more than one provision of Article 10.6, or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of Ineligibility will be determined in accordance with Articles 10.2, 10.3, and 10.6. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.7, the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

## 10.8 Results Management agreements

- 10.8.1 One year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where the ITF sends a Player or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four or more years (including any period of Ineligibility asserted under Article 10.4), if the Player or other Person admits the violation and accepts the asserted period of Ineligibility no later than 20 days after receiving the Charge Letter, they will receive a one year reduction in the period of Ineligibility asserted by the ITF. Where the Player or other Person receives the one year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility will be allowed under any other Article.

- 10.8.2 Case resolution agreements:

- 10.8.2.1 Where the Player or other Person admits an Anti-Doping Rule Violation after being confronted with it by the ITF and agrees to Consequences acceptable to the ITF and WADA, at their sole discretion:

- (a) the Player or other Person may receive a reduction in the period of Ineligibility based on an assessment by the ITF and WADA of the application of Articles 10.1 through 10.7 to the asserted Anti-Doping Rule Violation, the seriousness of the violation, the Player's or other Person's degree of Fault, and how promptly the Player or other Person admitted the violation; and
- (b) the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred.

In each case, however, where this Article is applied, the Player or other Person must serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of (1) the date the Player or other Person accepted the imposition of a period of Ineligibility; and (2) the date the Player or other Person accepted a Provisional Suspension that was subsequently respected by the Player or other Person. The decision by WADA and the ITF to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of Ineligibility agreed, are not matters that may be

determined or reviewed by a hearing body and are not subject to appeal under Article 13.

- 10.8.2.2 If so requested by the Player or other Person seeking to enter into a case resolution agreement under this Article, the ITF will allow the Player or other Person to discuss an admission of the Anti-Doping Rule Violation with it subject to a Without Prejudice Agreement.

## 10.9 Multiple violations

### 10.9.1 Second Anti-Doping Rule Violation:

For a Player's or other Person's second Anti-Doping Rule Violation, the period of Ineligibility will be the greater of:

10.9.1.1 a six month period of Ineligibility; and

10.9.1.2 a period of Ineligibility in the range between:

- (a) the sum of the period of Ineligibility imposed for the first Anti-Doping Rule Violation plus the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation; and
- (b) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation.

The period of Ineligibility within this range will be determined based on the entirety of the circumstances and the Player's or other Person's degree of Fault with respect to the second violation. The period of Ineligibility established in this Article 10.9.1 may then be further reduced by the application of Article 10.7.

### 10.9.2 Third Anti-Doping Rule Violation:

A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, unless it fulfils the conditions for reduction of the period of Ineligibility under Article 10.6, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility will be from eight years to lifetime Ineligibility.

The period of Ineligibility established in this Article 10.9.2 may then be further reduced by the application of Article 10.7.

### 10.9.3 The following will not be considered a violation for purposes of this Article 10.9:

- 10.9.3.1 An Anti-Doping Rule Violation for which the Player or other Person in question has established that they bore No Fault or Negligence.
- 10.9.3.2 An Anti-Doping Rule Violation sanctioned under Article 10.2.4.1.
- 10.9.4 Additional rules for certain potential multiple offences:
  - 10.9.4.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4.2 and 10.9.4.3, an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if the ITF can establish that the Player or other Person committed the additional Anti-Doping Rule Violation after they received notice of the first (or the second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-Doping Rule Violations, as applicable) will be considered together as one single first Anti-Doping Rule Violation, and the sanction imposed will be based on the Anti-Doping Rule Violation that carries the more severe sanction, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be Disqualified as provided in Article 10.10.
  - 10.9.4.2 If the ITF establishes that a Player or other Person committed an additional Anti-Doping Rule Violation prior to notification, and that the additional violation occurred 12 months or more before or after the first-noticed violation, the period of Ineligibility for the additional violation will be calculated as if the additional violation were a stand-alone first violation, and this period of Ineligibility must be served consecutively (rather than concurrently) with the period of Ineligibility imposed for the first-noticed violation. Where this Article 10.9.4.2 applies, the violations taken together will constitute a single violation for purposes of Articles 10.9.1 and 10.9.2.
  - 10.9.4.3 If the ITF establishes that a Player or other Person committed an Article 2.5 Anti-Doping Rule Violation in connection with the Doping Control process for an underlying asserted Anti-Doping Rule Violation, the Article 2.5 Anti-Doping Rule Violation will be treated as a stand-alone first violation and the period of Ineligibility for such violation must be served consecutively (rather

than concurrently) with the period of Ineligibility, if any, imposed for the underlying Anti-Doping Rule Violation. Where this Article 10.9.4.3 is applied, the violations taken together will constitute a single violation for purposes of Articles 10.9.1 and 10.9.2.

10.9.4.4 If the ITF establishes that a Player or other Person has committed a second or third Anti-Doping Rule Violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations will run consecutively (rather than concurrently).

10.9.5 Multiple Anti-Doping Rule Violations during a ten year period:

Any prior Anti-Doping Rule Violation will only be taken into account for purposes of Article 10.9 if it took place within ten years of the Anti-Doping Rule Violation under consideration.

#### **10.10 Disqualification of results in Competitions subsequent to Sample collection or commission of an Anti-Doping Rule Violation**

Unless fairness requires otherwise, in addition to the Disqualification of results under Articles 9.1 and 10.1, any other results obtained by the Player in Competitions taking place in the period starting on the date the Sample in question was collected or other Anti-Doping Rule Violation occurred and ending on the commencement of any Provisional Suspension or Ineligibility period, will be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money).

#### **10.11 Forfeited Prize Money and readjustment**

10.11.1 If the ITF recovers Prize Money forfeited as a result of an Anti-Doping Rule Violation, it will use it to defray the costs of operating the Programme.

10.11.2 There will be no readjustment of medals, titles, or ranking points for any Player who lost to a Player subsequently found to have committed an Anti-Doping Rule Violation, except where provision is made for such readjustment in the regulations of the relevant Competition.

#### **10.12 Financial Consequences**

10.12.1 Where a Player or other Person commits an Anti-Doping Rule Violation, upon request by the ITF the Independent Tribunal may order the Player or other Person to pay some or all of the costs associated with the Anti-Doping Rule Violation (including, without limitation, those incurred by the ITF in investigating or otherwise

conducting Results Management in relation to the matter), regardless of the period of Ineligibility imposed (if any).

- 10.12.2 The imposition of a costs order will not be considered a basis for reducing the period of Ineligibility or other Consequences that would otherwise be applicable under this Programme.

### 10.13 Commencement of Ineligibility period

Where a Player or other Person is already serving a period of Ineligibility for an Anti-Doping Rule Violation, any new period of Ineligibility will start on the first day after the current period of Ineligibility has been served. Otherwise, the period of Ineligibility will start on the date of the final decision providing for Ineligibility, or (if the hearing is waived, or there is no hearing) on the date Ineligibility is accepted or otherwise imposed, save as follows:

- 10.13.1 Delays not attributable to the Player or other Person:

Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Player or other Person can establish that such delays are not attributable to the Player or other Person, the period of Ineligibility may be deemed to have started at an earlier date, commencing as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, will be Disqualified.

- 10.13.2 Credit for any Provisional Suspension or period of Ineligibility served:

10.13.2.1 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Player or other Person will be credited against the total period of Ineligibility to be served.

10.13.2.2 To get credit for any period of voluntary Provisional Suspension, however, the Player or other Person must have given written notice at the beginning of such period to the ITF, in a form acceptable to the ITF (and the ITF will promptly provide a copy of that written notice to each Interested Party) and must have respected the Provisional Suspension in full.

10.13.2.3 No credit against a period of Ineligibility will be given for any time period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of whether the Player elected not to compete or was suspended by their team.

10.13.3 For purposes of forfeiture of ranking points, the decision will come into effect at midnight on the Sunday nearest to the date that the decision is issued.

#### **10.14 Status during Ineligibility or Provisional Suspension**

10.14.1 Prohibition against participation during Ineligibility or Provisional Suspension:

While serving a period of Ineligibility or Provisional Suspension, a Player or other Person may not participate in any capacity in (or assist any Player participating in any capacity in):

- (a) any Covered Event;
- (b) any other Event or Competition or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation;
- (c) any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or
- (d) any elite or national-level sporting activity funded by a governmental agency.

10.14.2 Without prejudice to the generality of Article 10.14.1, a Player or other Person may not, during any period of Ineligibility or Provisional Suspension, be given accreditation for, or otherwise granted access to, any Covered Event or any other Event or Competition or activity authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a National Association, and any such accreditation previously issued will be withdrawn.

10.14.3 Where an Event that will take place after the period of Ineligibility has an entry deadline that falls during the period of Ineligibility, the Player may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application they are still Ineligible.

10.14.4 While serving a period of Ineligibility or Provisional Suspension, a Player will remain subject to Testing and must provide whereabouts information for that purpose upon demand by the ITF.

10.14.5 The only exceptions to Article 10.14.1 are as follows:

- 10.14.5.1 A Player or other Person who is subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate as a Player in local sport events not sanctioned or otherwise under the authority of a Code Signatory or member of a Code Signatory, but only so long as the local sports events are not at a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points towards) a national championship or International Event, and does not involve the Player or other Person working in any capacity with Protected Persons; and
- 10.14.5.2 A Player may return to train as part of a team or to use the facilities of a club or other member organisation of a National Association or of a Signatory's member organisation during the shorter of: (1) the last two months of the Player's period of Ineligibility, and (2) the last one-quarter of the period of Ineligibility.
- 10.14.6 In addition, except where the Anti-Doping Rule Violation involved an eliminated or reduced sanction further to Article 10.5 or 10.6, some or all financial support or benefits (if any) that might have otherwise been provided to the Player or other Person will be withheld by the ITF or any National Association.
- 10.14.7 If a Player or other Person violates the prohibition against participation set out in Article 10.14.1, any results they obtain during such participation will be Disqualified, with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money, and a new period of Ineligibility equal in length to the original period of Ineligibility will be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Player's or other Person's degree of Fault and other circumstances of the case (and so may include a reprimand and no period of Ineligibility). The determination of whether a Player or other Person has violated the prohibition against participation, and whether the new period of Ineligibility should be adjusted, will be made by the Anti-Doping Organisation that brought the case that led to the initial period of Ineligibility. If the Player or other Person does not accept the new period of Ineligibility (or, if applicable, reprimand) proposed by the Anti-Doping Organisation, the matter will proceed to a hearing in accordance with ISRM Article 11.1. The hearing panel's decision may be appealed pursuant to Article 13.

A Player or other Person who violates the prohibition against participation during a Provisional Suspension set out in Article

10.14.1 will receive no credit for any period of Provisional Suspension served and any results they obtain during such participation will be Disqualified, with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money.

10.14.8 Where a Player Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility or Provisional Suspension, the ITF (or the Anti-Doping Organisation with jurisdiction over such Player Support Person or other Person) will pursue the matter as a potential Article 2.9 Anti-Doping Rule Violation in accordance with Article 7.8.

### **10.15 Automatic publication of Consequences**

A mandatory Consequence in every case where an Anti-Doping Rule Violation has been committed will be automatic publication, as provided in Articles 8.6 and 13.11.

### **10.16 Conditions of reinstatement**

10.16.1 As a condition of reinstatement, a Player who is subject to a period of Ineligibility must respect the conditions of Article 10.14.4, failing which the Player will not be eligible for reinstatement until they have made themselves available for Testing (by notifying the ITF in writing) for a period of time equal to the period of Ineligibility remaining as at the date they first stopped making themselves available for Testing, except that in the event that a Player retires while subject to a period of Ineligibility, the conditions set out in Article 1.4.5 will apply.

10.16.2 The ITF may also make reinstatement subject to the review and approval of a Player's medical condition by the Review Board in order to establish the Player's fitness to be reinstated.

10.16.3 Once the period of a Player's Ineligibility has expired, and the Player has fulfilled the foregoing conditions of reinstatement, then provided that (subject to Article 10.16.5) all amounts forfeited under the Programme have been paid in full, and any award of costs made against the Player by the Independent Tribunal further to Article 8.5.4 and/or by the CAS following any appeal made pursuant to Article 13.2 has been satisfied in full, the Player will become automatically re-eligible and no application by the Player for reinstatement will be necessary. If, however, further amounts become due after a Player's period of Ineligibility has expired (as a result of an instalment plan established pursuant to Article 10.16.5), then any failure by the Player to pay all outstanding amounts on or before their respective due dates

will render the Player automatically Ineligible to participate in further Covered Events until all amounts due are paid in full.

10.16.4 Even if no period of Ineligibility is imposed, a Player may not participate in a Covered Event while any Prize Money ordered or agreed to be forfeit under the Programme, and/or any award of costs against the Player, remains unpaid, unless an instalment plan has been established pursuant to Article 10.16.5 and the Player has made all payments due under that plan. If any instalment(s) become(s) overdue under that plan, the Player may not participate in any Covered Event until such overdue instalments are paid in full.

10.16.5 Where fairness requires, the ITF or the hearing panel may establish an instalment plan for repayment of any Prize Money forfeited under this Programme and/or for payment of any costs awarded further to Article 8.5.4. The payment schedule may extend beyond any period of Ineligibility imposed upon the Player.

## **11. Consequences for Teams**

The consequences for a team entered in a Competition of the commission of an Anti-Doping Rule Violation by a Player in their capacity as a member of that team will be as set out in the rules relating to that Competition, in accordance with Code Article 11.

## **12. Sanctions against National Associations**

12.1 The ITF will require its National Associations to comply with, implement, uphold, and/or enforce this Programme (or its equivalent rules) within the National Association's area of competence, and will take such actions as it considers necessary to enforce such compliance.

## **13. Results Management: appeals**

### **13.1 Decisions subject to appeal**

Decisions made under this Programme may be appealed only as set out in this Article 13 or as otherwise provided in the Code or International Standards or this Programme. Such decisions will remain in effect while under appeal unless the appellate body orders otherwise.

### **13.2 Appeals from decisions regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, implementation of decisions and authority**

The following decisions may be appealed as provided in Articles 13.2 to 13.9: a decision that an Anti-Doping Rule Violation has been committed; a decision imposing (or not imposing) Consequences for an Anti-Doping Rule Violation (save as provided in Article 13.4); a decision that no Anti-Doping Rule

Violation has been committed; a decision that a case cannot go forward for procedural reasons (including, for example, because of prescription); a decision by WADA to grant or not to grant an exception to the six month notice requirement for a retired Player to return to competition under Article 1.4.4; a decision by WADA assigning Results Management responsibility under Code Article 7.1; a decision by the ITF not to bring forward an Adverse Analytical Finding or an Atypical Finding or an Adverse Passport Finding as an Anti-Doping Rule Violation, or a decision not to assert an Anti-Doping Rule Violation after an investigation in accordance with the ISRM; a decision to impose (or lift) a Provisional Suspension as a result of a provisional hearing; a failure by the ITF to comply with Article 7.12.1; a decision that the ITF or the Independent Tribunal lacks authority to rule on an alleged Anti-Doping Rule Violation or its Consequences; a decision to suspend (or not suspend) Consequences or to reinstate (or not reinstate) Consequences under Article 10.7.1; failure to comply with Code Articles 7.1.4 and 7.1.5; failure to comply with Article 10.8.1; a decision under Article 10.14.7; a decision by the ITF not to implement another Anti-Doping Organisation's decision in accordance with Code Article 15.1 (this appeal will be expedited); and a decision under Code Article 27.3.

#### 13.2.1 Appeals involving Covered Events or Players who are International-Level Players:

In cases arising from participation in a Covered Event or in cases involving International-Level Players, the decision may be appealed exclusively to CAS.

#### 13.2.2 Appeals involving other Players or other Persons:

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body in accordance with rules adopted by the NADO having authority over the Player or other Person. The rules for such appeal must respect the following principles: a timely hearing; a fair, impartial, Operationally Independent and Institutionally Independent hearing panel; the right to be represented by counsel at the person's own expense; and a timely, written, reasoned decision. If no such body is in place and available at the time of the appeal, the decision may be appealed to the CAS Anti-Doping Division, which will hear and determine the case in accordance with the Code-compliant anti-doping rules of the NADO, the CAS Code of Sports-related Arbitration, and the Arbitration Rules for the CAS Anti-Doping Division.

#### 13.2.3 Persons entitled to appeal:

13.2.3.1 In cases under Article 13.2.1, the following parties will have the right to appeal to the CAS:

- (a) the Player or other Person who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the ITF;
- (d) the NADO(s) of the Player's or other Person's country of residence or countries where the Player or other Person is a national or licence-holder;
- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to (respectively) the Olympic Games or Paralympic Games, including decisions affecting eligibility for (respectively) the Olympic Games or Paralympic Games; and/or
- (f) WADA.

13.2.3.2 In cases under Article 13.2.2, the parties having the right to appeal will be as provided in the NADO's rules but, at a minimum, will include the following parties:

- (a) the Player or other Person who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the ITF;
- (d) the NADO of the person's country of residence or countries where the Person is a national or licence holder;
- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to (respectively) the Olympic Games or Paralympic Games, including decisions affecting eligibility for (respectively) the Olympic Games or Paralympic Games; and
- (f) WADA.

Further, for cases under Article 13.2.2, WADA, the International Olympic Committee, the International

Paralympic Committee and the ITF will also have the right to appeal to the CAS Appeals Division with respect to the decision of the national-level appeal body (or CAS Anti-Doping Division, as applicable). Any party filing an appeal will be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information will be provided if CAS so directs.

### **13.3 Duty to notify**

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

### **13.4 Appeal from imposition of Provisional Suspension**

13.4.1 A Player or other Person who has been Provisionally Suspended has the right to an expedited appeal in accordance with Articles 13.2 to 13.9. The Provisional Suspension will remain in effect pending the appeal.

13.4.2 Notwithstanding Article 13.2, there will be no right to appeal a decision imposing (or not lifting) a Provisional Suspension on the ground that the violation is likely to have involved a Contaminated Product.

### **13.5 Appeals against decisions pursuant to Article 12**

Decisions rendered pursuant to Article 12 may be appealed exclusively to the CAS (Appeals Division) by the National Association or other body.

### **13.6 Failure to render a timely decision**

Where, in a particular case, a decision under this Programme with respect to whether an Anti-Doping Rule Violation was committed is not rendered within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if a decision finding no Anti-Doping Rule Violation had been rendered. If the CAS determines that an Anti-Doping Rule Violation was committed and that WADA acted reasonably in electing to appeal directly to the CAS, WADA's reasonable costs and legal fees in prosecuting the appeal will be reimbursed to WADA by the ITF.

### **13.7 Appeals relating to TUEs**

TUE decisions may be appealed exclusively as provided in Article 4.4.

### **13.8 Time for filing appeals**

13.8.1 Appeals to CAS:

13.8.1.1 The deadline for filing an appeal to the CAS will be 21 days from the date of receipt of the reasoned decision in question by the appealing party. Where the appellant is a party other than the ITF, to be a valid filing under this Article 13.8.1 a copy of the appeal must be filed on the same day with the ITF. The foregoing notwithstanding, the following will apply in connection with appeals filed by a party that is entitled to appeal but that was not a party to the proceedings that led to the decision being appealed

- (a) Within 15 days from the notice of the reasoned decision, such party/ies will have the right to request a copy of the full case file from the body that issued the decision.
- (b) If such a request is made within the 15-day period, the party making such request will have 21 days from receipt of the file to appeal to the CAS.

13.8.1.2 Appeals by the ITF:

The above notwithstanding, the filing deadline for an appeal or intervention filed by the ITF will be the later of:

- (a) 21 days after the last day on which any other party having a right to appeal (other than WADA) could have appealed; or
- (b) 21 days after the ITF's receipt of the complete file relating to the decision.

13.8.1.3 The above notwithstanding, the filing deadline for an appeal by WADA will be the later of:

- (a) 21 days after the last day on which any other party having a right to appeal could have appealed; and
- (b) 21 days after WADA's receipt of the complete file relating to the decision.

13.8.2 Appeals under Article 13.2.2

13.8.2.1 The time to file an appeal to an independent and impartial body in accordance with rules established by the NADO will be indicated by the rules of the NADO.

13.8.2.2 The above notwithstanding, the filing deadline for an appeal filed by WADA will be the later of:

- (a) 21 days after the last day on which any other party having a right of appeal could have appealed; or
- (b) 21 days after WADA's receipt of the complete file relating to the decision.

### **13.9 Appeal procedure**

#### **13.9.1 Scope of review not limited:**

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments, and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

#### **13.9.2 CAS will not defer to the findings being appealed:**

In making its decision, the CAS will not give deference to the discretion exercised by the body whose decision is being appealed.

#### **13.9.3 WADA not required to exhaust internal remedies:**

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the ITF process, WADA may appeal such decision directly to the CAS without having to exhaust any other remedies within the ITF process.

#### **13.9.4 Cross appeals and other subsequent appeals allowed:**

Cross appeals and other subsequent appeals by any respondent named in cases brought to the CAS under this Programme are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with its answer to the appeal.

### **13.10 Notification of appeal decisions**

The ITF must promptly provide the appeal decision to the Player or other Person and to any Interested Party.

### **13.11 Publication of decisions**

- 13.11.1 A decision on appeal that an Anti-Doping Rule Violation has been committed may be Publicly Disclosed immediately, and must be Publicly Disclosed within 20 days of the date of the decision. However, this mandatory Public Reporting requirement will not apply where the Player or other Person who has been found to have

committed an Anti-Doping Rule Violation is a Minor, a Protected Person, or a Recreational Athlete. Any optional Public Reporting in a case involving a Minor, a Protected Person, or a Recreational Athlete must be proportionate to the facts and circumstances of the case.

- 13.11.2 A decision on appeal that an Anti-Doping Rule Violation has not been committed may not be Publicly Disclosed unless the Player or other Person who is the subject of the decision consents to such disclosure. Where they do not so consent, the fact of the appeal and/or a summary of the decision may be Publicly Disclosed, provided that what is disclosed does not identify the Player or other Person.

## **14. Confidentiality and reporting**

### **14.1 Notice of Anti-Doping Rule Violations**

- 14.1.1 Notice to Players or other Persons of Anti-Doping Rule Violations asserted against them will occur as provided under Articles 7 and 13.11.2.
- 14.1.2 If at any point during Results Management up until the issue of a Charge Letter, the ITF decides not to move forward with a matter, it must notify the Player or other Person (if the Player or other Person had already been informed of the ongoing Results Management).
- 14.1.3 Subject strictly to Article 14.4, (a) the ITF will send copies of any notices sent to a Player as part of the management of an apparent Whereabouts Failure to the ATP or WTA (as applicable); and (b) the ITF will send a copy of any Notice and Charge Letter to each Interested Party, and will thereafter keep each of them informed in relation to the status of the case under Article 8. WADA and the NADO of the Player or other Person (and, as applicable, the ATP or WTA and/or Grand Slam Board) will keep the contents of the Charge Letter, and any further information supplied to them pursuant to this Article 14.1.3, as well as any information they obtain by attending a hearing in accordance with Article 8.4.6, strictly confidential unless and until a decision that an Anti-Doping Rule Violation has been committed is published pursuant to Article 8.6; provided that, if the decision exonerates the Player or other Person, that confidentiality will be strictly maintained unless and until the decision is overturned on appeal.

### **14.2 Content of an Anti-Doping Rule Violation Notice**

- 14.2.1 Notice of an Anti-Doping Rule Violation under Article 2.1 will include: the Player's or other Person's name, country, sport and discipline within the sport, the Player's competitive level, 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 ISTI and ISRM.

- 14.2.2 Notice of Anti-Doping Rule Violations other than under Article 2.1 will include the Player's or other Person's name, country, sport and discipline within the sport, the Player's competitive level, the rule violated, and the basis of the asserted violation.

### 14.3 **Status reports**

Except with respect to investigations that have not resulted in a Notice of an Anti-Doping Rule Violation, the Player's or other Person's NADO and WADA will be regularly updated on the status and findings of any review or proceedings conducted by the ITF pursuant to Article 7, Article 8 or Article 13 and will be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

### 14.4 **Confidentiality**

- 14.4.1 The ITF will use its reasonable endeavours to ensure that Persons under its control do not publicly identify Players or other Persons whose Samples have resulted in Adverse Analytical Findings or Atypical Findings, or Atypical Passport Findings or Adverse Passport Findings, or are alleged to have committed an Anti-Doping Rule Violation under this Programme, unless and until a Provisional Suspension has been imposed or accepted, or a charge has been Publicly Disclosed further to Article 7.13.4, or an Independent Tribunal has determined that an Anti-Doping Rule Violation has been committed, and/or the Anti-Doping Rule Violation has been admitted.
- 14.4.2 The ITF will ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and Delegated Third Parties are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.
- 14.4.3 The ITF in its discretion may at any time disclose to other organisations such information as the ITF may consider necessary or appropriate to facilitate administration or enforcement of this Programme (including, without limitation, National Associations selecting teams for the Davis Cup or the Billie Jean King Cup), provided that each organisation provides assurance satisfactory to the ITF that the organisation will maintain all such information in confidence. The ITF will not comment publicly on the specific facts of a pending case (as opposed to general description of process and

science) except in response to public comments attributed to the Player or other Person or their representatives.

#### **14.5 Statistical reporting**

The ITF will publish at least annually a general statistical report of its Doping Control activities, and provide a copy to WADA. The ITF may also publish reports showing the name of each Player tested, frequency with which they have been tested, the date of each Testing, the numbers of tests conducted on Players within certain ranking groups or categories; and the identity of Events where Testing has been carried out.

#### **14.6 Doping Control information database and monitoring of compliance**

14.6.1 To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable Doping Control information among Anti-Doping Organisations, the ITF will report to WADA, through ADAMS, Doping Control-related information as required under the applicable International Standard(s), including, in particular:

14.6.1.1 Athlete Biological Passport data for Players;

14.6.1.2 whereabouts information for Players;

14.6.1.3 TUE decisions; and

14.6.1.4 Results Management decisions.

14.6.2 To facilitate coordinated test distribution planning, to avoid unnecessary duplication in Testing by different Anti-Doping Organisations, and to ensure that Athlete Biological Passport profiles are updated, the ITF will report all In-Competition and Out-of-Competition tests to WADA by entering the Doping Control forms into ADAMS in accordance with the requirements and timelines contained in the ISTI.

14.6.3 To facilitate WADA's oversight and appeal rights for TUEs, the ITF will report all TUE applications, decisions, and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the ISTUE.

14.6.4 To facilitate WADA's oversight and appeal rights for Results Management, the ITF will report the following information into ADAMS in accordance with the requirements and timelines outlined in the ISRM: (a) notifications of Anti-Doping Rule Violations and related decisions for Adverse Analytical Findings; (b) notifications and related decisions for other Anti-Doping Rule Violations that are not Adverse Analytical Findings; (c) Whereabouts Failures; and (d)

any decision imposing, lifting, or reinstating a Provisional Suspension.

- 14.6.5 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the Player, the Player's NADO, and any other Anti-Doping Organisations with Testing authority over the Player.

#### 14.7 **Data privacy**

- 14.7.1 The ITF may collect, store, process, and/or disclose personal information relating to Players and other Persons where necessary and appropriate to conduct its Anti-Doping Activities under the Code, the International Standards (including specifically the ISPPPI), and/or this Programme, and in compliance with applicable law.

- 14.7.2 Without limiting the foregoing, the ITF will:

14.7.2.1 only process personal information in accordance with a valid legal ground;

14.7.2.2 notify any Player or other Person subject to this Programme, in a manner and form that complies with applicable laws and the ISPPPI, that their personal information may be processed by the ITF and other Persons for the purpose of the implementation of this Programme; and

14.7.2.3 ensure that any third party agents (including any Delegated Third Party) with whom the ITF shares the personal information of any Player or other Person is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

### 15. **Implementation of decisions**

- 15.1 Automatic binding effect of decisions by Signatory Anti-Doping Organisations

- 15.1.1 A decision in relation to an Anti-Doping Rule Violation or in relation to a violation of the prohibition against participation during Ineligibility that is made by an Anti-Doping Organisation, or by a hearing panel or appeal panel or CAS will, after the parties to the proceeding have been notified, be binding automatically beyond the parties to the proceeding on the ITF, National Associations, the ATP, the WTA, and the Grand Slam Board as well as every Signatory in every sport with the effects described below:

- 15.1.1.1 A decision by any of the above-described bodies imposing a Provisional Suspension (after a Provisional Hearing has occurred or the Player or other Person has either accepted the Provisional Suspension or has waived the right to a Provisional Hearing, expedited hearing or expedited appeal offered in accordance with Article 7.12.7) automatically prohibits the Player or other Person from participation (as described in Article 10.14.1) in all sports within the authority of any Signatory during the Provisional Suspension.
- 15.1.1.2 A decision by any of the above-described bodies imposing a period of Ineligibility (after a hearing has occurred or been waived) automatically prohibits the Player or other Person from participation (as described in Article 10.14.1) in all sports within the authority of any Signatory during the period of Ineligibility.
- 15.1.1.3 A decision by any of the above-described bodies accepting an Anti-Doping Rule Violation automatically binds all Signatories.
- 15.1.1.4 A decision by any of the above-described bodies to Disqualify results under Article 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any Signatory during the specified period.
- 15.1.2 Each of the ITF, National Associations, the ATP, the WTA, and the Grand Slam Board will recognise and implement a decision and its effects as required by Article 15.1.1 on the date that it receives actual notice of the decision.
- 15.1.3 A decision by an Anti-Doping Organisation, an appeal panel or CAS to suspend or lift Consequences will be binding on each of the ITF, National Associations, the ATP, the WTA, and the Grand Slam Board on the date that that entity receives actual notice of the decision.
- 15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision in relation to an Anti-Doping Rule Violation by a Major Event Organisation made in an expedited process during an Event will not be binding on the ITF, National Associations, the ATP, the WTA, and the Grand Slam Board unless the rules of the Major Event Organisation provide the Player or other Person with an opportunity to appeal under non-expedited procedures.

## **15.2 Implementation of other decisions by Anti-Doping Organisations**

The ITF may implement decisions rendered by Anti-Doping Organisations that are not listed in Article 15.1, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Player or other Person. Any decisions so implemented by the ITF will bind the National Associations, the ATP, the WTA, and the Grand Slam Board.

## **15.3 Implementation of decisions by a body that is not a Signatory**

A decision by a body that is not a Signatory must be implemented by the ITF, National Associations, the ATP, the WTA, and the Grand Slam Board if the ITF determines that the decision appears to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code.

## **16. Statute of limitations**

Notwithstanding any other provision of this Programme, no charge may be brought against a Player or other Person in respect of an Anti-Doping Rule Violation unless they have been given the Notice of the Anti-Doping Rule Violation referenced in Article 7.10, or notification has been reasonably attempted, within ten years of the date that the Anti-Doping Rule Violation is asserted to have occurred.

## **17. Compliance reports**

The ITF will report to WADA on the ITF's compliance with the Code in accordance with Code Article 24 and the International Standard for Code Compliance by Signatories.

## **18. Education**

The ITF will plan, implement, evaluate, and promote Education in line with the requirements of Code Article 18.2 and the International Standard for Education.

## **19. Interpretation of the Code**

19.1 The official text of the Code will be maintained by WADA and published in English and French. In the event of any conflict between the English and French versions, the English version will prevail.

19.2 The comments annotating various provisions of the Code will be used to interpret the Code.

19.3 The Code must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

- 19.4 The headings used for the various Parts and Articles of the Code are for convenience only and will not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.
- 19.5 Where the term 'days' is used in the Code or an International Standard, it means calendar days unless otherwise specified.
- 19.6 The Purpose, Scope, and Organisation of the World Anti-Doping Program and the Code and Appendix 1, Definitions, are integral parts of the Code.

## **APPENDICES**

Appendix One      Definitions

Appendix Two      Tennis Testing Protocols

Appendix Three    The 2021 Prohibited List

Appendix Four      International Standard for Therapeutic Use Exemptions

Appendix Five      International Standard for Testing and Investigations

Appendix Six        International Standard for Results Management

## APPENDIX ONE

### DEFINITIONS

ABP Documentation Package. The material produced by the APMU to support an Adverse Passport Finding, such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors, as well as other relevant supporting information.

ABP Programme. The programme and methods of gathering and collating biological Markers on a longitudinal basis to facilitate indirect detection of the Use of Prohibited Substances and Prohibited Methods.

ABP Testing. The collection, transportation, and analysis of Samples as part of the ABP Programme.

ADAMS. The Anti-Doping Administration and Management System is a web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

Administration. Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition does not include the actions of *bona fide* medical personnel involving a Prohibited Substance or Prohibited Method Used for genuine and legal therapeutic purposes or other acceptable justification, and does not include actions involving Prohibited Substances that are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding. A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the ISL, establishes in a Sample the presence of a Prohibited Substance or any of its Metabolites or Markers or evidence of the Use of a Prohibited Method.

Adverse Passport Finding. A report identified as an Adverse Passport Finding as described in the applicable International Standards.

Aggravating Circumstances. Circumstances involving, or actions by, a Player or other Person that may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions include, but are not limited to: the Player or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions, or committed multiple other Anti-Doping Rule Violations; a normal individual would be likely to enjoy the performance-enhancing effects of the Anti-Doping Rule Violation(s) beyond the otherwise applicable period of Ineligibility; the Player or other Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation; or the Player

or other Person engaged in Tampering during Results Management. For the avoidance of doubt, these examples are not exhaustive, and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

Anti-Doping Activities. Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organising analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards.

Anti-Doping Organisation. WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organisations that conduct Testing at their Events, International Federations, and NADOs.

Anti-Doping Rule Violation. As defined in Article 2.

Athlete Biological Passport (or ABP). The programme and methods of gathering and collating data as described in the ISTI and the ISL.

Athlete Passport Management Unit (or APMU). As defined in Article 5.5.2.

Attempt. Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation; provided, however, that there will be no Anti-Doping Rule Violation based solely on an Attempt to commit an Anti-Doping Rule Violation if the Player or other Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

Atypical Finding. A report from a WADA-accredited laboratory or other WADA-approved laboratory that requires further investigation as provided in the ISL or related Technical Documents prior to the determination of an Adverse Analytical Finding.

Atypical Passport Finding. A report described as an Atypical Passport Finding as described in the applicable International Standards.

CAS. The Court of Arbitration for Sport in Lausanne, Switzerland.

Charge Letter. The letter described in Article 7.13.

Code. The World Anti-Doping Code.

Competition. A single race, match, game or other sport contest. In tennis specifically, any stand-alone competition held as part of an Event, such as a singles competition or a doubles or mixed doubles competition.

Consequences. A Player's or other Person's Anti-Doping Rule Violation may result in one or more of the following:

(a) Disqualification means the Player's results in a particular Competition or Event are invalidated, with all resulting consequences, including forfeiture of any medals, titles, ranking points, and Prize Money;

(b) Ineligibility means the Player or other Person is barred on account of an Anti-Doping Rule Violation for a specified period of time from participating in any Competition, Event or other activity or funding, in accordance with Article 10.14;

(c) Provisional Suspension means the Player or other Person is barred temporarily from participating in any Competition, Event or other activity in accordance with Article 10.14;

(d) Financial Consequences means a financial sanction imposed in accordance with Article 10.12; and

(e) Public Disclosure (or to Publicly Disclose) means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification under the provisions of this Programme.

Contaminated Product. A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable internet search.

Covered Event(s). The Grand Slam tournaments, Davis Cup, Billie Jean King Cup, Hopman Cup, the Olympic Tennis event, the Paralympic Tennis event, other IOC-recognised International Events, WTA tournaments and WTA Finals and WTA Elite Trophy, ATP Tour tournaments and ATP Finals, ATP Cup, Next Gen ATP Finals, ATP Challenger Tour tournaments, ITF Pro Circuit events, ITF World Tennis Tour events, ITF Juniors events, ITF Seniors events, ITF Wheelchair events, and ITF Beach Tennis Tour events.

Decision Limit. The value of the result for a threshold substance in a Sample above which an Adverse Analytical Finding will be reported, as defined in the ISL.

Delegated Third Party. Any Person to which the ITF delegates any aspect of Doping Control or anti-doping Education programmes including, but not limited to, Doping Control personnel, as well as third parties or other Anti-Doping Organisations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for the ITF. This definition does not include the CAS.

Demand: As defined in Article 5.7.3.1.

Disqualification. See definition of Consequences.

Doping Control. All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including (but not limited to) Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management, and investigations or proceedings relating to violations of Article 10.14 (status during Ineligibility or Provisional Suspension).

Education. The process of learning to instil values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

Effective Date. As defined in Article 1.5.

Event. A series of individual Competitions conducted together under one organising, ruling body.

Event Period. The period deemed to start at the same time as the In-Competition Period and to end at midnight on the day of the last match played in the Event.

Event Venue. The area that is the greater of (a) the city in which the Event takes place; and (b) the area within a twenty-mile radius of the venue of the Event.

Expert Panel. Suitably-qualified experts chosen by the ITF and/or APMU to evaluate Athlete Biological Passports in accordance with the ISRM.

Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player's or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in their career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.

Filing Failure. As defined in the ISRM.

In-Competition. The period(s) so described in Article 5.3.3.

In-Competition Dates. As defined in Article 5.4.2.3.

In-Competition Period. As defined in Article 5.3.3.

Independent Observer Programme. A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the Doping Control

process at certain Events and report on their observations as part of WADA's compliance monitoring program.

Independent Panel. A panel of lawyers, medical, and/or technical experts, and/or other suitably qualified persons with experience in anti-doping, from whom a person designated as Chairman of the Independent Panel will select one or more persons (which may include themselves) to sit as an Independent Tribunal to hear and determine particular matters arising under the Programme, in accordance with Article 8.1. Each person on the Independent Panel must be independent of the parties to the matter (the ITF may provide reasonable compensation and reimbursement of expenses to such persons for the time they spend and the expenses they incur in sitting as a member of an Independent Tribunal under the Programme).

Independent Tribunal. An independent and impartial tribunal of three persons (subject to Article 8.3.2.1) appointed by the Chair of the Independent Panel to hear and determine matters arising under the Programme.

Ineligibility. See definition of Consequences.

Institutional Independence. Hearing panels on appeal must be fully independent institutionally from the Anti-Doping Organisation responsible for Results Management, meaning that they must not in any way be administered by, connected or subject to that Anti-Doping Organisation.

Interested Party. The Player or other Person's NADO, WADA, the ATP or WTA (if the Player has an ATP or WTA ranking), the Grand Slam Board (where the Anti-Doping Rule Violation in issue is based on an Adverse Analytical Finding from a sample collected at a Grand Slam event), and any other Anti-Doping Organisation that has a right to appeal the decision in question under Article 13.2.

International Event. An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an international federation, a Major Event Organisation or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event. In respect of the ITF, an Event is an International Event if it is a Covered Event.

International-Level Player. Any Player who enters or participates in more than one Covered Event (whether in qualifying or in main draw).

International Registered Testing Pool. As defined in Article 5.4.2.1.

International Standard. A standard adopted by WADA in support of the Code. International Standards include any Technical Documents issued pursuant to the International Standard.

International Standard for Education. The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org).

International Standard for Laboratories (ISL). The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org).

International Standard for the Protection of Privacy and Personal Information (ISPPPI). The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org).

International Standard for Results Management (ISRM). The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org) and in the Appendices to this Programme.

International Standard for Testing and Investigations (ISTI). The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org) and in the Appendices to this Programme.

International Standard for Therapeutic Use Exemptions (ISTUE). The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org) and in the Appendices to this Programme.

ITF. References to the ITF shall mean ITF Limited (t/a the International Tennis Federation) and/or ITF Licensing (UK) Limited and/or their designees.

IF Anti-Doping Manager. An appointee of the ITF with supervisory responsibilities in relation to the Programme.

Major Event Organisation. The continental associations of National Olympic Committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other International Event.

Marker. A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

Metabolite. Any substance produced by a biotransformation process.

Minor. A natural Person under the age of 18.

Missed Test. As defined in the ISRM.

National Anti-Doping Organization (or NADO). The entity designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, manage test results, and conduct Results Management at the national level. If this designation has not been made by the competent public authority(ies), the entity will be the country's National Olympic Committee or its designee.

National Association. A national or regional entity that is a member of the ITF or is recognised by the ITF as the entity governing the sport of tennis in that nation or region.

National-Level Player. Players who compete in sport at the national level, as defined by each NADO, consistent with the ISTI.

National Olympic Committee. The organisation recognised by the International Olympic Committee. The term 'National Olympic Committee' will also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area.

National Registered Testing Pool. A pool of athletes established by a NADO in exercise of its powers under the ISTI, triggering whereabouts obligations on the part of those athletes.

No Fault or Negligence. The Player or other Person establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1 the Player must also establish how the Prohibited Substance entered their system.

No Significant Fault or Negligence. The Player or other Person establishing that their Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Anti-Doping Rule Violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1 the Player must also establish how the Prohibited Substance entered their system.

Notice. See definition in Article 7.10.

Operational Independence. This means that (1) board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g., member federation or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter may not be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels; and (2) hearing panels will be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

Out-of-Competition. The period(s) described in Article 5.4.1.

Person. A natural person or an organisation or other entity.

Player. Any player subject to the Programme as set out in Article 1.2.5.

Player's Nominated Address. As defined in Article 1.3.1.11.

Player Support Person. Any coach, trainer, manager, agent, team staff, official, nutritionist, medical or paramedical personnel, parent or any other Person working with, treating or assisting a Player who is participating in or preparing for sports Competition.

Possession. The actual, physical possession, or constructive possession (which will be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control or intends to exercise control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Method exists, constructive possession will only be found if the Person knew about the presence of the Prohibited Substance/Method and intended to exercise control over it. Provided, however, that there will be no Anti-Doping Rule Violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an Anti-Doping Rule Violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.

Prize Money. All of the consideration provided by the organiser of a Competition as a reward for performance in the Competition, whether monetary (i.e. cash) or non-monetary (e.g. a trophy, vehicle or other prize). Where the reward is attributable to performance as part of a team, the rules of the Competition may provide for how much of the reward is to be allocated to a Player for purposes of forfeiture under the Programme. Such rules will be without prejudice to the provisions of Article 9 with respect to doubles Prize Money. Any Prize Money forfeited must be repaid without deducting tax paid by or on behalf of the Player, unless the Player shows by means of independent and verifiable evidence that such tax has been paid and is not recoverable by the Player.

Programme. As defined in Article 1.1.1.

Prohibited List. The list issued by WADA identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method. Any method so described on the Prohibited List.

Prohibited Substance. Any substance, or class of substances, so described on the Prohibited List.

Protected Person. A Player or other natural Person who at the time of the Anti-Doping Rule Violation: (i) has not reached the age of 16; or (ii) has not reached the age of 18

and is not included in any Registered Testing Pool and has never competed in any International Event in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national law.

Provisional Hearing. An expedited abbreviated hearing, occurring prior to a full merits hearing under Article 8, that provides the Player with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See definition of Consequences.

Public Disclosure (or to Publicly Disclose). See definition of Consequences.

Recreational Athlete. A natural Person who is so defined by the relevant NADO; provided, however, the term does not include any Person who, within the five years prior to committing any Anti-Doping Rule Violation, has been an International-Level Player (as defined by each International Federation consistent with the ISTI) or National-Level Player (as defined by each NADO consistent with the ISTI), has represented any country in an International Event in an open category or has been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or NADO.

Registered Testing Pool. The pool of highest-priority athletes established separately at the international level by International Federations and at the national level by NADOs, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or NADO's test distribution plan and therefore are required to provide whereabouts information.

Results Management. The process encompassing the timeframe between notification as per ISRM Article 5, or in certain cases (e.g., Atypical Finding, Adverse Passport Findings, Whereabouts Failures), such pre-notification steps expressly provided for in ISRM Article 5, through the sending of the Charge Letter and until the final resolution of the matter, including the end of the hearing process at first instance and on appeal (if an appeal was lodged).

Review Board. A standing panel appointed by the ITF, consisting of persons with medical, technical, and/or legal experience in anti-doping, to perform the functions assigned to the Review Board in the Programme. Further persons may be co-opted onto the Review Board on a case-by-case basis, where there is a need for their specific expertise and/or experience.

Sample or Specimen. Any biological material collected for the purposes of Doping Control. The terms 'A Sample' and 'B Sample' will have the meanings ascribed to them in the ISTI. Biological material collected for other purposes (e.g. DNA collected as part of an investigation for identification purposes) will not be considered a 'Sample' (and so will not be subject to Article 6 for purposes of this Programme).

Signatories. Those entities signing the Code and agreeing to implement the Code and the International Standards, as provided in Code Article 23.

Specified Methods. As defined in Article 4.2.2.

Specified Substances. As defined in Article 4.2.2.

Substantial Assistance. For purposes of Article 10.7.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information that they possess in relation to Anti-Doping Rule Violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including (for example) by presenting testimony at a hearing if requested to do so by the ITF or other Anti-Doping Organisation or the hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding that is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering. Intentional conduct that subverts the Doping Control process but that would not otherwise be included in the definition of Prohibited Methods. Tampering includes, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.

Target Testing. Selection of specific Players for Testing based on criteria set out in the ISTI.

Technical Document. A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set out in an International Standard.

Tennis Anti-Doping Programme Portal. The online portal available at [tennis.idtm.se/](http://tennis.idtm.se/).

Testing. The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.

Therapeutic Use Exemption (TUE). A Therapeutic Use Exemption allows a Player with a medical condition to Use a Prohibited Substance or Prohibited Method, but only if the conditions set out in the ISTUE are met.

Trafficking. Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Player Support Person or any other Person subject to the authority of an Anti-Doping Organisation to any third party; provided, however, that this definition does not include (a) the actions of *bona fide* medical personnel involving a Prohibited Substance Used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving

Prohibited Substances that are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

TUE Committee. A panel appointed by the ITF and composed of at least three physicians with experience in the care and treatment of Players and a sound knowledge of clinical and exercise medicine. In all cases involving a Player with a disability, one of the physicians must have experience with the care and treatment of Players with disabilities. The ITF may also delegate the appointment of the panel to the International Testing Agency (ITA) or other suitably qualified body.

Use. The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

WADA. The World Anti-Doping Agency.

Whereabouts Failure. A Filing Failure or a Missed Test, as those terms are defined in the ISRM.

Without Prejudice Agreement. For purposes of Articles 10.7.1.2 and 10.8.2.2, a written agreement between the ITF (or other an Anti-Doping Organisation) and a Player or other Person that allows the Player or other Person to provide information to the ITF (or other Anti-Doping Organisation) in a defined time-limited setting with the understanding that if an agreement for Substantial Assistance or a case resolution agreement is not finalised, the information provided by the Player or other Person in this particular setting may not be used by the ITF (or other Anti-Doping Organisation) against the Player or other Person in any Results Management proceeding under the Code, and that the information provided by the ITF (or other Anti-Doping Organisation) may not be used by the Player or other Person against the ITF (or other Anti-Doping Organisation) in any Results Management proceeding under the Code. Such an agreement will not preclude the ITF (or other Anti-Doping Organisation), Player or other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

## APPENDIX TWO

### TENNIS TESTING PROTOCOLS

The following protocols are designed to supplement the International Standard for Testing and Investigations as necessary to reflect the specificities of tennis. They are not intended to amend or contradict the International Standard for Testing and Investigations. In the event of any conflict between these protocols and the International Standard for Testing and Investigations, the latter will prevail.

#### 1. Collection of urine Samples

- 1.1 If a Sample collected from a Player does not have a Suitable Specific Gravity for Analysis (as defined in the International Standard for Testing and Investigations), the Doping Control Officer (**DCO**) will inform the Player that they are required to provide a further Sample or Samples, until a Sample that has a Suitable Specific Gravity for Analysis is provided. (See ISTI Annex F). To facilitate this, the Player should fully void their bladder when providing a Sample, and any further Sample should not be collected for at least one hour after the previous Sample was collected. In the meantime, the Player should not hydrate (i.e., intake liquid) (unless necessary to avoid or treat dehydration) as this may delay production of a suitable Sample.

#### 2. Collection of blood Samples

- 2.1 Prior to providing a blood Sample (see ISTI Annex D), the Player must sit down in a normal seated position (not lie down), with their feet on the floor, for at least ten minutes.
- 2.2 A blood Sample collected as part of ABP Testing will not be collected within two hours of the Player training or competing. If the Player has trained or competed within two hours of the time that the Player is notified of their selection for such Sample collection, the DCO or a Chaperone will observe the Player continuously (and the Player must cooperate to facilitate such continuous observation) until the two-hour period has elapsed, and then the Sample will be collected.

#### 3. Collection of urine Samples and/or blood Samples

- 3.1 In addition to the Player, the persons authorised to be present during the Sample collection session are:
  - a. The DCO and their assistant(s).
  - b. The persons identified at ISTI Article 6.3.3.
  - c. The ITF Anti-Doping Manager and/or their designee(s).

3.2 No photography or audio or video recording of the Sample collection session is permitted. Instead, the Doping Control Form will be the definitive record of the Sample collection session, and any comments regarding the Sample collection session must be recorded on the Doping Control Form. A Player may not make their participation in a Sample collection session conditional upon being permitted to photograph or record the session. Where a Player or other Person insists on photographing or recording the session in violation of this provision, then (subject to the review in accordance with Article 7.8) a case may be brought against the Player or other Person under Article 7.15. Where the conduct of the Player or other Person results in the Sample collection session being discontinued, then (subject to the review in accordance with Article 7.8) a case may be brought against the Player and/or other Person (on its own or in the alternative) for an Anti-Doping Rule Violation under Article 2.3 and/or Article 2.5. For the avoidance of doubt, any conduct by a Player Support Person or other member of the Player's entourage in relation to a Sample collection session may in appropriate circumstances be imputed to the Player for these purposes.

#### 4. Storage of Samples and Sample collection documentation

##### 4.1 Storage of Samples (ISTI Article 8.3.1):

- a. The DCO is responsible for ensuring that all Samples are stored in a manner that protects their identity, integrity and security.
- b. The DCO must keep the Samples secured and under their control until the Samples are passed to a third party (e.g., the laboratory, or a courier to take them to the laboratory). Samples collected at an Event must not be left unattended, unless they are locked away in a refrigerator or cupboard or in a secure area only accessible to authorised personnel, for example. In the absence of a secure area where the Samples may be left, the DCO must keep the Samples under their control. Access to Samples must be restricted at all times to authorised personnel.
- c. Where possible, Samples will be stored in a cool environment. Warm conditions should be avoided.

##### 4.2 Secure handling of Sample collection documentation (ISTI Article 8.3.2):

- a. The DCO is responsible for ensuring that the Sample collection documentation for each Sample is securely handled after completion.
- b. Those parts of the Sample collection documentation that identify the Player or could be used to identify the Player that provided a particular Sample must be kept separately from the Samples themselves. Where a separate secure storage site is available at the collection site (lockable and/or accessible only by authorised personnel), the documentation may be stored there. Otherwise, it will be kept by the DCO and taken away from the site overnight.

## APPENDIX THREE

### THE 2021 PROHIBITED LIST (Valid from 1 January 2021)

#### **Introduction**

The *Prohibited List* is a mandatory *International Standard* as part of the World Anti-Doping Program.

The *List* is updated annually following an extensive consultation process facilitated by *WADA*. The effective date of the *List* is 01 January 2021.

The official text of the *Prohibited List* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

Below are some terms used in this *List of Prohibited Substances and Prohibited Methods*.

#### ***Prohibited In-Competition***

Subject to a different period having been approved by *WADA* for a given sport, the *In-Competition* period shall in principle be the period commencing just before midnight (at 11:59 p.m.) on the day before a *Competition* in which the *Athlete* is scheduled to participate until the end of the *Competition* and the *Sample* collection process.

#### ***Prohibited at all times***

This means that the substance or method is prohibited *In-* and *Out-of-Competition* as defined in the *Code*.

#### ***Specified and Non-Specified***

As per Article 4.2.2 of the *World Anti-Doping Code*, “for purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*”. As per the comment to the article, “the *Specified Substances* and *Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.”

#### ***Substances of Abuse***

Pursuant to Article 4.2.3 of the *Code*, *Substances of Abuse* are substances that are identified as such because they are frequently abused in society outside of the context of sport. The following are designated *Substances of Abuse*: cocaine, diamorphine (heroin), methylenedioxyamphetamine (MDMA/“ecstasy”), tetrahydrocannabinol (THC).

**SUBSTANCES AND METHODS PROHIBITED AT ALL TIMES  
(IN- AND OUT-OF-COMPETITION)**

**PROHIBITED SUBSTANCES**

**S0. NON-APPROVED SUBSTANCES**

*All prohibited substances in this class are Specified Substances*

Any pharmacological substance which is not addressed by any of the subsequent sections of the *List* and with no current approval by any governmental regulatory health authority for human therapeutic use (e.g. drugs under pre-clinical or clinical development or discontinued, designer drugs, substances approved only for veterinary use) is prohibited at all times.

**S1. ANABOLIC AGENTS**

*All prohibited substances in this class are non-Specified Substances*

Anabolic agents are prohibited.

**1. Anabolic Androgenic Steroids (AAS)**

When administered exogenously, including but not limited to:

**1-androstenediol** ( $5\alpha$ -androst-1-ene- $3\beta$ , $17\beta$ -diol);  
**1-androstenedione** ( $5\alpha$ -androst-1-ene-3, $17$ -dione);  
**1-androsterone** ( $3\alpha$ -hydroxy- $5\alpha$ -androst-1-ene- $17$ -one);  
**1-epiandrosterone** ( $3\beta$ -hydroxy- $5\alpha$ -androst-1-ene- $17$ -one);  
**1-testosterone** ( $17\beta$ -hydroxy- $5\alpha$ -androst-1-en-3-one);  
**4-androstenediol** (androst-4-ene- $3\beta$ , $17\beta$ -diol);  
**4-hydroxytestosterone** (4, $17\beta$ -dihydroxyandrost-4-en-3-one);  
**5-androstenedione** (androst-5-ene-3, $17$ -dione);  
**7 $\alpha$ -hydroxy-DHEA**;  
**7 $\beta$ -hydroxy-DHEA**;  
**7-keto-DHEA**;  
**19-norandrostenediol** (estr-4-ene-3, $17$ -diol);  
**19-norandrostenedione** (estr-4-ene-3, $17$ -dione);  
**androstanolone** ( $5\alpha$ -dihydrotestosterone,  $17\beta$ -hydroxy- $5\alpha$ -androstan-3-one);  
**androstenediol** (androst-5-ene- $3\beta$ , $17\beta$ -diol);  
**androstenedione** (androst-4-ene-3, $17$ -dione);  
**bolasterone**;  
**boldenone**;  
**boldione** (androsta-1,4-diene-3, $17$ -dione);  
**calusterone**;  
**clostebol**;  
**danazol** ([1,2]oxazolol[4',5':2,3]pregna-4-en-20-yn- $17\alpha$ -ol);  
**dehydrochloromethyltestosterone** (4-chloro- $17\beta$ -hydroxy- $17\alpha$ -methylandrosta-1,4-dien-3-one);

**desoxymethyltestosterone** (17 $\alpha$ -methyl-5 $\alpha$ -androst-2-en-17 $\beta$ -ol and 17 $\alpha$ -methyl-5 $\alpha$ -androst-3-en-17 $\beta$ -ol);  
**drostanolone**;  
**epiandrosterone** (3 $\beta$ -hydroxy-5 $\alpha$ -androstan-17-one);  
**epi-dihydrotestosterone** (17 $\beta$ -hydroxy-5 $\beta$ -androstan-3-one);  
**epitestosterone**;  
**ethylestrenol** (19-norpregna-4-en-17 $\alpha$ -ol);  
**fluoxymesterone**;  
**formebolone**;  
**furazabol** (17 $\alpha$ -methyl [1,2,5]oxadiazolo[3',4':2,3]-5 $\alpha$ -androstan-17 $\beta$ -ol);  
**gestrinone**;  
**mestanolone**;  
**mesterolone**;  
**metandienone** (17 $\beta$ -hydroxy-17 $\alpha$ -methylandrosta-1,4-dien-3-one);  
**metenolone**;  
**methandriol**;  
**methasterone** (17 $\beta$ -hydroxy-2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androstan-3-one);  
**methyl-1-testosterone** (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one);  
**methylclostebol**;  
**methyldienolone** (17 $\beta$ -hydroxy-17 $\alpha$ -methylestra-4,9-dien-3-one);  
**methylnortestosterone** (17 $\beta$ -hydroxy-17 $\alpha$ -methylestr-4-en-3-one);  
**methyltestosterone**;  
**metribolone** (methyltrienolone, 17 $\beta$ -hydroxy-17 $\alpha$ -methylestra-4,9,11-trien-3-one);  
**mibolone**;  
**nandrolone** (19-nortestosterone);  
**norboletone**;  
**norclostebol** (4-chloro-17 $\beta$ -ol-estr-4-en-3-one);  
**norethandrolone**;  
**oxabolone**;  
**oxandrolone**;  
**oxymesterone**;  
**oxymetholone**;  
**prasterone** (dehydroepiandrosterone, DHEA, 3 $\beta$ -hydroxyandrost-5-en-17-one);  
**prostanazol** (17 $\beta$ -[(tetrahydropyran-2-yl)oxy]-1'H-pyrazolo[3,4:2,3]-5 $\alpha$ -androstane);  
**quinbolone**;  
**stanozolol**;  
**stenbolone**;  
**testosterone**;  
**tetrahydrogestrinone** (17-hydroxy-18 $\alpha$ -homo-19-nor-17 $\alpha$ -pregna-4,9,11-trien-3-one);  
**trenbolone** (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);

and other substances with a similar chemical structure or similar biological effect(s).

## **2. Other Anabolic Agents**

Including, but not limited to:

**Clenbuterol, selective androgen receptor modulators [SARMs, e.g. andarine, LGD-4033 (ligandrol), enobosarm (ostarine) and RAD140] tibolone, zeranol, and zilpaterol.**

## **S2. PEPTIDE HORMONES, GROWTH FACTORS, RELATED SUBSTANCES AND MIMETICS**

*All prohibited substances in this class are non-Specified Substances*

The following substances, and other substances with similar chemical structure or similar biological effect(s), are prohibited:

**1. Erythropoietins (EPO) and agents affecting erythropoiesis**, including, but not limited to:

**1.1 Erythropoietin-Receptor Agonists**, e.g. **darbepoetins** (dEPO); **erythropoietins** (EPO); **EPO based constructs** [EPO-Fc, methoxy polyethylene glycol-epoetin beta (CERA)]; **EPO-mimetic agents and their constructs** (e.g. CNTO-530, peginesatide).

**1.2 Hypoxia-inducible factor (HIF) activating agents**, e.g. **cobalt; daprodustat** (GSK1278863); **IOX2**; **molidustat** (BAY 85-3934); **roxadustat** (FG-4592); **vadadustat** (AKB-6548); **xenon**.

**1.3 GATA inhibitors**, e.g. **K-11706**.

**1.4 Transforming growth factor-beta (TGF- $\beta$ ) signalling inhibitors**, e.g. **Luspatercept; sotatercept**.

**1.5 Innate repair receptor agonists**, e.g. **Asialo EPO; carbamylated EPO (CEPO)**.

**2. Peptide Hormones and their Releasing Factors,**

**2.1 Chorionic Gonadotrophin (CG) and Luteinizing Hormone (LH) and their releasing factors in males**, e.g. **Buserelin, deslorelin, gonadorelin, goserelin, leuporelin, nafarelin and triptorelin;**

**2.2 Corticotrophins and their releasing factors**, e.g. **Corticoirelin;**

**2.3 Growth Hormone (GH)**, its fragments and releasing factors, including, but not limited to:

**Growth Hormone fragments**, e.g. **AOD-9604** and **hGH 176-191**; **Growth Hormone Releasing Hormone (GHRH)** and its **analogues**, e.g. **CJC-1293**, **CJC-1295**, **sermorelin** and **tesamorelin**; **Growth Hormone Secretagogues (GHS)**, e.g. **lenomorelin** (ghrelin) and its **mimetics**, e.g. **anamorelin**, **ipamorelin**, **macimorelin** and **tabimorelin**; **GH-Releasing Peptides (GHRPs)**, e.g. **alexamorelin**, **GHRP-1**, **GHRP-2 (pralmorelin)**, **GHRP-3**, **GHRP-4**, **GHRP-5**, **GHRP-6**, and **examorelin** (hexarelin).

**3. Growth Factors and Growth Factor Modulators**, including, but not limited to:

**Fibroblast Growth Factors (FGFs)**;

**Hepatocyte Growth Factor (HGF)**;

**Insulin-like Growth Factor-1 (IGF-1)** and its **analogues**;

**Mechano Growth Factors (MGFs)**;

**Platelet-Derived Growth Factor (PDGF)**;

**Thymosin-B4** and its derivatives e.g. **TB-500**;

**Vascular-Endothelial Growth Factor (VEGF)**;

and other growth factors or growth factor modulators affecting muscle, tendon or ligament protein synthesis/degradation, vascularisation, energy utilization, regenerative capacity or fibre type switching.

### **S3. BETA-2 AGONISTS**

*All prohibited substances in this class are Specified Substances*

All selective and non-selective **beta-2 agonists**, including all **optical isomers**, are prohibited.

Including, but not limited to:

**Arformoterol; fenoterol; formoterol; higenamine; indacaterol;**

**Levosalmeterol; olodaterol; procaterol; reproterol; salbutamol; salmeterol;**

**terbutaline; tretoquinol (trimetoquinol); tulobuterol; vilanterol.**

- Exceptions: Inhaled **salbutamol**; maximum 1600 micrograms over 24 hours in divided doses not to exceed 800 micrograms over 12 hours starting from any dose;
- Inhaled **formoterol**; maximum delivered dose of 54 micrograms over 24 hours);
- Inhaled **salmeterol**; maximum 200 micrograms over 24 hours;
- Inhaled **vilanterol**; maximum 25 micrograms over 24 hours.

Note:

The presence in urine of **salbutamol in excess of 1000 ng/mL** or **formoterol in excess of 40 ng/mL** is not consistent with therapeutic use of the substance and will be considered as an *Adverse Analytical Finding (AAF)* unless the *Athlete* proves, through a controlled pharmacokinetic study, that the abnormal result was the consequence of a therapeutic dose (by inhalation) up to the maximum dose indicated above.

#### **S4. HORMONE AND METABOLIC MODULATORS**

*Prohibited substances in classes S4.1 and S4.2 are Specified Substances. Those in classes S4.3 and S4.4 are non-Specified Substances.*

The following **hormones** and **metabolic modulators** are prohibited:

1. **Aromatase inhibitors** including, but not limited to:
  - 2- Androst-enol** (5 $\alpha$ -androst-2-en-17-ol);
  - 2- Androst-enone** (5 $\alpha$ -androst-2-en-17-one);
  - 3- Androst-enol** (5 $\alpha$ -androst-3-en-17-ol);
  - 3- Androst-enone** (5 $\alpha$ -androst-3-en-17-one);
  - 4-androstene-3,6,17 trione** (6-oxo);
  - aminogluthethimide;**
  - anastrozole;**
  - androsta-1,4,6-triene-3,17-dione** (androstatrienedione);
  - androsta-3,5-diene-7,17-dione** (arimistane);
  - exemestane;**
  - formestane;**
  - letrozole;**
  - testolactone.**
  
2. **Anti-Estrogenic Substances [anti-estrogens and selective estrogen receptor modulators (SERMs)]** including, but not limited to:
  - bazedoxifene;**
  - clomifene**
  - cyclofenil**
  - fulvestrant**
  - ospemifene;**
  - raloxifene;**
  - tamoxifen;**
  - toremifene.**
  
3. **Agents preventing activin receptor IIB activation** including, but not limited, to:
  - activin A-neutralizing antibodies;**
  - activin reception IIB antibodies** (such as **decoy activin receptors** (e.g. ACE-031);
  - anti-activin receptor IIB antibodies** (e.g. bimagrumab);
  - myostatin inhibitors** such as **agents reducing or ablating myostatin expression;**
  - myostatin-binding proteins** (e.g. follistatin, myostatin propeptide);
  - myostatin-neutralizing antibodies** (e.g. domagrozumab, landogrozumab, stamulumab).

#### 4. Metabolic modulators:

- 4.1 **Activators of the AMP-activated protein kinase (AMPK)**, e.g. **AICAR, SR9009**; and **Peroxisome Proliferator Activated Receptor delta $\delta$  (PPAR $\delta$ ) agonists**, e.g. **2-(2-methyl-4-((4-methyl-2-(4-(trifluoromethyl)phenyl)thiazol-5-yl)methylthio)phenoxy) acetic acid (GW1516, GW501516)**;
- 4.2 **Insulins and insulin-mimetics**;
- 4.3 **Meldonium**;
- 4.4 **Trimetazidine**.

### **S5. DIURETICS AND MASKING AGENTS**

*All prohibited substances in this class are Specified Substances.*

The following **diuretics** and **masking agents** are prohibited, as are other substances with a similar chemical structure or similar biological effect(s).

Including, but not limited to:

- **Desmopressin; probenecid; plasma expanders**, e.g. intravenous administration of **albumin, dextran, hydroxyethyl starch** and **mannitol**.
- **Acetazolamide; amiloride; bumetanide; canrenone; chlortalidone; etacrynic acid; furosemide; indapamide; metolazone; spironolactone; thiazides**, e.g. **bendroflumethiazide, chlorothiazide** and **hydrochlorothiazide; triamterene** and **vaptans**, e.g. **tolvaptan**.

Exceptions:

- Drosiprenone; pamabrom; and topical ophthalmic administration of carbonic anhydrase inhibitors (e.g. dorzolamide, brinzolamide).
- Local administration of felypressin in dental anaesthesia.

Note:

The 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, will be considered as an *Adverse Analytical Finding (AAF)* unless the *Athlete* has an approved *Therapeutic Use Exemption (TUE)* for that substance in addition to the one granted for the diuretic or masking agent.

## PROHIBITED METHODS

All prohibited methods in this class are non-Specified except methods in M2.2 which are Specified Methods.

### **M1. MANIPULATION OF BLOOD AND BLOOD COMPONENTS**

The following are prohibited:

1. The *Administration* or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood, or red blood cell products of any origin into the circulatory system.
2. Artificially enhancing the uptake, transport or delivery of oxygen. Including, but not limited to: **Perfluorochemicals**; **efaproxiral** (RSR13) and **modified haemoglobin products**, e.g. haemoglobin-based blood substitutes and microencapsulated haemoglobin products, excluding supplemental oxygen by inhalation.
3. Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

### **M2. CHEMICAL AND PHYSICAL MANIPULATION**

The following are prohibited:

1. *Tampering*, or *Attempting to Tamper*, to alter the integrity and validity of *Samples* collected during *Doping Control*. Including, but not limited to: *Sample* substitution and/or adulteration e.g. addition of proteases to *Sample*.
2. Intravenous infusions and/or injections of more than a total of 100 mL per 12-hour period except for those legitimately received in the course of hospital treatments, surgical procedures or clinical diagnostic investigations.

### **M3. GENE AND CELL DOPING**

The following, with the potential to enhance sport performance, are prohibited:

1. The use of nucleic acids or nucleic acid analogues that may alter genome sequences and/or alter gene expression by any mechanism. This includes but is not limited to gene editing, gene silencing and gene transfer technologies;
2. The use of normal or genetically modified cells.

<p style="text-align: center;"><b>SUBSTANCES AND METHODS PROHIBITED IN-COMPETITION</b></p>
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**PROHIBITED SUBSTANCES**

All prohibited substances in this class are Specified Substances except those in S6.A, which are non-specified substances.

Substances of Abuse in this section: cocaine and methylenedioxyamphetamine (MDMA/"ecstasy").

**S6. STIMULANTS**

All **stimulants**, including all **optical isomers**, e.g. *d-* and *l-* where relevant, are prohibited. Stimulants include:

A: Non-Specified Stimulants:

**Adrafinil;**  
**amfepramone;**  
**amfetamine;**  
**amfetaminil;**  
**amiphenazole;**  
**benfluorex;**  
**benzylpiperazine;**  
**bromantan;**  
**clobenzorex;**  
**cocaine;**  
**cropropamide;**  
**crotetamide;**  
**fencamine;**  
**fenetylline;**  
**fenfluramine;**  
**fenproporex;**  
**fonturacetam** [4- phenylpiracetam (carphedon)];  
**furfenorex;**  
**lisdexamfetamine;**  
**mefenorex;**  
**mephentermine;**  
**mesocarb;**  
**metamfetamine(d-);**  
**p-methylamfetamine;**  
**modafinil;**  
**norfenfluramine;**  
**phendimetrazine;**  
**phentermine;**  
**prenylamine;**  
**prolintane.**

A stimulant not expressly listed in this section is a *Specified Substance*.

B: Specified Stimulants.

Including, but not limited to:

**3-methylhexan-2-amine** (1,2-dimethylpentylamine);  
**4-methylhexan-2-amine** (methylhexaneamine);  
**4-methylhexan-2-amine** (1,3-dimethylbutylamine);  
**5-methylhexan-2-amine** (1,4-dimethylpentylamine);  
**benzphetamine**;  
**cathine**<sup>\*\*</sup>;  
**cathinone** and its **analogues, e.g. mephedrone, methedrone, and  $\alpha$ -pyrrolidinovalerophenone**;  
**dimetamphetamine** (dimethylamphetamine);  
**ephedrine**<sup>\*\*\*</sup>;  
**epinephrine**<sup>\*\*\*\*</sup> (adrenaline);  
**etamivan**;  
**etilamphetamine**;  
**etilefrine**;  
**famprofazone**;  
**fenbutrazate**;  
**fencamfamin**;  
**heptaminol**;  
**hydroxyamphetamine** (parahydroxyamphetamine);  
**isometheptene**;  
**levmetamphetamine**;  
**meclofenoxate**;  
**methylenedioxymethamphetamine**;  
**methylephedrine**<sup>\*\*\*</sup>;  
**methylphenidate**;  
**nikethamide**;  
**norfenefrine**;  
**octodrine** (1,5-dimethylhexylamine);  
**octopamine**;  
**oxilofrine** (methysynephrine);  
**pemoline**;  
**pentetrazol**;  
**phentylamine** and its **derivatives**;  
**phenmetrazine**;  
**phenpromethamine**;  
**propylhexedrine**;  
**pseudoephedrine**<sup>\*\*\*\*</sup>;  
**selegiline**;  
**sibutramine**;  
**strychnine**;  
**tenamphetamine** (methylenedioxymphetamine),  
**tuaminoheptane**;  
and other substances with a similar chemical structure or similar biological effect(s).

Exceptions:

- Clonidine
- Imidazole derivatives for dermatological, nasal or ophthalmic use (e.g. **brimonidine, clonazoline, fenoxazoline, indanazoline, naphazonline, oxymetazoline, xylmetazoline**) and those stimulants included in the 2021 Monitoring Program\*.

\* Bupropion, caffeine, nicotine, phenylephrine, phenylpropanolamine, pipradrol, and synephrine: These substances are included in the 2021 Monitoring Program, and are not considered *Prohibited Substances*.

\*\* Cathine: Prohibited when its concentration in urine is greater than 5 micrograms per milliliter.

\*\*\* Ephedrine and methylephedrine: Prohibited when the concentration of either in urine is greater than 10 micrograms per milliliter.

\*\*\*\* Epinephrine (adrenaline): Not prohibited in local administration, e.g. nasal, ophthalmologic, or co-administration with local anaesthetic agents.

\*\*\*\*\* Pseudoephedrine: Prohibited when its concentration in urine is greater than 150 micrograms per milliliter.

## **S7. NARCOTICS**

*All prohibited substances in this class are Specified Substances.*

*Substance of Abuse in this section: diamorphine (heroin)*

The following narcotics, including all optical isomers, e.g. *d*- and *l*- where relevant, are prohibited:

**Buprenorphine;**  
**dextromoramide;**  
**diamorphine** (heroin);  
**fentanyl** and its **derivatives;**  
**hydromorphone;**  
**methadone;**  
**morphine;**  
**nicomorphine;**  
**oxycodone;**  
**oxymorphone;**  
**pentazocine;**  
**pethidine.**

## **S8. CANNABINOIDS**

*All prohibited substances in this class are Specified Substances.  
Substance of Abuse in this section: tetrahydrocannabinol (THC)*

All natural and synthetic cannabinoids are prohibited, e.g.

- In cannabis (hashish, marijuana) and cannabis products.
- Natural and synthetic tetrahydrocannabinols (THCs).
- Synthetic cannabinoids that mimic the effects of THC.

Exceptions:

- Cannabidiol.

## **S9. GLUCOCORTICOIDS**

*All prohibited substances in this class are Specified Substances.*

All **glucocorticoids** are prohibited when administered by oral, intravenous, intramuscular or rectal routes.

Including but not limited to:

**Beclometasone;**  
**Betamethasone;**  
**budesonide;**  
**ciclesonide;**  
**cortisone;**  
**deflazacort;**  
**dexamethasone;**  
**flucortolone;**  
**flunisolide;**  
**fluticasone;**  
**hydrocortisone;**  
**methylprednisolone;**  
**mometasone;**  
**prednisolone;**  
**prednisone;**  
**triamcinolone acetonide.**

## APPENDIX FOUR

### INTERNATIONAL STANDARD FOR THERAPEUTIC USE EXEMPTIONS

(Valid from 1 January 2021)

The World Anti-Doping Code *International Standard for Therapeutic Use Exemptions* is a mandatory *International Standard* developed as part of the World Anti-Doping Program. It was developed in consultation with *Signatories*, public authorities and other relevant stakeholders.

The *International Standard for Therapeutic Use Exemptions* was first adopted in 2004 and came into effect on 1 January 2005. It was subsequently amended six times, the first-time effective January 2009, the second effective January 2010, the third effective January 2011, the fourth effective January 2015, the fifth effective January 2016, the sixth effective January 2019. A revised version was approved by the *WADA* Executive Committee at the World Conference on Doping in Sport in Katowice on 7 November 2019 and is effective as of 1 January 2021.

#### PART ONE: INTRODUCTION, CODE PROVISIONS, INTERNATIONAL STANDARD PROVISIONS AND DEFINITIONS

##### 1.0 INTRODUCTION AND SCOPE

The International Standard for Therapeutic Use Exemptions is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The purpose of the International Standard for Therapeutic Use Exemptions is to establish (a) the conditions that must be satisfied in order for a Therapeutic Use Exemption (or *TUE*) to be granted, permitting the presence of a *Prohibited Substance* in an *Athlete's Sample* or the *Athlete's Use* or *Attempted Use*, *Possession* and/or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons; (b) the responsibilities imposed on *Anti-Doping Organizations* in making and communicating *TUE* decisions; (c) the process for an *Athlete* to apply for a *TUE*; (d) the process for an *Athlete* to get a *TUE* granted by one *Anti-Doping Organization* recognized by another *Anti-Doping Organization*; (e) the process for *WADA* to review *TUE* decisions; and (f) the strict confidentiality provisions that apply to the *TUE* process.

Terms used in this *International Standard* that are defined terms from the *Code* are italicized. Terms that are defined in this or another *International Standard* are underlined.

## 2.0 CODE PROVISIONS

The following articles in the 2021 *Code* are directly relevant to the International Standard for Therapeutic Use Exemptions; they can be obtained by referring to the *Code* itself:

- **Code Article 4.4 Therapeutic Use Exemptions ("TUEs")**
- **Code Article 13.4 Appeals Relating to TUEs**

## 3.0 DEFINITIONS AND INTERPRETATION

**3.1** Defined terms from the 2021 *Code* that are used in the *International Standard for Therapeutic Use Exemptions*:

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and *WADA* in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method* Used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory that, consistent with the *International Standard for Laboratories* establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Anti-Doping Organization:** *WADA* or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organizations*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete". In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require

limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-level Athlete, 2) National-Level Athlete, 3) individuals who are not International or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-doping Organization has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.*

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

**Event:** A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, World Championships of an International Federation, or Pan American Games).

**In-Competition:** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, *WADA* may approve, for a particular sport, an alternative definition of an International Federation provides a compelling justification that a different definition is necessary for its sport: upon such approval by *WADA*, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

*[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition period.]*

**International Event:** An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event.

**International-Level Athlete:** Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.

*[Comment to International-Level Athlete: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]*

**International Standard:** A standard adopted by WADA in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

**Major Event Organizations:** The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

**National-Level Athlete:** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the International Standard for Testing and Investigations.

**Out-of-Competition:** Any period which is not *In-Competition*.

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance or Prohibited Method* or the premises in which a *Prohibited Substance or Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance or Prohibited Method* or the premises in which a *Prohibited Substance or Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance or Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance or Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

*[Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]*

**Prohibited List:** The list identifying the *Prohibited Substances* and *Prohibited Methods*.

**Prohibited Method:** Any method so described on the *Prohibited List*.

**Prohibited Substance:** Any substance, or class of substances, so described on the *Prohibited List*.

**Recreational Athlete:** A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation

consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.

*[Comment to Recreational Athlete: The term “open category” is meant to exclude competition that is limited to junior or age group categories.]*

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.

*[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]*

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

**Use:** The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

### **3.2 Defined terms from the *International Standard for the Protection of Privacy and Personal Information*.**

**Personal Information:** Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or other *Person* whose information is Processed solely in the context of an *Anti-Doping Organization’s Anti-Doping Activities*.

*[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an *Athlete’s* name, date of birth,*

contact details and sporting affiliations, whereabouts, designated TUEs (if any), anti-doping test results, and Results Management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this International Standard for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]

**Processing** (and its cognates, **Process** and **Processed**): Collecting, accessing, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

### **3.3 Defined terms specific to the *International Standard for Therapeutic Use Exemptions***

**Therapeutic**: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

**Therapeutic Use Exemption Committee (or "TUEC")**: The panel established by an *Anti-Doping Organization* to consider applications for TUEs.

**WADA TUEC**: The panel established by *WADA* to review the TUE decisions of other *Anti-Doping Organizations*.

### **3.4 Interpretation**

**3.4.1** The official text of the *International Standard for Therapeutic Use Exemptions* shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

**3.4.2** Like the *Code*, the *International Standard for Therapeutic Use Exemptions* has been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.

**3.4.3** The comments annotating various provisions of the *International Standard for Therapeutic Use Exemptions* shall be used to guide its interpretation.

**3.4.4** Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the *International Standard for Therapeutic Use Exemptions*.

**3.4.5** Where the term “days” is used in the *International Standard for Therapeutic Use Exemptions*, it shall mean calendar days unless otherwise specified.

**3.4.6** The Annexes to the *International Standard for Therapeutic Use Exemptions* have the same mandatory status as the rest of the *International Standard*.

## PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

### 4.0 Obtaining a TUE

**4.1** An *Athlete* who needs to Use a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons must apply for and obtain a TUE under Article 4.2 prior to Using or Possessing the substance or method in question.

However, an *Athlete* may apply retroactively for a TUE (but must still meet the conditions in Article 4.2) if one of any of the following exceptions applies:

- a) Emergency or urgent treatment of a medical condition was necessary;
- b) There was insufficient time, opportunity or other exceptional circumstances that prevented the *Athlete* from submitting (or the TUEC to consider) an application for the TUE prior to *Sample* collection;
- c) Due to national level prioritization of certain sports, the *Athlete's National Anti-Doping Organization* did not permit or require the *Athlete* to apply for a prospective TUE (see comment to Article 5.1);
- d) If an *Anti-Doping Organization* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or *National-Level Athlete*, and that *Athlete* is Using a *Prohibited Substance* or *Prohibited Method* for Therapeutic reasons, the *Anti-Doping Organization* must permit the *Athlete* to apply for a retroactive TUE; or
- e) The *Athlete Used Out-of-Competition*, for Therapeutic reasons, a *Prohibited Substance* that is only prohibited *In-Competition*.

*[Comment to Article 4.1(c), (d) and (e): Such Athletes are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the TUE conditions set out at Article 4.2, in case an application for a retroactive TUE is necessary following Sample collection.]*

*[Comment to Article 4.1(e): This seeks to address situations where, for Therapeutic reasons, an Athlete Uses a substance Out-of-Competition that is only prohibited In-Competition, but there is a risk that the substance will remain in their system In-Competition. In such situations, the Anti-Doping Organization must permit the Athlete to apply for a retroactive TUE (where the Athlete has not applied in advance). This also seeks to prevent Anti-Doping Organizations from having to assess advance TUE applications that may not be necessary.]*

**4.2** An *Athlete* may be granted a TUE if (and only if) he/she can show, on the balance of probabilities, that each of the following conditions is met:

- a) The *Prohibited Substance* or *Prohibited Method* in question is needed to treat a diagnosed medical condition supported by relevant clinical evidence.

*[Comment to Article 4.2(a): The Use of the Prohibited Substance or Prohibited Method may be part of a necessary diagnostic investigation rather than a treatment per se.]*

- b) The Therapeutic Use of the *Prohibited Substance* or *Prohibited Method* will not, on the balance of probabilities, produce any additional enhancement of performance beyond what might be anticipated by a return to the *Athlete's* normal state of health following the treatment of the medical condition.

*[Comment to Article 4.2(b): An Athlete's normal state of health will need to be determined on an individual basis. A normal state of health for a specific Athlete is their state of health but for the medical condition for which the Athlete is seeking a TUE.]*

- c) The *Prohibited Substance* or *Prohibited Method* is an indicated treatment for the medical condition, and there is no reasonable permitted Therapeutic alternative.

*[Comment to Article 4.2(c): The physician must explain why the treatment chosen was the most appropriate, e.g. based on experience, side-effect profiles or other medical justifications, including, where applicable, geographically specific medical practice, and the ability to access the medication. Further, it is not always necessary to try and fail alternatives before using the Prohibited Substance or Prohibited Method.]*

- d) The necessity for the *Use of the Prohibited Substance* or *Prohibited Method* is not a consequence, wholly or in part, of the prior *Use* (without a TUE) of a substance or method which was prohibited at the time of such *Use*.

*[Comment to Article 4.2: The WADA documents titled "TUE Physician Guidelines", posted on WADA's website, should be used to assist in the application of these criteria in relation to particular medical conditions.]*

*The granting of a TUE is based solely on consideration of the conditions set out in Article 4.2. It does not consider whether the Prohibited Substance or Prohibited Method is the most clinically appropriate or safe, or whether its Use is legal in all jurisdictions.*

*When an International Federation or Major Event Organization TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Article 7), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8), the issue will be the same as it is for a TUEC that is considering an application for a TUE under Article 6, i.e., has the Athlete demonstrated on the balance of probabilities that each of the conditions set out in Article 4.2 is met?*

**4.3** In exceptional circumstances and notwithstanding any other provision in this *International Standard for Therapeutic Use Exemptions*, an *Athlete* may apply for and be granted retroactive approval for their Therapeutic Use of a Prohibited Substance or *Prohibited Method* if, considering the purpose of the *Code*, it would be manifestly unfair not to grant a retroactive *TUE*.

For *International-Level Athletes* and *National-Level Athletes*, an *Anti-Doping Organization* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article only with the prior approval of *WADA* (and *WADA* may in its absolute discretion agree with or reject the *Anti-Doping Organization's* decision).

For *Athletes* who are not *International-Level Athletes* or *National-Level Athletes*, the relevant *Anti-Doping Organization* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article without first consulting *WADA*: however, *WADA* may at any time review an *Anti-Doping Organization's* decision to grant a retroactive *TUE* pursuant to this Article, and may in its absolute discretion, agree with or reverse the decision.

Any decision made by *WADA* and/or an *Anti-Doping Organization* under this Article may not be challenged either as a defense to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise.

All decisions of an *Anti-Doping Organization* under this Article 4.3, whether granting or denying a *TUE*, must be reported through *ADAMS* in accordance with Article 5.5.

*[Comment to 4.3: For the avoidance of doubt, retroactive approval may be granted under Article 4.3 even if the conditions in Article 4.2 are not met (although satisfaction of such conditions will be a relevant consideration). Other relevant factors might include the reasons why the Athlete did not apply in advance; the Athlete's experience; whether the Athlete declared the Use of the substance or method on the Doping Control form; and the recent expiration of the Athlete's TUE. In making its decision, WADA may, at its discretion, consult with a member(s) of a WADA TUEC.]*

## **5.0 TUE RESPONSIBILITIES OF ANTI-DOPING ORGANIZATIONS**

**5.1** *Code* Article 4.4 specifies (a) which *Anti-Doping Organizations* have authority to make *TUE* decisions; (b) how those *TUE* decisions should be recognized and respected by other *Anti-Doping Organizations*; and (c) when *TUE* decisions may be reviewed and/or appealed.

*[Comment to Article 5.1: See Annex 1 – Code Article 4.4 Flowchart summarizing the key provisions of Code Article 4.4.*

*Where national policy requirements and imperatives lead a National Anti-Doping Organization to prioritize certain sports over others in its test distribution planning (as contemplated by Article 4.4.1 of the International Standard for Testing and Investigations), the National Anti-Doping Organization may decline to consider advance applications for TUEs from Athletes in some or all of the non-priority sports, but in that case it must permit any such Athlete from whom a Sample is subsequently*

*collected to apply for a retroactive TUE. The National Anti-Doping Organization should publicize any such policy on its website for the benefit of affected Athletes.]*

*Code Article 4.4.2 specifies the authority of a National Anti-Doping Organization to make TUE decisions in respect of Athletes who are not International-Level Athletes. In case of dispute as to which National Anti-Doping Organization should deal with the TUE application of an Athlete who is not an International-Level Athlete, WADA will decide. WADA's decision will be final and not subject to appeal.]*

**5.2** For the avoidance of doubt, when a *National Anti-Doping Organization* grants a TUE to an *Athlete*, that TUE is valid at national level on a global basis and does not need to be formally recognized by other *National Anti-Doping Organizations* under Article 7.0 (for example, if an *Athlete* is granted a TUE by their *National Anti-Doping Organization* and then trains or competes in the country of another *National Anti-Doping Organization*, that TUE will be valid if the *Athlete* is then tested by such other *National Anti-Doping Organization*).

**5.3** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must establish a TUEC to consider whether applications for grant or recognition of TUEs meet the conditions set out in Article 4.2.

*[Comment to 5.3: For the avoidance of doubt, the fulfilment of the conditions set out in Articles 4.1 and 4.3 may be determined by the relevant Anti-Doping Organization in consultation with a member(s) of the TUEC.*

*While a Major Event Organization may choose to recognize pre-existing TUEs automatically, there must be a mechanism for Athletes participating in the Event to obtain a new TUE if the need arises. It is up to each Major Event Organization whether it sets up its own TUEC for this purpose, or rather whether it outsources the task by agreement to a third party. The aim in each case is to ensure that Athletes competing in such Events have the ability to obtain TUEs quickly and efficiently before they compete.]*

- a) TUECs should include at least three (3) physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In cases where specific expertise is required (for example, for *Athletes* with impairments where the substance or methods pertains to the *Athlete's* impairment, at least one (1) TUEC member or expert should possess such expertise. One (1) physician member should act as chair of the TUEC.
- b) In order to ensure impartiality of decisions, all members of the TUEC must sign a conflict of interest and confidentiality declaration (a template declaration is available on *WADA's* website).

**5.4** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must establish a clear process for applying to its TUEC for a TUE that complies with the requirements of this *International Standard*. It must also publish details of that process by (at a minimum) posting the information in a conspicuous place on its website and sending the information to *WADA*. *WADA* may re-publish the same information on its own website.

**5.5** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must promptly report (in English or French) all decisions of its TUEC granting or denying *TUEs*, and all decisions to recognize or refusing to recognize other *Anti-Doping Organizations' TUE* decisions, through *ADAMS* as soon as possible and in any event within twenty-one (21) days of receipt of the decision. A decision to deny a *TUE* shall include an explanation of the reason(s) for the denial. In respect of *TUEs* granted, the information reported shall include (in English or French):

- a) Whether the *Athlete* was permitted to apply for a *TUE* retroactively under Article 4.1 and an explanation of the reason(s) why, or whether the *Athlete* was permitted to apply for and was granted a *TUE* retroactively under Article 4.3 and an explanation of the reason(s) why;
- b) The approved substance or method, the dosage(s), frequency, route of *Administration* permitted, the duration of the *TUE* (and, if different, the duration of prescribed treatment) and any conditions imposed in connection with the *TUE*; and
- c) The *TUE* application form and the relevant clinical information establishing that the Article 4.2 conditions have been satisfied in respect of such *TUE* (for access only by *WADA*, the *Athlete's National Anti-Doping Organization* and *International Federation*, and the *Major Event Organization* organizing an *Event* in which the *Athlete* wishes to compete).

*[Comment to Article 5.5: The TUE application form may be translated into other languages by Anti-Doping Organizations, but the original English or French text must remain on the form, and an English or French translation of the content must be provided.]*

*The full medical file, including diagnostic tests, laboratory results and values must be provided, but need not be translated into English or French. However, a translated summary of all the key information (including key diagnostic tests) must be entered into ADAMS with sufficient information to clearly establish the diagnosis. It is strongly suggested that the summary be prepared by a physician or other person with adequate medical knowledge, in order to properly understand and summarize the medical information. More detailed/full translations may be required by the relevant Anti-Doping Organization or WADA, upon request.]*

**5.6** When a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, it must warn him/her in writing that (a) the *TUE* is valid at national level only, and (b) if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, that *TUE* will not be valid for those purposes unless it is recognized by the relevant *International Federation* or *Major Event Organization* in accordance with Article 7.0. Thereafter, the *National Anti-Doping Organization* should help the *Athlete* to determine when he/she needs to submit the *TUE* to an *International Federation* or *Major Event Organization* for recognition, and should guide and support the *Athlete* through the recognition process.

**5.7** Each International Federation and *Major Event Organization* must publish and keep updated a notice (at a minimum, by posting it in a conspicuous place on its website and sending it to *WADA*) that sets out clearly (1) which *Athletes* under its jurisdiction are required to apply to it for a *TUE*, and when; (2) which *TUE* decisions of other *Anti-Doping Organizations* it will automatically recognize in lieu of such application, in accordance with Article 7.1(a); and (3) which *TUE* decisions of other *Anti-Doping Organizations* will have to be submitted to it for recognition, in accordance with Article 7.1(b).

**5.8** If a *National Anti-Doping Organization* grants a *TUE* to an *Athlete* and the *Athlete* subsequently becomes an *International-Level Athlete* or competes in an *International Event*, the *TUE* will not be valid unless and until the relevant *International Federation* recognizes that *TUE* in accordance with Article 7.0. If an *International Federation* grants a *TUE* to an *Athlete* and the *Athlete* then competes in an *International Event* organized by a *Major Event Organization*, the *TUE* will not be valid unless and until the relevant *Major Event Organization* recognizes that *TUE* in accordance with Article 7.0. As a result, if the *International Federation* or *Major Event Organization* (as applicable) declines to recognize that *TUE*, then (subject to the *Athlete's* rights of review and appeal) that *TUE* may not be relied upon to excuse the presence, *Use, Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* mentioned in the *TUE* vis-à-vis that *International Federation* or *Major Event Organization*.

## **6.0 TUE APPLICATION PROCESS**

**6.1** An *Athlete* who needs a *TUE* should apply as soon as possible. For substances prohibited *In-Competition* only, the *Athlete* should apply for a *TUE* at least thirty (30) days before their next *Competition*, unless it is an emergency or exceptional situation.

**6.2** The *Athlete* should apply to their *National Anti-Doping Organization*, *International Federation* and/or a *Major Event Organization* (as applicable), using the *TUE* application form provided. *Anti-Doping Organizations* shall make the application form they want *Athletes* to use available for download from their websites. That form must be based on the “*TUE Application Form*” template available on *WADA's* website. The template may be modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items may be removed.

*[Comment to Article 6.2: In certain situations, an Athlete may not know which National Anti-Doping Organization they should apply to for a TUE. In such circumstances, the Athlete should consult the National Anti-Doping Organization of the country of the sport organization for which they compete (or with which they are a member or license holder), to determine if they fall within that National Anti-Doping Organization's TUE jurisdiction, according to their rules.*

*If that National Anti-Doping Organization refuses to evaluate the TUE application because the Athlete does not fall within its TUE jurisdiction, the Athlete should consult the anti-doping rules of the National Anti-Doping Organization of the country in which they reside (if different).*

*If the Athlete still does not fall within that National Anti-Doping Organization's TUE jurisdiction, the Athlete should then consult the anti-doping rules of the National Anti-Doping Organization of their country of citizenship (if different from where they compete or reside).*

*Athletes may contact any of the above-referenced National Anti-Doping Organizations for assistance with determining whether the National Anti-Doping Organization has TUE jurisdiction. In the event that none of the above-mentioned National Anti-Doping Organizations have TUE jurisdiction, where there is an Adverse Analytical Finding, the Athlete should ordinarily be permitted to apply for a retroactive TUE from the Anti-Doping Organization that has Results Management authority. See also the summary flowcharts on "Where to Apply?" in the medical section of WADA's website.]*

**6.3** An Athlete may not apply to more than one (1) Anti-Doping Organization for a TUE for the Use of the same Prohibited Substance or Prohibited Method for the same medical condition. Nor may an Athlete have more than one (1) TUE at a time for the Use of the same Prohibited Substance or Prohibited Method for the same medical condition (and any such new TUE will supersede the previous TUE which should be cancelled by the relevant Anti-Doping Organization).

**6.4** The Athlete should submit the TUE application form to the relevant Anti-Doping Organization via ADAMS or as otherwise specified by the Anti-Doping Organization. The form must be signed by the treating physician and accompanied by a comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible) and the results of all examinations, laboratory investigations and imaging studies relevant to the application.

*[Comment to Article 6.4: The information submitted in relation to the diagnosis and treatment should be guided by the relevant WADA documents posted on WADA's website.]*

**6.5** The Athlete should keep a complete copy of the TUE application form and of all materials and information submitted in support of that application.

**6.6** A TUE application will only be considered by the TUEC following the receipt of a properly completed application form, accompanied by all relevant documents. Incomplete applications will be returned to the Athlete for completion and re-submission.

**6.7** The TUEC may request from the Athlete or their physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the Athlete's application; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.

**6.8** Any costs incurred by the Athlete in making the TUE application and in supplementing it as required by the TUEC are the responsibility of the Athlete.

**6.9** The TUEC shall decide whether or not to grant the application as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more

than twenty-one (21) days of receipt of a complete application. Where a TUE application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

**6.10** The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to WADA and to other *Anti-Doping Organizations* via ADAMS, in accordance with Article 5.5.

**6.11** Each TUE will have a specified duration, as decided by the TUEC, at the end of which the TUE will expire automatically. If the *Athlete* needs to continue to Use the *Prohibited Substance* or *Prohibited Method* after the expiry date, he/she must submit an application for a new TUE well in advance of that expiry date, so that there is sufficient time for a decision to be made on the application before the expiry date.

*[Comment to Article 6.11: Where applicable, the duration of validity should be guided by the WADA documents titled "TUE Physician Guidelines".]*

**6.12** A TUE will be withdrawn prior to expiry if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *Anti-Doping Organization* granting the TUE. Alternatively a TUE may be reversed upon review by WADA or on appeal.

**6.13** Where an *Adverse Analytical Finding* is issued shortly after a TUE for the *Prohibited Substance* in question has expired or has been withdrawn or reversed, the *Anti-Doping Organization* conducting the initial review of the *Adverse Analytical Finding* in accordance with Article 5.1.1.1 of the *International Standard for Results Management* shall consider whether the finding is consistent with Use of the *Prohibited Substance* prior to the expiry, withdrawal or reversal of the TUE. If so, such Use (and any resulting presence of the *Prohibited Substance* in the *Athlete's Sample*) is not an anti-doping rule violation.

**6.14** In the event that, after their TUE is granted, the *Athlete* requires a materially different dosage, frequency, route or duration of *Administration* of the *Prohibited Substance* or *Prohibited Method* to that specified in the TUE, he/she must contact the relevant *Anti-Doping Organization*, who will then determine whether the *Athlete* needs to apply for a new TUE. If the presence, Use, Possession or *Administration* of the *Prohibited Substance* or *Prohibited Method* is not consistent with the terms of the TUE granted, the fact that the *Athlete* has the TUE will not prevent the finding of an anti-doping rule violation.

*[Comment to Article 6.14: It is recognized that for certain medical conditions, dosages may fluctuate, particularly during the early stages of the establishment of a treatment regime or for a condition such as insulin-dependent diabetes. Such potential fluctuations should be accounted for in the TUE. However, in the event of a change that is not accounted for in the TUE, the Athlete must contact the relevant Anti-Doping Organization to determine where a new TUE is required.]*

## 7.0 TUE RECOGNITION PROCESS

**7.1** Code Article 4.4 requires *Anti-Doping Organizations* to recognize *TUEs* granted by other *Anti-Doping Organizations* that satisfy the Article 4.2 conditions. Therefore, if an *Athlete* who becomes subject to the *TUE* requirements of an International Federation or *Major Event Organization* already has a *TUE*, he/she should not submit an application for a new *TUE* to the International Federation or *Major Event Organization*. Instead:

- a) The International Federation or *Major Event Organization* may publish notice that it will automatically recognize *TUE* decisions made pursuant to Code Article 4.4 (or certain categories of such decisions, e.g., those made by specified *Anti-Doping Organizations*, or those relating to particular *Prohibited Substances*), provided that such *TUE* decisions have been reported in accordance with Article 5.5. If the *Athlete's TUE* falls into a category of *TUEs* that are automatically recognized in this way at the time the *TUE* is granted, he/she does not need to take any further action.

*[Comment to Article 7.1(a: To ease the burden on Athletes, automatic recognition of TUE decisions once they have been reported in ADAMS in accordance with Article 5.5 is strongly encouraged. If an International Federation or Major Event Organizer is not willing to grant automatic recognition of all such decisions, it should grant automatic recognition of as many such decisions as possible, e.g., by publishing and keeping updated a list of Anti-Doping Organizations whose TUE decisions it will recognize automatically, and/or a list of those Prohibited Substances for which it will automatically recognize TUEs. Publication should be in the same manner as is set out in Article 5.4, i.e., the notice should be posted on the International Federation's website and sent to WADA and to National Anti-Doping Organizations.]*

- b) In the absence of such automatic recognition, the *Athlete* shall submit a request for recognition of the *TUE* to the International Federation or *Major Event Organization* in question, either via *ADAMS* or as otherwise specified by that International Federation or *Major Event Organization*. The request should be accompanied by a copy of the *TUE* and the original *TUE* application form and supporting materials referenced at Article 6.4 (unless the *Anti-Doping Organization* that granted the *TUE* has already made the *TUE* and supporting materials available via *ADAMS*, in accordance with Article 5.5).

**7.2** Incomplete requests for recognition of a *TUE* will be returned to the *Athlete* for completion and re-submission. In addition, the *TUEC* may request from the *Athlete* or their physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* request for recognition of the *TUE*; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.

**7.3** Any costs incurred by the *Athlete* in making the request for recognition of the *TUE* and in supplementing it as required by the *TUEC* are the responsibility of the *Athlete*.

**7.4** The *TUEC* shall decide whether or not to recognize the *TUE* as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete request for recognition. Where the request is made a reasonable time prior to an *Event*, the *TUEC* must use its best endeavors to issue its decision before the start of the *Event*.

**7.5** The *TUEC*'s decision will be notified in writing to the *Athlete* and will be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS*. A decision not to recognize a *TUE* must include an explanation of the reason(s) for the non-recognition.

**7.6** If an International Federation chooses to test an *Athlete* who is not an *International-Level Athlete*, it must recognize a *TUE* granted by that *Athlete*'s *National Anti-Doping Organization* unless the *Athlete* is required to apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0, i.e. because the *Athlete* is competing in an *International Event*.

## **8.0 REVIEW OF *TUE* DECISIONS BY *WADA***

**8.1** *Code* Article 4.4.6 provides that *WADA*, in certain cases, must review *TUE* decisions of International Federations, and that it may review any other *TUE* decisions, in each case to determine compliance with the Article 4.1 and 4.2 conditions. In relation to Article 4.2 conditions, *WADA* shall establish a *WADA TUEC* that meets the requirements of Article 5.3 to carry out such reviews. In relation to the Article 4.1 conditions, these can be reviewed by *WADA* (which may, at its discretion, consult with a member(s) of a *WADA TUEC*).

**8.2** Each request for review must be submitted to *WADA* in writing, and must be accompanied by payment of the application fee established by *WADA*, as well as copies of all of the information specified in Article 6.4 (or, in the case of review of a *TUE* denial, all of the information that the *Athlete* submitted in connection with the original *TUE* application). The request must be copied to the *Anti-Doping Organization* whose decision would be the subject of the review, and to the *Athlete* (if he/she is not requesting the review).

**8.3** Where the request is for review of a *TUE* decision that *WADA* is not obliged to review, *WADA* shall advise the *Athlete* as soon as practicable following receipt of the request whether or not it will review the *TUE* decision to the *WADA TUEC* for review. If *WADA* decides not to refer the *TUE* decision. Any decision by *WADA* not to review the *TUE* decision is final and may not be appealed. However, the *TUE* decision may still be appealable, as set out in *Code* Article 4.4.7.

**8.4** Where the request is for review of a *TUE* decision of an International Federation that *WADA* is obliged to review, *WADA* may nevertheless refer the decision back to the International Federation (a) for clarification (for example, if the reasons are not clearly set out in the decision); and/or (b) for re-consideration by the International Federation (for example, if the *TUE* was only denied because medical

tests or other information required to demonstrate satisfaction of the Article 4.2 conditions were missing).

*[Comment to Article 8.4: If an International Federation refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical tests or other information required to demonstrate satisfaction of the Article 4.2 conditions are missing, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]*

**8.5** Where a request for review is referred to the WADA TUEC, the WADA TUEC may seek additional information from the *Anti-Doping Organization* and/or the *Athlete*, including further studies as described in Article 6.7, and/or it may obtain the assistance of other medical or scientific experts as it deems appropriate.

**8.6** *WADA* shall reverse any grant of a *TUE* that does not comply with the Article 4.1 and 4.2 conditions (as applicable). Where the *TUE* reversed was a prospective *TUE* (rather than a retroactive *TUE*), such reversal shall take effect upon the date specified by *WADA* (which shall not be earlier than the date of *WADA*'s notification to the *Athlete*). The reversal shall not apply retroactively and the *Athlete*'s results prior to such notification shall not be *Disqualified*. Where the *TUE* reversed was a retroactive *TUE*, however, the reversal shall also be retroactive.

**8.7** *WADA* shall reverse any denial of a *TUE* where the *TUE* application met the Article 4.1 and 4.2 conditions (as applicable), i.e., it shall grant the *TUE*.

**8.8** Where *WADA* reviews a decision of an International Federation that has been referred to it pursuant to *Code* Article 4.4.3 (i.e., a mandatory review), it may require whichever *Anti-Doping Organization* “loses” the review (i.e., the *Anti-Doping Organization* whose view it does not uphold) (a) to reimburse the application fee to the party that referred the decision to *WADA* (if applicable); and/or (b) to pay the costs incurred by *WADA* in respect of that review, to the extent they are not covered by the application fee.

**8.9** Where *WADA* reverses a *TUE* decision that *WADA* has decided in its discretion to review, *WADA* may require the *Anti-Doping Organization* that made the decision to pay the costs incurred by *WADA* in respect of that review.

**8.10** If applicable, *WADA* shall communicate the reasoned decision of the WADA TUEC promptly to the *Athlete* and to their *National Anti-Doping Organization* and International Federation (and, if applicable, the *Major Event Organization*).

## **9.0 CONFIDENTIALITY OF INFORMATION**

**9.1** The Processing of Personal Information during the *TUE* process by *Anti-Doping Organizations* shall comply with the *International Standard* for the Protection of Privacy and Personal Information. *Anti-Doping Organizations* shall ensure that they have a valid legal authority or basis for such Processing, in accordance with the *International Standard* for Protection of Privacy and Personal Information and

applicable laws.

**9.2** *Anti-Doping Organizations* shall communicate in writing the following information to *Athletes* as well as any other relevant information in accordance with Article 7.1 of the *International Standard* for the Protection of Privacy and Personal Information in connection with an *Athlete's* application for the grant or recognition of a *TUE*:

- a) All information pertaining to the application will be transmitted to members of all TUECs with authority under this *International Standard* to review the file and, as required, other independent medical or scientific experts, and to all necessary staff (including *WADA* staff) involved in the management, review or appeal of *TUE* applications;
- b) The *Athlete* must authorize their physician(s) to release to any relevant TUEC upon request any health information that any such TUEC deems necessary in order to consider and determine the *Athlete's* application; and
- c) The decision on the application will be made available to all *Anti-Doping Organizations* with *Testing* authority and/or *Results Management* authority over the *Athlete*.

*[Comment to Article 9.2: Where Anti-Doping Organizations are relying upon the Athlete's consent to Process Personal Information in connection with the TUE process, the Athlete applying for the grant or recognition of a TUE shall provide written and explicit consent to the foregoing.]*

**9.3** The *TUE* application shall be dealt with in accordance with the principles of strict medical confidentiality. The members of all relevant TUECs, any consulted independent experts and the relevant staff of the *Anti-Doping Organization* shall conduct all of their activities relating to the process in strict confidence and shall sign appropriate confidentiality agreements. In particular, they shall keep the following information confidential:

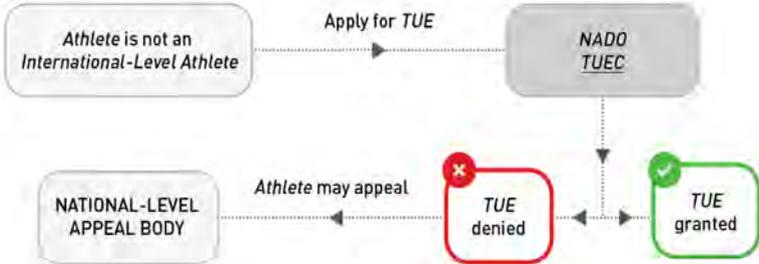
- a) All medical information provided by the *Athlete* and physician(s) involved in the *Athlete's* care; and
- b) All details of the application, including the name of the physician(s) involved in the process.

**9.4** Should the *Athlete* wish to revoke the right of a TUEC to obtain any health information on their behalf, the *Athlete* shall notify their physician in writing of such revocation; provided that, as a result of that revocation, the *Athlete's* application for a *TUE* or for recognition of an existing *TUE* will be deemed withdrawn without approval/recognition having been granted.

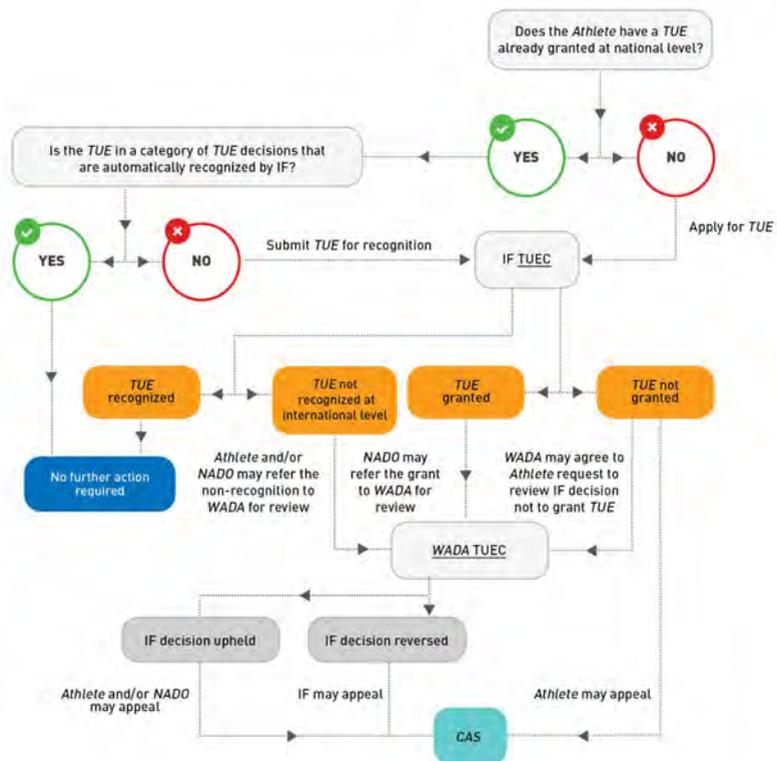
**9.5** *Anti-Doping Organizations* shall only use information submitted by an *Athlete* in connection with a *TUE* application to evaluate the application and in the context of potential anti-doping rule violation investigations and proceedings.

**ANNEX 1: CODE ARTICLE 4.4 FLOWCHART**

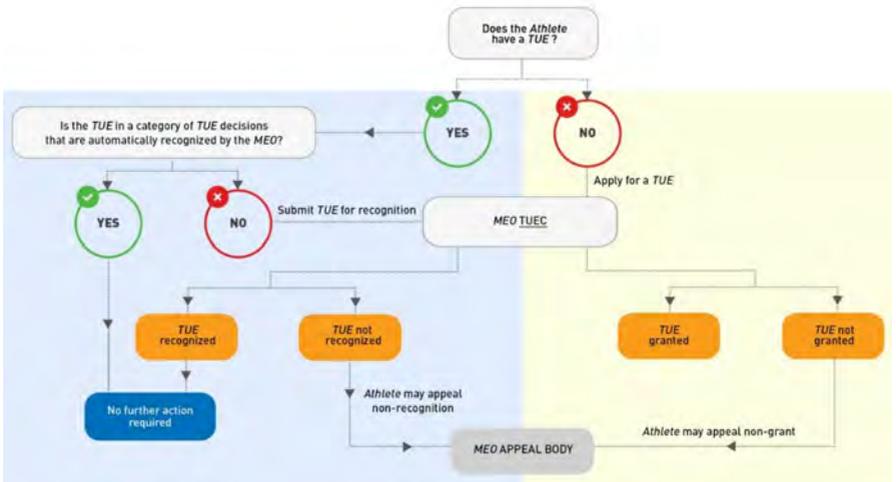
1. *TUE* procedure if *Athlete* is not an *International-Level Athlete* when need for *TUE* arises



2. **TUE procedure if Athlete is an International-Level Athlete (and so subject to the International Federation's TUE requirements) when need for TUE arises**



3. **Athlete enters Event for which Major Event Organization (or "MEO") has its own TUE requirements**



## APPENDIX FIVE

### INTERNATIONAL STANDARD FOR TESTING AND INVESTIGATIONS

(Valid from January 2021)

#### PART ONE: INTRODUCTION, *CODE* PROVISIONS, INTERNATIONAL STANDARD PROVISIONS AND DEFINITIONS

##### 1.0 INTRODUCTION AND SCOPE

The first purpose of the *International Standard for Testing and Investigations* is to plan for intelligent and effective *Testing*, both *In-Competition* and *Out-of-Competition*, and to maintain the integrity and identity of the *Samples* collected from the point the *Athlete* is notified of his/her selection for *Testing*, to the point the *Samples* are delivered to the Laboratory for analysis. To that end, the *International Standard for Testing and Investigations* (including its Annexes) establishes mandatory standards for test distribution planning (including collection and use of *Athlete* whereabouts information), notification of *Athletes*, preparing for and conducting *Sample* collection, security/post-test administration of *Samples* and documentation, and transport of *Samples* to Laboratories for analysis.

The second purpose of the *International Standard for Testing and Investigations* is to establish mandatory standards for the efficient and effective gathering, assessment and use of anti-doping intelligence and for the efficient and effective conduct of investigations into possible anti-doping rule violations.

The *International Standard for Testing and Investigations* will be supported by *Technical Documents*, produced by *WADA*, to provide enhanced details to assist *Anti-Doping Organizations* in fulfilling their duties under the World Anti-Doping Program. *Technical Documents* are mandatory. The *Results Management* processes which were previously contained in the *International Standard for Testing and Investigations* are now reflected in the *International Standard for Results Management*.

Terms used in this *International Standard* that are defined terms from the *Code* are italicized. Terms that are defined in this or another *International Standard* are underlined.

##### 2.0 *CODE* PROVISIONS

The following articles in the *Code* are directly relevant to the *International Standard for Testing and Investigations*; they can be obtained by referring to the *Code* itself:

- Article 2 Anti-Doping Rule Violations
- Article 5 *Testing* and Investigations

- Article 6 Analysis of *Samples*
- Article 8 *Results Management*: Right to a Fair Hearing and Notice of Hearing Decision
- Article 10 Sanctions on Individuals
- Article 12 Sanctions by *Signatories* Against Other Sporting Bodies
- Article 13 *Results Management*: Appeals
- Article 14 Confidentiality and Reporting
- Article 20 Additional Roles and Responsibilities of *Signatories* and *WADA*
- Article 21 Additional Roles and Responsibilities of *Athletes* and Other *Persons*
- Article 23 Acceptance and Implementation

### 3.0 DEFINITIONS AND INTERPRETATION

#### 3.1 Defined terms from the *Code* that are used in the *International Standard for Testing and Investigations*

***ADAMS***: The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and *WADA* in their anti-doping operations in conjunction with data protection legislation.

***Adverse Analytical Finding***: A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory that, consistent with the *International Standard for Laboratories*, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

***Adverse Passport Finding***: A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

***Anti-Doping Organization***: *WADA* or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organizations*.

***Athlete***: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*”. In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require

limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations]*

***Athlete Biological Passport:*** The program and methods of gathering and collating data as described in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*.

***Athlete Support Personnel:*** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

***Attempt:*** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

***Atypical Finding:*** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

***Atypical Passport Finding:*** A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

***CAS:*** The Court of Arbitration for Sport.

***Code:*** The World Anti-Doping *Code*.

***Competition:*** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim

basis, the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

***Consequences of Anti-Doping Rule Violations (“Consequences”)***: An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

***Decision Limit***: The value of the result for a Threshold Substance in *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard* for Laboratories.

***Delegated Third Parties***: Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include *CAS*.

***Doping Control***: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigation, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, hearings and appeals, and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

***Education***: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

***Event***: A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, World Championships of an International Federation, or Pan American Games).

***Event Venues***: Those venues so designated by the ruling body for the *Event*.

***In-Competition***: The period commencing at 11:59 p.m. on the day before a

*Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, *WADA* may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by *WADA*, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

[*Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition period.*]

**Independent Observer Program:** A team of observers and/or auditors, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of *WADA*'s compliance monitoring program.

**Ineligibility:** See *Consequences of Anti-Doping Rule Violations* above.

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**International-Level Athlete:** *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.

**International Standard:** A standard adopted by *WADA* in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the *Use of a Prohibited Substance or Prohibited Method*.

**Minor:** A natural *Person* who has not reached the age of eighteen years.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

**National Event:** A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

**National-Level Athlete:** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

**National Olympic Committee:** The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

**Out-of-Competition:** Any period which is not *In-Competition*.

**Person:** A natural *Person* or an organization or other entity.

**Prohibited Method:** Any method so described on the *Prohibited List*.

**Prohibited Substance:** Any substance, or class of substances, so described on the *Prohibited List*.

**Protected Person:** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age, has been determined to lack legal capacity under applicable national legislation.

*[Comment to Protected Persons: The Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.]*

**Provisional Suspension:** See *Consequences of Anti-Doping Rule Violations* above.

**Recreational Athlete:** A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool

maintained by any International Federation or *National Anti-Doping Organization*.

*[Comment to Recreational Athlete: The term “open category” is meant to exclude competition that is limited to junior or age group categories.]*

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 and the *International Standard for Testing and Investigations*.

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.

*[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]*

**Signatories:** Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

**Substantial Assistance:** For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1 and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

**Tampering:** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping*

Organization or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

[*Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management and hearing process. See Code Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.*]

**Target Testing:** Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard* for *Testing* and *Investigations*.

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

**Technical Document:** A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the Laboratory.

**WADA:** The World Anti-Doping Agency.

### 3.2 Defined terms from the *International Standard* for Laboratories:

**Adaptive Model:** A mathematical model designed to identify unusual longitudinal results from *Athletes*. The model calculates the probability of a longitudinal profile of *Marker* values, assuming that the *Athlete* has a normal physiological condition.

**Analytical Testing:** The parts of the *Doping Control* process performed at the Laboratory, which include *Sample* handling, analysis and reporting of results.

**Athlete Passport Management Unit (APMU):** A unit composed of a *Person* or *Persons* that is responsible for the timely management of *Athlete Biological Passports* in *ADAMS* on behalf of the Passport Custodian.

**Confirmation Procedure (CP):** An Analytical Testing Procedure that has the purpose of confirming the presence and/or, when applicable, confirming the concentration/ratio/score and/or establishing the origin (exogenous or endogenous) of one or more specific *Prohibited Substances*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the *Use of a Prohibited Substance* or *Prohibited Method* in a *Sample*.

**Laboratory(ies):** (A) *WADA*-accredited laboratory(ies) applying Test Methods and processes to provide evidentiary data for the detection and/or identification of *Prohibited Substances or Prohibited Methods* on the *Prohibited List* and, if applicable, quantification of a Threshold Substance in *Samples* of urine and other biological matrices in the context of *Doping Control* activities.

**WADA-Approved Laboratory(-ies) for the Athlete Biological Passport:** Laboratory(-ies) not otherwise accredited by *WADA* which apply Analytical Methods and processes in support of the hematological module of the *ABP* program and in accordance with the criteria for approval of non-accredited laboratories for the *ABP*.

### **3.3 Defined terms from the *International Standard for Results Management*:**

**Failure to Comply:** A term used to describe anti-doping rule violations under *Code* Articles 2.3 and/or 2.5.

**Filing Failure:** A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated the task) to make an accurate and complete Whereabouts Filing that enables the *Athlete* to be located for *Testing* at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B of the *International Standard for Results Management*.

**Missed Test:** A failure by the *Athlete* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B of the *International Standard for Results Management*.

**Passport:** A collation of all relevant data unique to an individual *Athlete* that may include longitudinal profiles of *Markers*, heterogeneous factors unique to that particular *Athlete* and other relevant information that may help in the evaluation of *Markers*.

**Passport Custodian:** The *Anti-Doping Organization* responsible for *Results Management* of that *Athlete's* Passport and for sharing any relevant information associated to that *Athlete's* Passport with other *Anti-Doping Organization(s)*.

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

**Whereabouts Failure:** A Filing Failure or a Missed Test.

### 3.4 Defined terms from *the International Standard for the Protection of Privacy and Personal Information*:

**Processing** (and its cognates, **Process** and **Processed**): Collecting, accessing, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

### 3.5 Defined terms specific to *the International Standard for Testing and Investigations*:

**Blood Collection Officer (or BCO)**: An official who is qualified and has been authorized by the Sample Collection Authority to collect a blood *Sample* from an *Athlete*.

**Chain of Custody**: The sequence of individuals or organizations who have responsibility for the custody of a *Sample* from the provision of the *Sample* until the *Sample* has been delivered to the Laboratory for analysis.

**Chaperone**: An official who is suitably trained and authorized by the Sample Collection Authority to carry out specific duties including one or more of the following (at the election of the Sample Collection Authority); notification of the *Athlete* selected for *Sample* collection; accompanying and observing the *Athlete* until arrival at the Doping Control Station; accompanying and/or observing *Athletes* who are present in the Doping Control Station; and/or witnessing and verifying the provision of the *Sample* where the training specifically qualifies them to do so.

**Code Article 2.4 Whereabouts Requirements**: The whereabouts requirements set out in Article 4.8, which apply to *Athletes* who are included in the *Registered Testing Pool* of an International Federation or a *National Anti-Doping Organization*.

**Doping Control Coordinator**: An *Anti-Doping Organization* or a *Delegated Third Party* that coordinates any aspect of *Doping Control* on behalf of an *Anti-Doping Organization*. The *Anti-Doping Organization* always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations*, *Therapeutic Use Exemptions*, *Protection of Privacy and Personal Information*, and *Results Management*.

**Doping Control Officer (or DCO)**: An official who has been trained and authorized by the Sample Collection Authority to carry out the responsibilities given to DCOs in the *International Standard for Testing and Investigations*.

**Doping Control Station**: The location where the Sample Collection Session will be conducted in accordance with Article 6.3.2.

**Expert**: The Expert(s) and/or Expert Panel, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the Passport. The Expert must be external to the *Anti-Doping Organization*.

For the Haematological Module, the Expert Panel should consist of at least three (3)

Experts who have qualifications in one or more of the fields of clinical and laboratory haematology, sports medicine or exercise physiology, as they apply to blood doping. For the Steroidal Module, the Expert Panel should be composed of at least three (3) individuals with qualifications in the fields of laboratory steroid analysis, steroid doping and metabolism and/or clinical endocrinology. For both modules, an Expert Panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert Panel may include a pool of at least three (3) appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

**In-Competition Date:** As described in Article 4.8.8.4.

**No Advance Notice Testing:** *Sample* collection that takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

**Random Selection:** Selection of *Athletes* for *Testing* which is not *Target Testing*.

**Risk Assessment:** The assessment of risk of doping in a sport or sports discipline conducted by an *Anti-Doping Organization* in accordance with Article 4.2.

**Sample Collection Authority:** The organization that is responsible for the collection of *Samples* in compliance with the requirements of the *International Standard for Testing and Investigations*, whether (1) the Testing Authority itself; or (2) a *Delegated Third Party* to whom the authority to conduct *Testing* has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations* relating to collection of *Samples*.

**Sample Collection Equipment:** A and B bottles, kits or containers, collection vessels, tubes or other apparatus used to collect, hold or store the *Sample* at any time during and after the Sample Collection Session that shall meet the requirements of Article 6.3.4.

**Sample Collection Personnel:** A collective term for qualified officials authorized by the Sample Collection Authority to carry out or assist with duties during the Sample Collection Session.

**Sample Collection Session:** All of the sequential activities that directly involve the *Athlete* from the point that initial contact is made until the *Athlete* leaves the Doping Control Station after having provided their *Sample(s)*.

**Suitable Specific Gravity for Analysis:** For *Samples* with a minimum volume of 90mL and less than 150mL, specific gravity measured at 1.005 or higher with a refractometer, or 1.010 or higher with lab sticks. For *Samples* with a volume of 150mL and above, specific gravity measured at 1.003 or higher with a refractometer only.

**Suitable Volume of Urine for Analysis:** A minimum of 90 mL, whether the Laboratory will be analyzing the Sample for all or only some *Prohibited Substances* or *Prohibited Methods*.

**Tamper Evident:** Refers to having one or more indicators or barriers to entry incorporated into or, if applicable, included with the Sample Collection Equipment, which, if breached or missing or otherwise compromised, can provide visible evidence that *Tampering* or *Attempted Tampering* of Sample Collection Equipment has occurred.

**Team Activity/Activities:** Sporting activities carried out by *Athletes* on a collective basis as part of a team (e.g., training, travelling, tactical sessions) or under the supervision of the team (e.g., treatment by a team doctor).

**Technical Document for Sport Specific Analysis (TDSSA):** The *Technical Document* which establishes minimum levels of analysis that *Anti-Doping Organizations* must apply to sports and sport disciplines for certain *Prohibited Substances* and/or *Prohibited Methods*, which are most likely to be abused in particular sports and sport disciplines.

**Test(s):** Any combination of *Sample(s)* collected (and analyzed) from a single *Athlete* in a single Sample Collection Session.

**Test Distribution Plan:** A document written by an *Anti-Doping Organization* that plans *Testing* on *Athletes*, in accordance with the requirements of Article 4.

**Testing Authority:** The *Anti-Doping Organization* that authorizes *Testing* on *Athletes* it has authority over. It may authorize a *Delegated Third Party* to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization*. Such authorization shall be documented. The *Anti-Doping Organization* authorizing *Testing* remains the Testing Authority and ultimately responsible under the *Code* to ensure the *Delegated Third Party* conducting the *Testing* does so in compliance with the requirements of the *International Standard* for *Testing* and Investigations.

**Unsuccessful Attempt Report:** A detailed report of an unsuccessful attempt to collect a *Sample* from an *Athlete* in a *Registered Testing Pool* or *Testing* pool setting out the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Athlete* (including details of any contact made with third parties), and any other relevant details about the attempt.

**Whereabouts Filing:** Information provided by or on behalf of an *Athlete* in a *Registered Testing Pool* (or *Testing* pool if applicable) that sets out the *Athlete's* whereabouts during the following quarter, in accordance with Article 4.8.

### **3.6 Interpretation:**

- 3.6.1** The official text of the *International Standard for Testing and Investigations* shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 3.6.2** Like the *Code*, the *International Standard for Testing and Investigations* has been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.
- 3.6.3** The comments annotating various provisions of the *International Standard for Testing and Investigations* shall be used to guide its interpretation.
- 3.6.4** Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the *International Standard for Testing and Investigations*.
- 3.6.5** Where the term “days” is used in the *International Standard for Testing and Investigations*, it shall mean calendar days unless otherwise specified.
- 3.6.6** The Annexes to the *International Standard for Testing and Investigations* have the same mandatory status as the rest of the *International Standard*.

## PART TWO: STANDARDS FOR TESTING

### 4.0 PLANNING EFFECTIVE *TESTING*

#### 4.1 Objective

- 4.1.1 Each *Anti-Doping Organization* is required to plan and implement intelligent *Testing* on *Athletes* over whom it has authority which is proportionate to the risk of doping, and that is effective to detect and to deter such practices. The objective of Article 4 is to set out the steps that are necessary to develop a Risk Assessment and produce a Test Distribution Plan that satisfies this requirement. *Code* Article 23.3 requires *Signatories* to devote sufficient resources in order to implement *Testing* programs in all areas that are compliant with the *Code* and *International Standards*.
- 4.1.2 The *Anti-Doping Organization* shall ensure that *Athlete Support Personnel* and any other *Persons* with a conflict of interest are not involved in test distribution planning for their *Athletes* or in the process of selection of *Athletes* for *Testing*.
- 4.1.3 The *Anti-Doping Organization* shall document its Risk Assessment and Test Distribution Plan and shall provide that Risk Assessment and Test Distribution Plan to *WADA* where requested. The *Anti-Doping Organization* must be able to demonstrate to *WADA*'s satisfaction that it has made a proper assessment of the relevant risks and has developed and/or implemented an appropriate Test Distribution Plan based on the results of that assessment.
- 4.1.4 The *Anti-Doping Organization* shall monitor, evaluate and update its Risk Assessment and Test Distribution Plan during the year/cycle in light of changing circumstances and implementing the Test Distribution Plan.

#### 4.2 Risk Assessment

- 4.2.1 The starting point of the Test Distribution Plan shall be a considered Risk Assessment, conducted in good faith. This assessment shall take into account (at a minimum) the following information:
- a) The physical and other demands of the relevant sport(s) (and/or discipline(s)) within the sport(s)), considering in particular the physiological requirements of the sport(s)/sport discipline(s);
  - b) Which *Prohibited Substances* and/or *Prohibited Methods* an *Athlete* would consider most likely to enhance performance in the relevant sport(s)/sport discipline(s);
  - c) The rewards and/or potential incentives for doping available at the different levels of the sport(s)/sport discipline(s) and for the nations participating in such sport(s)/sport discipline(s);
  - d) The history of doping in the sport(s)/sport discipline(s), nation(s) and/or *Event*;

[Comment to 4.2.1 (d): Unless there has been an effective Testing program in a sport, encompassing both In-Competition and Out-of-Competition Testing, a history of no or few Adverse Analytical Findings says little, if anything, about the risk of doping in that sport.]

- e) Available statistics and research on doping trends (e.g., anti-doping *Testing* figures and anti-doping rule violation reports published by *WADA*; peer-reviewed articles);
- f) Information received/intelligence developed on possible doping practices in the sport (e.g., Laboratory and APMU recommendations; Sample Collection Personnel reports; *Athlete* testimony; information from criminal investigations; and/or other information received/intelligence developed in accordance with *WADA*'s Guidelines for Information Gathering and Intelligence Sharing) in accordance with Article 11;
- g) The outcomes of previous test distribution planning cycles including past *Testing* strategies;
- h) At what points during an *Athlete*'s career in the sport/discipline an *Athlete* would be most likely to benefit from *Prohibited Substances* and/or *Prohibited Methods*; and
- i) Given the structure of the season for the sport/discipline in question (including standard *Competition* schedules and training patterns), at what time(s) during the year/cycle an *Athlete* would be most likely to benefit from *Prohibited Substances* and/or *Prohibited Methods*.

**4.2.2** In developing its Test Distribution Plan, the *Anti-Doping Organization* shall consider in good faith any Risk Assessment for the sport or discipline in question carried out by another *Anti-Doping Organization* with overlapping Testing Authority. However, an International Federation is not bound by a *National Anti-Doping Organization*'s assessment of the risks of doping in a particular sport or discipline, and a *National Anti-Doping Organization* is not bound by an International Federation's assessment of the risks of doping in a particular sport or discipline.

**4.2.3** Test distribution planning is an ongoing process, not a static one. The *Anti-Doping Organization* shall review the Test Distribution Plan regularly during the year/cycle and shall adapt it as necessary to reflect new information gathered and intelligence developed by the *Anti-Doping Organization*, and to take into account *Testing* conducted by other *Anti-Doping Organizations*.

**4.2.4** In developing its Test Distribution Plan, the *Anti-Doping Organization* shall incorporate the requirements of the TDSSA.

### **4.3 Defining *International-Level* and *National-Level Athletes***

**4.3.1** Code Article 5.2 gives different *Anti-Doping Organizations* authority to

conduct *Testing* on potentially very large pools of sportsmen and sportswomen. However, in recognition of the finite resources of *Anti-Doping Organizations*, the *Code* definition of *Athlete* allows *National Anti-Doping Organizations* to limit the number of sportsmen and sportswomen who will be subject to their national anti-doping programs (in particular, *Testing*) to those who compete at the highest national levels (i.e., *National-Level Athletes*, as defined by the *National Anti-Doping Organization*). It also allows International Federations to focus their anti-doping programs (including *Testing*) on those who compete regularly at the international level (i.e., *International-Level Athletes*, as defined by the International Federation).

*[Comment to 4.3.1: Nothing prevents an International Federation from Testing an Athlete under its authority who is not an International-Level Athlete, if it sees fit, e.g., where they are competing in an International Event. Furthermore, as set out in the Code definition of Athlete, a National Anti-Doping Organization may decide to extend its anti-doping program (including Testing) to sportsmen and sportswomen who compete below national level. However, the main focus of an International Federation's Test Distribution Plan should be International-Level Athletes, and the main focus of a National Anti-Doping Organization's Test Distribution Plan should be National-Level Athletes and above.]*

**4.3.2** Therefore, once the Risk Assessment and the Test Distribution Plan described in Article 4.2 are completed, the next step is to determine an appropriate definition of *International-Level Athlete* (for an International Federation), or *National-Level Athlete* (for a *National Anti-Doping Organization*) who are going to be subject to *Testing* by an *Anti-Doping Organization*:

- a) An International Federation is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, etc. It should make that determination in good faith, in accordance with its responsibility to protect the integrity of the sport at the international level (the showcase of the sport to the public), by fixing a definition that shall, at a minimum (and in accordance with the Risk Assessment undertaken in connection with the relevant sport/sports discipline), include those *Athletes* who compete regularly at an international level and/or who compete at a standard at which world records may be set.

*[Comment to 4.3.2(a): The Code requires each International Federation to publish in clear and concise form the criteria it uses to classify Athletes as International-Level Athletes, so that it is clear to everyone where the line is drawn and how particular Athletes are to be classified. For example, if the criteria include competing in certain International Events, then the International Federation shall publish a list of those International Events.]*

- b) Similarly, a *National Anti-Doping Organization* is free to determine the criteria it will use to classify *Athletes* as *National-Level Athletes*. Again, it should make that determination in good faith, in accordance with its

responsibility to protect the integrity of the sport at the national level (the source of national pride in different sports, and the stepping stone to international *Competition*, including representation of the nation in *International Events* or *Competitions*). Consequently, the definition shall at a minimum (and in accordance with the Risk Assessment undertaken in connection with the relevant sport/sports discipline) include those who compete at the highest levels of national *Competition* in the sport in question (i.e., in national championships or other *Events* that determine or count towards determining who are the best in the country in the category/discipline in question, and/or who may be selected to represent the country in *International Events* or *Competitions*). It shall also include those nationals of its country who generally or often compete at an international level and/or in *International Events* or *Competitions* (rather than at the national level) but who are not classified as *International-Level Athletes* by their International Federation.

#### **4.4 Prioritizing between sports and/or disciplines**

**4.4.1** Next, the *Anti-Doping Organization* shall consider whether there are any factors warranting allocating *Testing* resources to one sport or discipline or nation (as applicable) in priority to others. This means having assessed the relative risks of doping:

- a) In the case of an International Federation, allocating *Testing* between the different disciplines and nations within its sport based on a calendar of *Events*.
- b) In the case of a *National Anti-Doping Organization*, allocating *Testing* between the different sports as well as any national anti-doping policy imperatives that may lead it to prioritize certain sports over others.

*[Comment to 4.4.1(b): National Anti-Doping Organizations will have varying national policy requirements and priorities. For example, one National Anti-Doping Organization may have legitimate reasons to prioritize (some or all) Olympic sports while another may have legitimate reasons, because of different characteristics of that sporting nation, to prioritize for example certain other 'national' sports. These policy imperatives are a relevant consideration in the National Anti-Doping Organization's test distribution planning, alongside its assessment of the relative risks of doping in the various sports played within its national jurisdiction. They may lead, for example, to a National Anti-Doping Organization deciding, in its Test Distribution Plan, for a particular period, (1) to allocate Testing to some sports within its jurisdiction but not others; and (2) to prioritize certain sports over others due not to a greater risk of doping in those sports but to a greater national interest in ensuring the integrity of those sports.]*

- c) In the case of a *Major Event Organization*, allocating *Testing* between the different sports and/or disciplines involved in its *Event*.
- d) Another factor relevant to the allocation of *Testing* resources within the

Test Distribution Plan will be the number of *Athletes* involved at the relevant level in the sport(s) and/or discipline(s) and/or nation(s) in question. Where the risk of doping is assessed to be equal between two different sports or disciplines or nations, more resources should be devoted to the sport or discipline or nation involving the larger number of *Athletes*.

#### **4.5 Prioritizing between different *Athletes***

**4.5.1** Once the *International-Level Athletes* and *National-Level Athletes* have been defined (see Article 4.3), and the priority sports/disciplines/nations have been established (see Article 4.4), an intelligent Test Distribution Plan uses *Target Testing* to focus *Testing* resources where they are most needed within the overall pool of *Athletes*. *Target Testing* shall therefore be made a priority, i.e., a significant amount of the *Testing* undertaken as part of an *Anti-Doping Organization's Test Distribution Plan* shall be *Target Testing* of *Athletes* within its overall pool.

*[Comment to 4.5.1: Target Testing is a priority because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested enough. The Code does not impose any reasonable suspicion or probable cause requirement for Target Testing. However, Target Testing should not be used for any purpose other than legitimate Doping Control.]*

**4.5.2** *Anti-Doping Organizations* shall consider conducting *Target Testing* on the following categories of *Athletes*:

- a) For International Federations, *Athletes* (especially from its priority disciplines or nations) who compete regularly at the highest level of international *Competition* (e.g., candidates for Olympic, Paralympic or World Championship medals), as determined by rankings or other suitable criteria.
- b) For *National Anti-Doping Organizations*, the following *Athletes* from its priority sports:
  - (i) *Athletes* who are part of national teams in major *Events* (e.g., Olympic Paralympic, World Championship and other multi-sport *Events*) or other sports of high national priority (or who might be selected for such teams);
  - (ii) *Athletes* who train independently but perform at major *Events* (e.g., Olympic Games, Paralympic Games, World Championship and other multi-sport *Events*) and may be selected for such *Events*;
  - (iii) *Athletes* in receipt of public funding;
  - (iv) High-level *Athletes* who reside, train or compete abroad;
  - (v) High-level *Athletes* who are nationals of other countries but who are present (whether residing, training, competing or otherwise)

within the *National Anti-Doping Organization's* country; and

- (vi) In collaboration with International Federations, *International-Level Athletes*.
- c) For all *Anti-Doping Organizations* with Testing Authority:
  - (i) *Athletes* serving a period of *Ineligibility* or a *Provisional Suspension*; and
  - (ii) *Athletes* who were high priority for *Testing* before they retired from the sport and who now wish to return from retirement to active participation in the sport.

*[Comment to 4.5.2: Coordination between the International Federations, National Anti-Doping Organizations and other Anti-Doping Organizations shall occur in accordance with Article 4.9.]*

**4.5.3** Other individual factors relevant to determining which *Athletes* shall be the subject of *Target Testing* shall also be considered by the *Anti-Doping Organization*. Relevant factors may include (but are not limited to):

- a) Prior anti-doping rule violations, Test history, including any abnormal biological parameters (blood parameters, steroid profiles, as recommended by an APMU, etc.);
- b) Sport performance history, performance pattern, and/or high performance without a commensurate Test record;
- c) Repeated failure to meet whereabouts requirements;
- d) Suspicious Whereabouts Filing patterns (e.g., last-minute updates of Whereabouts Filings);
- e) Moving to or training in a remote location;
- f) Withdrawal or absence from expected *Competition(s)*;
- g) Association with a third party (such as a team-mate, coach or doctor) with a history of involvement in doping;
- h) Injury;
- i) Age/stage of career (e.g., move from junior to senior level, nearing end of contract, approaching retirement);
- j) Financial incentives for improved performance, such as prize money or sponsorship opportunities; and/or
- k) Reliable information from a third party, or intelligence developed by or shared with the *Anti-Doping Organization* in accordance with Article 11.

**4.5.4** *Testing* which is not *Target Testing* shall be determined by Random Selection and should be conducted in accordance with the selection options in the Guidelines for Implementing an Effective *Testing* Program. Random Selection shall be conducted using a documented system for such selection. Random Selection may be either weighted (where *Athletes* are ranked using pre-determined criteria in order to increase or decrease the chances of selection) or completely random (where no pre-determined criteria are considered, and *Athletes* are chosen arbitrarily from a list or pool of *Athlete* names). Random Selection that is weighted shall be prioritized and be conducted according to defined criteria which may take into account the factors listed in Article 4.5.3 (as applicable) in order to ensure that a greater percentage of ‘at risk’ *Athletes* are selected.

*[Comment to 4.5.4: In addition to Target Testing, Testing by Random Selection can play an important deterrent role, as well as helping to protect the integrity of an Event.]*

**4.5.5** For the avoidance of doubt, notwithstanding the development of criteria for selection of *Athletes* for *Testing*, and in particular for *Target Testing* of *Athletes*, as well as the fact that as a general rule *Testing* shall take place between 6 a.m. and 11 p.m. unless (i) the *Athlete* stipulates a 60-minute timeslot from 5 a.m. or, (ii) valid grounds exist for *Testing* overnight (i.e., between 11 p.m. and 6 a.m.), the fundamental principle remains (as set out in *Code* Article 5.2) that an *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with authority to conduct *Testing*, whether or not the selection of the *Athlete* for *Testing* is in accordance with such criteria. Accordingly, an *Athlete* may not refuse to submit to *Sample* collection on the basis that such *Testing* is not provided for in the *Anti-Doping Organization’s Test Distribution Plan* and/or is not being conducted between 6 a.m. and 11 p.m., and/or that the *Athlete* does not meet the relevant selection criteria for *Testing* or otherwise should not have been selected for *Testing*.

#### **4.6 Prioritizing between different types of *Testing* and *Samples***

**4.6.1** Based on the Risk Assessment and prioritization process described in Articles 4.2 to 4.5, the *Anti-Doping Organization* must determine to what extent each of the following types of *Testing* is required in order to detect and deter doping practices within the relevant sport(s), discipline(s) and/or nation(s), intelligently and effectively:

- a) *In-Competition Testing* and *Out-of-Competition Testing*;
  - (i) In sports and/or disciplines that are assessed as having a high risk of doping during *Out-of-Competition* periods, *Out-of-Competition Testing* shall be made a priority, and a significant portion of the available *Testing* shall be conducted *Out-of-Competition*. However, some material amount of *In-Competition Testing* shall still take place.

(ii) In sports and/or disciplines that are assessed as having a low risk of doping during *Out-of-Competition* periods (i.e., where it can be clearly shown that doping while *Out-of-Competition* is unlikely to enhance performance or provide other illicit advantages), *In-Competition Testing* shall be made a priority, and a substantial portion of the available *Testing* shall be conducted *In-Competition*. However, some *Out-of-Competition Testing* shall still take place, proportionate to the risk of *Out-of-Competition* doping in such sport/discipline. Very exceptionally, i.e., in the small number of sports and/or disciplines where it is determined in good faith that there is no material risk of doping during *Out-of-Competition* periods, there may be no *Out-of-Competition Testing*. In these circumstances, the International Federation shall apply to *WADA* to seek an exemption from *Out-of-Competition Testing* in accordance with any protocol issued by *WADA*.

- b) *Testing* of urine;
- c) *Testing* of blood; and
- d) *Testing* involving longitudinal profiling, i.e., the *Athlete Biological Passport* program.

#### **4.7 Sample analysis, retention strategy and further analysis**

**4.7.1** *Anti-Doping Organizations* shall ask Laboratories to analyze *Samples* for the standard analysis menu based on whether the *Sample* was collected *In-Competition* or *Out-of-Competition*. *Anti-Doping Organizations* may also consider undertaking more extensive *Sample* analysis for *Prohibited Substances* or *Prohibited Methods* beyond those contained (or the levels required) within the TDSSA based on the risk of the sport/discipline/country or any intelligence that the *Anti-Doping Organization* may receive.

**4.7.2** An *Anti-Doping Organization* may apply to *WADA* for flexibility in the implementation of the minimum levels of analysis specified for *Prohibited Substances* or *Prohibited Methods* as outlined in the TDSSA.

**4.7.3** The *Anti-Doping Organization* shall develop a written strategy for retention of *Samples* and the documentation relating to the collection of such *Samples* so as to enable the further analysis of such *Samples* at a later date in accordance with *Code* Articles 6.5 and 6.6. Such strategy shall comply with the requirements of the *International Standard* for Laboratories and the *International Standard* for the Protection of Privacy and Personal Information, and shall take into account the purposes of analysis of *Samples* set out in *Code* Article 6.2, as well as (without limitation) the following elements:

- a) Laboratory and APMU recommendations;
- b) The possible need for retroactive analysis in connection with the *Athlete Biological Passport* program;

- c) New detection methods to be introduced in the future relevant to the *Athlete*, sport and/or discipline;
- d) *Samples* collected from *Athletes* meeting some or all of the criteria set out at Article 4.5;
- e) Any other information made available to the *Anti-Doping Organization* justifying long-term storage or further analysis of *Samples* at the *Anti-Doping Organization's* discretion.

#### **4.8 Collecting whereabouts information**

**4.8.1** Whereabouts information is not an end in itself, but rather a means to an end, namely the efficient and effective conduct of No Advance Notice Testing. Therefore, where an *Anti-Doping Organization* has determined that it needs to conduct *Testing* (including *Out-of-Competition Testing*) on particular *Athletes*, it shall then consider how much information it needs about the whereabouts of those *Athletes* in order to conduct that *Testing* effectively and with no advance notice. The *Anti-Doping Organization* must collect all of the whereabouts information that it needs to conduct the *Testing* identified in its Test Distribution Plan effectively and efficiently. In addition, the amount of whereabouts information requested shall be proportional to the whereabouts pool and the amount of times the *Anti-Doping Organization* intends to test the *Athlete*.

**4.8.2** In accordance with *Code* Articles 5.5 and 14.5, *Anti-Doping Organizations* may collect whereabouts information and shall use *ADAMS* to conduct effective *Doping Control*. As a result, such information shall be automatically available through *ADAMS* to *WADA* and other relevant *Anti-Doping Organizations* with overlapping Testing Authority. This information shall:

- a) Be maintained in strict confidence at all times;
- b) Be used for purposes of planning, coordinating or conducting *Doping Control*;
- c) Be relevant to the *Athlete Biological Passport* or other analytical results;
- d) Support an investigation into a potential anti-doping rule violation; and/or
- e) Support proceedings alleging an anti-doping rule violation.

**4.8.3** Where an *Anti-Doping Organization* has determined that it needs to conduct *Out-of-Competition Testing* on particular *Athletes* following its Risk Assessment (in accordance with Article 4.2) and the prioritization steps (in Articles 4.3 to 4.7), it shall then consider how much whereabouts information it needs for those *Athletes* in order to conduct No Advance Notice Testing effectively.

**4.8.4** The International Federation or *National Anti-Doping Organization* should consider adopting a 'pyramid' or 'tiered approach', placing *Athletes* into different whereabouts pools, referred to as the *Registered Testing Pool*, *Testing*

pool and other pool(s), depending upon how much whereabouts information it needs to conduct the amount of *Testing* allocated to those *Athletes* in the Test Distribution Plan.

**4.8.5** The International Federation or *National Anti-Doping Organization* shall be able to demonstrate to *WADA* that they have conducted an appropriate risk-based approach in allocating *Athletes* to their whereabouts pool(s) and have allocated sufficient *Out-of-Competition Tests* in their Test Distribution Plan as required in Articles 4.8.6.1 and 4.8.10.1.

**4.8.6** *Registered Testing Pool*

**4.8.6.1** The top tier is the *Registered Testing Pool* and includes *Athletes* that are subject to the greatest amount of *Testing* and are therefore required to provide whereabouts in accordance with Article 4.8.6.2. *Athletes* in the *Registered Testing Pool* shall be subject to Code Article 2.4 Whereabouts Requirements.

An International Federation or a *National Anti-Doping Organization* shall consider the following criteria for including *Athletes* into a *Registered Testing Pool*:

- a) *Athletes* who meet the criteria listed in Articles 4.5.2 and 4.5.3;
- b) *Athletes* whom the International Federation or *National Anti-Doping Organization* plans to Test at least three (3) times per year *Out-of-Competition* (either independently or in agreed coordination with other *Anti-Doping Organizations* with Testing Authority over the same *Athletes*);
- c) *Athletes* that are part of the *Anti-Doping Organization's Athlete Biological Passport* haematological module program as required by the TDSSA;
- d) *Athletes* in a *Testing* pool who fail to comply with the applicable whereabouts requirements of that pool;
- e) *Athletes* for whom there is insufficient whereabouts information available for an International Federation or *National Anti-Doping Organization* to locate them for that *Testing* from other sources;
- f) *Athletes* in a *Team Sport* who are not part of Team Activities for a period of time (e.g., during the off-season); and
- g) *Athletes* who are serving a period of *Ineligibility*.

[Comment to 4.8.6.1: Following consideration of points a) to g) above and once the *Athletes* in the *Registered Testing Pool* are determined, the International Federation or the *National Anti-Doping Organization* shall plan, independently or in agreed coordination with other *Anti-Doping Organizations*, to test any *Athlete* included in the *Registered Testing Pool* a minimum of three (3) times *Out-of-Competition* per year.]

**4.8.6.2** An Athlete who is in a Registered Testing Pool shall:

- a) Make quarterly Whereabouts Filings that provide accurate and complete information about the *Athlete's* whereabouts during the forthcoming quarter, including identifying where they will be living, training and competing during that quarter, and to update those Whereabouts Filings where necessary, so that they can be located for *Testing* during that quarter at the times and locations specified in the relevant Whereabouts Filing, as specified in Article 4.8.8. A failure to do so may be declared a Filing Failure; and
- b) Specify in their Whereabouts Filings, for each day in the forthcoming quarter, one specific 60-minute time slot where they will be available at a specific location for *Testing*, as specified in Article 4.8.8.3. This does not limit in any way the *Athlete's Code* Article 5.2 obligation to submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with authority to conduct *Testing* on them. Nor does it limit their obligation to provide the information specified in Article 4.8.8.2 as to their whereabouts outside that 60-minute time slot. However, if the *Athlete* is not available for *Testing* at such location during the 60-minute time slot specified for that day in their Whereabouts Filing, that failure may be declared a Missed Test.

*[Comment to 4.8.6.2(b): The purpose of the 60-minute time slot is to strike a balance between the need to locate the Athlete for Testing and the impracticality and unfairness of making Athletes potentially accountable for a Missed Test every time they depart from their previously-declared routine.]*

**4.8.6.3** Anti-Doping Organizations with authority to conduct Testing on an Athlete in a Registered Testing Pool shall conduct Out-of-Competition Testing on that Athlete using the Athlete's Whereabouts Filing. Although Code Article 2.4 Whereabouts Requirements include the provision of a 60-minute time slot, Testing shall not be limited to the 60-minute time slot provided by the Athlete. To ensure Out-of-Competition Testing is unpredictable to the Athlete, Anti-Doping Organizations shall also consider other whereabouts information provided e.g., regular activities to test the Athlete.

**4.8.6.4** An International Federation or National Anti-Doping Organization that maintains a Registered Testing Pool shall use ADAMS to ensure that:

- a) The information provided by the *Athlete* is stored safely and securely;
- b) The information can be accessed by (i) authorized individuals acting on behalf of the International Federation or *National Anti-Doping Organization* (as applicable) on a need-to-know basis only; (ii) *WADA*; and (iii) other *Anti-Doping Organizations* with authority to conduct *Testing* on the *Athlete* in accordance with *Code* Article 5.2; and
- c) The information is maintained in strict confidence at all times, is used

exclusively for the purposes set out in *Code* Article 5.5 and is destroyed in accordance with the *International Standard* for the Protection of Privacy and Personal Information once it is no longer relevant.

**4.8.6.5** Athletes under the Testing Authority of a National Anti-Doping Organization and an International Federation should only be in one Registered Testing Pool and therefore shall only file one set of whereabouts information. If the Athlete is included in the International Federation's international Registered Testing Pool and in the National Anti-Doping Organization's national Registered Testing Pool (or in the Registered Testing Pool of more than one National Anti-Doping Organization or more than one International Federation), then each of them shall notify the Athlete that they are in its pool. Prior to doing so, however, they shall agree between themselves to whom the Athlete shall provide their Whereabouts Filings, and that Anti-Doping Organization shall be the whereabouts custodian. Each notice sent to the Athlete shall specify that they shall provide their Whereabouts Filings to that Anti-Doping Organization only (and it will then share that information with the other, and with any other Anti-Doping Organizations having authority to conduct Testing on that Athlete).

*[Comment to 4.8.6.5: If the respective Anti-Doping Organizations cannot agree between themselves which of them will take responsibility for collecting the Athlete's whereabouts information, and for making it available to the other Anti-Doping Organizations with authority to test the Athlete, then they should each explain in writing to WADA how they believe the matter should be resolved, and WADA will decide based on the best interests of the Athlete. WADA's decision will be final and may not be appealed.]*

#### **4.8.7** Entering and leaving a *Registered Testing Pool*

**4.8.7.1** The International Federation or National Anti-Doping Organization (as applicable) shall notify each Athlete designated for inclusion in its Registered Testing Pool of the following:

- a) The fact that they have been included in its *Registered Testing Pool* with effect from a specified date in the future;
- b) The whereabouts requirements with which they shall therefore comply;
- c) The *Consequences* if they fail to comply with those whereabouts requirements; and
- d) That they may also be tested by other *Anti-Doping Organizations* with authority to conduct *Testing*.

*[Comment to 4.8.7.1: This notification may be made through the National Federation or National Olympic Committee where the International Federation/National Anti-Doping Organization considers it appropriate or expedient to do so and ordinarily shall be made reasonably in advance of the Athlete being included in the Registered*

*Testing Pool. The notice shall also explain what the Athlete needs to do in order to comply with the Code Article 2.4 Whereabouts Requirements (or refer them to a website or other resource where they can find out that information). Athletes included in a Registered Testing Pool shall be informed and should be educated so that they understand the whereabouts requirements that they must satisfy, how the whereabouts system works, the consequences of Filing Failures and Missed Tests, and their right to contest Filing Failures and Missed Tests that have been asserted against them.*

*Anti-Doping Organizations should also be proactive in helping Athletes avoid Filing Failures. For example, many Anti-Doping Organizations systematically remind Athletes in their Registered Testing Pool of quarterly deadlines for Whereabouts Filings, and then follow up with those Athletes who have still not made the necessary filing as the deadline approaches. However, Athletes remain fully responsible for complying with the filing requirements, irrespective of whether or not the Anti-Doping Organization has provided them with such support.]*

**4.8.7.2** Athletes who no longer meet the criteria for inclusion in the Registered Testing Pool shall be removed from the Registered Testing Pool.

*[Comment to 4.8.7.2: The applicable rules may also require that notice of retirement be sent to the Athlete's National Federation. Where an Athlete retires from but then returns to sport, their period of non-availability for Out-of-Competition Testing shall be disregarded for purposes of calculating the 12-month period referred to in Code Article 2.4.]*

**4.8.7.3** An Athlete who has been included in a Registered Testing Pool shall continue to be subject to the Code Article 2.4 Whereabouts Requirements unless and until:

- a) They have been given written notice by each *Anti-Doping Organization* that put them in its *Registered Testing Pool* that they are no longer designated for inclusion in its *Registered Testing Pool*; or
- b) They retire from *Competition* in the sport in question in accordance with the applicable rules and gives written notice to that effect to each *Anti-Doping Organization* that put them in its *Registered Testing Pool*.

#### **4.8.8** Whereabouts Filing Requirements

**4.8.8.1** *Anti-Doping Organizations* shall review Athletes Whereabouts Filings to ensure they are submitted in accordance with Articles 4.8.8.2 and 4.8.8.3.

**4.8.8.2** The *Anti-Doping Organization* collecting an Athlete's Whereabouts Filings may specify a date prior to the first day of each quarter (i.e., 1 January, 1 April, 1 July and 1 October, respectively) when an Athlete in a *Registered Testing Pool* shall file a Whereabouts Filing that contains at least the following information:

*[Comment to 4.8.8.2: To facilitate planning and readiness for Testing on the first day*

*of the quarter (as countenanced in Article 4.8.8.2), Anti-Doping Organizations may require that whereabouts information is submitted on a date which is the 15<sup>th</sup> of the month preceding the quarter. However, no consequences for a failure to submit prior to the first day of the quarter shall apply.]*

- a) A complete mailing address and personal e-mail address where correspondence may be sent to the *Athlete* for formal notice purposes. Any notice or other item mailed to that address will be deemed to have been received by the *Athlete* seven (7) days after it was deposited in the mail and immediately when notification of a sent e-mail receipt is generated/obtained (subject to applicable law);

*[Comment to 4.8.8.2(a): For these purposes, the Athlete should specify an address where they live or otherwise know that mail received there will be immediately brought to their attention. An Anti-Doping Organization is encouraged also to supplement this basic provision with other notice and/or “deemed notice” provisions in its rules (for example, permitting use of fax, email, SMS text, approved social networking sites or applications or other methods of service of notice; permitting proof of actual receipt as a substitute for deemed receipt; permitting notice to be served on the Athlete’s National Federation if it is returned undelivered from the address supplied by the Athlete). The aim of such provisions should be to shorten the Results Management timelines.]*

- b) Specific confirmation that the *Athlete* understands that their Whereabouts Filing will be shared with other *Anti-Doping Organizations* that have authority to conduct *Testing* on them;
- c) For each day during the following quarter, the full address of the place where the *Athlete* will be staying overnight (e.g., home, temporary lodgings, hotel, etc.);
- d) For each day during the following quarter, the name and address of each location where the *Athlete* will train, work or conduct any other regular activity (e.g., school), as well as the usual time frames for such regular activities; and

*[Comment to 4.8.8.2 (d): This requirement applies only to activities that are part of the Athlete’s regular routine. For example, if the Athlete’s regular routine includes training at the gym, the pool and the track, and regular physio sessions, then the Athlete should provide the name and address of the gym, pool, track and physio in their Whereabouts Filing, and then set out their usual routine, e.g., “Mondays: 9-11 gym, 13-17 gym; Tuesdays: 9-11 gym, 16-18 gym; Wednesdays: 9-11 track, 3-5 physio; Thursdays: 9-12 gym, 16-18 track, Fridays: 9-11 pool, 3-5 physio; Saturdays: 9-12 track, 13-15 pool; Sundays: 9-11 track, 13-15 pool”. If the Athlete is not currently training, they should specify that in their Whereabouts Filing and detail any other routine that they will be following in the forthcoming quarter, e.g., their work routine, or school schedule, or rehab routine, or other routine, and identify the name and address of each location where that routine is conducted and the time frame during which it is conducted.*

*In the case of a Team Sport or other sport where competing and/or training are carried out on a collective basis, the Athlete's regular activities are likely to include most, if not all, Team Activities.]*

- e) The *Athlete's Competition/Event* schedule for the following quarter, including the name and address of each location where the *Athlete* is scheduled to compete during the quarter and the date(s) and time(s) at which they are scheduled to compete at such location(s)

**4.8.8.3** Subject to Article 4.8.8.4, the Whereabouts Filing must also include, for each day during the following quarter, one specific 60-minute time slot between 5 a.m. and 11 p.m. each day where the *Athlete* will be available and accessible for *Testing* at a specific location.

*[Comment to 4.8.8.3: The Athlete can choose which 60-minute time slot between 5 a.m. and 11 p.m. to use for this purpose, provided that during the time slot in question they are somewhere accessible by the DCO. It could be the Athlete's place of residence, training or Competition, or it could be another location (e.g., work or school). An Athlete is entitled to specify a 60-minute time slot during which they will be at a hotel, apartment building, gated community or other location where access to the Athlete is obtained via a front desk, or security guard. It is up to the Athlete to ensure accessibility to their selected 60-minute location with no advance warning to the Athlete. In addition, an Athlete may specify a time slot when they are taking part in a Team Activity. In either case, however, any failure to be accessible and available for Testing at the specified location during the specified time slot shall be pursued as a Missed Test.]*

**4.8.8.4** As the sole exception to Article 4.8.8.3, if (but only if) there are dates in the relevant quarter in which the *Athlete* is scheduled to compete in an *Event* (excluding any *Events* organized by a *Major Event Organization*), and the *Anti-Doping Organization* that put the *Athlete* into the *Registered Testing Pool* is satisfied that enough information is available from other sources to find the *Athlete* for *Testing* on those dates, then the *Anti-Doping Organization* that put the *Athlete* into the *Registered Testing Pool* may waive the Article 4.8.8.2 requirement to specify a 60-minute time slot in respect of such dates ("In-Competition Dates"). If each of the International Federation and a *National Anti-Doping Organization* put the *Athlete* into its *Registered Testing Pool*, the International Federation's decision as to whether to waive that requirement in respect of In-Competition Dates will prevail. If the requirement to specify a 60-minute time slot has been waived in respect of In-Competition Dates, and the *Athlete* has specified in their Whereabouts Filing a series of dates when and locations where they anticipate being *In-Competition* (and as a result has not specified a 60-minute time slot for those dates), if they are then eliminated from the *Competition* before the end of those dates, so that the remaining dates are no longer In-Competition Dates, they must update their Whereabouts Filing to provide all the necessary information for those dates, including the 60-minute time slot specified in Article 4.8.8.3.

**4.8.8.5** It is the *Athlete's* responsibility to ensure that they provide all of the information required in a Whereabouts Filing as outlined in Articles 4.8.8.2 and 4.8.8.3 accurately and in sufficient detail to enable any *Anti-Doping Organization* wishing to do so to locate the *Athlete* for *Testing* on any given day in the quarter at the times and locations specified by the *Athlete* in their Whereabouts Filing for that day, including but not limited to during the 60-minute time slot specified for that day in the Whereabouts Filing.

- a) More specifically, the *Athlete* shall provide sufficient information to enable the DCO to find the location, to gain access to the location, and to find the *Athlete* at the location with no advance notice to the *Athlete*. A failure to do so may be pursued as a Filing Failure and/or (if the circumstances so warrant) as evasion of *Sample* collection under *Code* Article 2.3, and/or *Tampering* or *Attempted Tampering* with *Doping Control* under *Code* Article 2.5. In any event, the *Anti-Doping Organization* shall consider *Target Testing* of the *Athlete*.

*[Comment to 4.8.8.5(a): For example, declarations such as “running in the Black Forest” are insufficient and are likely to result in a Filing Failure. Similarly, specifying a location that the DCO cannot access (e.g., a “restricted-access” building or area) is likely to result in a Filing Failure. The *Anti-Doping Organization* may be able to determine the insufficiency of the information from the Whereabouts Filing itself, or alternatively it may only discover the insufficiency of the information when it attempts to test the *Athlete* and is unable to locate them. In either case, the matter should be pursued as an apparent Filing Failure, and/or (where the circumstances warrant) as an evasion of *Sample* collection under *Code* Article 2.3, and/or as *Tampering* or *Attempting to Tamper* with *Doping Control* under *Code* Article 2.5. Further information on Whereabouts Filing requirements can be found in *WADA's Guidelines for Implementing an Effective Testing Program*. Where an *Athlete* does not know precisely what their whereabouts will be at all times during the forthcoming quarter, they must provide their best information, based on where they expect to be at the relevant times, and then update that information as necessary in accordance with Article 4.8.8.5.]*

- b) If the *Athlete* is tested during the 60-minute time slot, the *Athlete* must remain with the DCO until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of *Code* Article 2.3 (refusal or failure to submit to *Sample* collection).
- c) If the *Athlete* is not available for *Testing* at the beginning of the 60-minute time slot, but becomes available for *Testing* later on in the 60-minute time slot, the DCO should collect the *Sample* and should not process the attempt as an unsuccessful attempt to test, but should report the details of the delay in availability of the *Athlete*. Any pattern of behaviour of this type should be investigated as a possible anti-doping rule violation of evading *Sample* collection under *Code* Article 2.3 or *Code* Article 2.5. It may also prompt *Target Testing* of the *Athlete*. If an *Athlete* is not available for *Testing*

during their specified 60-minute time slot at the location specified for that time slot for that day, they will be liable for a Missed Test even if they are located later that day and a *Sample* is successfully collected from them.

- d) Once the DCO has arrived at the location specified for the 60-minute time slot, if the *Athlete* cannot be located immediately, then the DCO should remain at that location for whatever time is left of the 60-minute time slot and during that remaining time they should do what is reasonable in the circumstances to try to locate the *Athlete*. See *WADA's Guidelines for Implementing an Effective Testing Program* for guidance in determining what is reasonable in such circumstances.

*[Comment to 4.8.8.5(d): Where an Athlete has not been located despite the DCO's reasonable efforts, and there are only five (5) minutes left within the 60-minute time slot, then as a last resort the DCO may (but does not have to) telephone the Athlete (assuming they have provided their telephone number in their Whereabouts Filing) to see if they are at the specified location. If the Athlete answers the DCO's call and is available at (or in the immediate vicinity of) the location for immediate Testing (i.e., within the 60-minute time slot), then the DCO should wait for the Athlete and should collect the Sample from them as normal. However, the DCO should also make a careful note of all the circumstances, so that it can be decided if any further investigation should be conducted. In particular, the DCO should make a note of any facts suggesting that there could have been tampering or manipulation of the Athlete's urine or blood in the time that elapsed between the phone call and the Sample collection. If the Athlete answers the DCO's call and is not at the specified location or in the immediate vicinity, and so cannot make himself/herself available for Testing within the 60-minute time slot, the DCO should file an Unsuccessful Attempt Report.*

**4.8.8.6** Where a change in circumstances means that the information in a Whereabouts Filing is no longer accurate or complete as required by Article 4.8.8.5, the *Athlete* shall file an update so that the information on file is again accurate and complete. The *Athlete* must always update their Whereabouts Filing to reflect any change in any day in the quarter in question in particular; (a) in the time or location of the 60-minute time slot specified in Article 4.8.8.3; and/or (b) in the place where they are staying overnight. The *Athlete* shall file the update as soon as possible after they become aware of the change in circumstances, and in any event prior to the 60-minute time slot specified in their filing for the relevant day. A failure to do so may be pursued as a Filing Failure and/or (if the circumstances so warrant) as evasion of *Sample* collection under *Code* Article 2.3, and/or *Tampering* or *Attempted Tampering* with *Doping Control* under *Code* Article 2.5. In any event, the *Anti-Doping Organization* shall consider *Target Testing* of the *Athlete*.

*[Comment to 4.8.8.6: The Anti-Doping Organization collecting the Athlete's Whereabouts Filings should provide appropriate mechanisms (e.g., phone, fax, Internet, email, SMS, approved social networking sites or applications) to facilitate the filing of such updates. It is the responsibility of each Anti-Doping Organization with authority to conduct Testing on the Athlete to ensure that it checks for any updates filed by the Athlete prior to attempting to collect a Sample from the Athlete*

*based on their Whereabouts Filing. For the avoidance of doubt, however, an Athlete who updates their 60-minute time slot for a particular day prior to the original 60-minute slot must still submit to Testing during the original 60-minute time slot, if they are located for Testing during that timeslot.]*

#### **4.8.9 Availability for Testing**

**4.8.9.1** Every Athlete must submit to Testing at any time and place upon request by an Anti-Doping Organization with authority to conduct Testing. In addition, an Athlete in a Registered Testing Pool must specifically be present and available for Testing on any given day during the 60-minute time slot specified for that day in their Whereabouts Filing, at the location that the Athlete has specified for that time slot.

*[Comment to 4.8.9.1: For Testing to be effective in deterring and detecting cheating, it should be as unpredictable as possible. Therefore, the intent behind the 60-minute time slot is not to limit Testing to that period, or to create a 'default' period for Testing, but rather:*

- a) *To make it very clear when an unsuccessful attempt to test an Athlete will count as a Missed Test;*
- b) *To guarantee that the Athlete can be found, and a Sample can be collected, at least once per day (which should deter doping, or, as a minimum, make it far more difficult);*
- c) *To increase the reliability of the rest of the whereabouts information provided by the Athlete, and so to assist the Anti-Doping Organization in locating the Athlete for Testing outside the 60-minute time slot. The 60-minute time slot "anchors" the Athlete to a certain location for a particular day. Combined with the information that the Athlete must provide as to where they are staying overnight, training, competing and conducting other 'regular' activities during that day, the Anti-Doping Organization should be able to locate the Athlete for Testing outside the 60-minute time slot; and*
- d) *To generate useful anti-doping intelligence, e.g., if the Athlete regularly specifies time slots with large gaps between them, and/or changes his time slot and/or location at the last minute. Such intelligence can be relied upon as a basis for the Target Testing of such Athlete.]*

#### **4.8.10 Testing Pool(s)**

**4.8.10.1** The tier below the Registered Testing Pool is the Testing pool and should include Athletes from whom some whereabouts information is required in order to locate and test the Athlete at least once per year Out-of-Competition. At a minimum, this shall include an overnight address, Competition/Event schedule and regular training activities. Athletes in a Testing pool are not subject to the requirements of Code Article 2.4. An International Federation

or a National Anti-Doping Organization shall consider the following criteria for including Athletes into a Testing pool:

- a) *Athletes* whom the International Federation or *National Anti-Doping Organization* plans to test at least once per year *Out-of-Competition* (either independently or in agreed coordination with other *Anti-Doping Organizations* with Testing Authority over the same *Athletes*);
- b) *Athletes* from sports that have sufficient whereabouts information to locate them for *Testing* through regular team *Competition/Event* and Team Activities.

**4.8.10.2** Where training in a sport is organized and carried out on a collective basis rather than on an individual basis, involving Team Activities, an International Federation or National Anti-Doping Organization may decide that it is sufficient to include Athletes as part of the team in a Testing pool. However, in periods where there are no Team Activities scheduled (e.g., the off-season) or where an Athlete is not participating in Team Activities (e.g., is rehabilitating after an injury), then the Athlete may be required by the International Federation or National Anti-Doping Organization rules or procedures to provide more individualized whereabouts to enable No Advance Notice Testing of the Athlete during these periods. If the whereabouts information requested is not sufficient to conduct the No Advance Notice Testing during these periods, it shall put the Athletes into its Registered Testing Pool and Code Article 2.4 Whereabouts Requirements will apply.

**4.8.10.3** To ensure accurate whereabouts are filed and maintained by Athletes in a Testing pool, an International Federation or a National Anti-Doping Organization shall, within their rules and procedures, include appropriate and proportionate non-Code Article 2.4 consequences to individual Athletes or teams who are part of a Testing pool if;

- a) the whereabouts information is not filed on the date(s) stated in the rules;  
or
- b) the whereabouts information is not found to be accurate following an attempt to test; or
- c) information is obtained that is contrary to the whereabouts information provided.

[*Comment 4.8.10.3: Such consequences may be in addition to the elevation of an Athlete into the Registered Testing Pool as described in Article 4.8.6.1 d).*].

**4.8.10.4** Whereabouts for *Athletes* in a *Testing* pool should also be filed in ADAMS to enable better *Testing* coordination between *Anti-Doping Organizations*. An International Federation or a *National Anti-Doping Organization* may also request Whereabouts Filing schedules with more regular deadlines e.g.,

weekly, monthly or quarterly within their rules or procedures which better suit the needs and demands of Team Activities in the relevant sport(s).

- 4.8.10.5** *Athletes* designated for inclusion in a *Testing* pool shall be notified in advance by the International Federation and *National Anti-Doping Organization* of their inclusion in the *Testing* pool, the whereabouts requirements and the consequences that apply.
- 4.8.11** Other Pool(s)
- 4.8.11.1** International Federations and *National Anti-Doping Organizations* may implement other pool(s) for Athletes who do not meet the criteria of Article 4.5.2 and where diminishing whereabouts requirements may be defined by the International Federation and *National Anti-Doping Organization*. *Athletes* in such pool(s) are not subject to Code Article 2.4 Whereabouts Requirements.
- 4.8.12** Selecting *Athletes* for the different whereabouts pools and coordination between International Federations and *National Anti-Doping Organizations*.
- 4.8.12.1** Each International Federation and National Anti-Doping Organization has the discretion to select which Athlete goes into which type of whereabouts pool. However, the International Federation and National Anti-Doping Organization shall be able to demonstrate they have made a proper assessment of the relevant risks, the necessary prioritization in accordance with Articles 4.2 to 4.7, and that they have adopted appropriate criteria based on the results of that assessment.
- 4.8.12.2** Once an International Federation and National Anti-Doping Organization have selected Athletes for their Registered Testing Pool, they shall share and maintain the list of Athletes through ADAMS with the relevant International Federation and National Anti-Doping Organization.
- 4.8.12.3** If an Athlete is in one whereabouts pool of their International Federation and another whereabouts pool for their National Anti-Doping Organization, they shall file their whereabouts and comply with whichever whereabouts pool has the greater whereabouts requirements.
- 4.8.12.4** International Federations and National Anti-Doping Organizations shall coordinate Athlete whereabouts pool selection and Testing activities to avoid duplication and maximize use of resources. As a result of such coordination and resource efficiencies, either the International Federation or National Anti-Doping Organization shall consider adding more Athletes to its Registered Testing Pool or Testing pool to ensure a greater level of Testing is conducted across a wider range of “at risk” Athletes.
- 4.8.12.5** Each International Federation and each National Anti-Doping Organization shall:

- a) Regularly review and update as necessary their criteria for including *Athletes* in their *Registered Testing Pool* and *Testing* pool(s) to ensure that they remain fit for purpose, i.e., they are capturing all appropriate *Athletes*. They shall take into account the *Competition/Event* calendar for the relevant period and change or increase the number of *Athletes* in the *Registered Testing Pool* or *Testing* pool in the lead-up to a major *Event* (e.g., Olympic Games, Paralympic Games, World Championship and other multi-sport *Events*) to ensure those *Athletes* participating are subject to a sufficient level of *Out-of-Competition Testing* in accordance with any Risk Assessment.
- b) Periodically (but no less than quarterly) review the list of *Athletes* in their *Registered Testing Pool* and *Testing* pool(s) to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* who no longer meet the criteria should be removed from the *Registered Testing Pool* and/or *Testing* pool and *Athletes* who now meet the criteria should be added. The International Federation and *National Anti-Doping Organization* shall advise such *Athletes* of the change in their status and make a new list of *Athletes* in the applicable pool available, without delay.

#### 4.8.13 *Major Event Organizations*

**4.8.13.1** For periods when *Athletes* come under the Testing Authority of a *Major Event Organization*:

- a) If the *Athletes* are in a *Registered Testing Pool*, then the *Major Event Organization* may access their Whereabouts Filings for the relevant period in order to conduct *Out-of-Competition Testing* on them; or
- b) If the *Athletes* are not in a *Registered Testing Pool*, then the *Major Event Organization* may adopt *Event-specific* rules, including consequences requiring them or the relevant third party to provide such information about their whereabouts for the relevant period as it deems necessary and proportionate in order to conduct *Out-of-Competition Testing*.

#### 4.8.14 *Whereabouts Responsibilities*

**4.8.14.1** Notwithstanding any other provision of Article 4.8:

- a) An International Federation may propose, and a *National Anti-Doping Organization* may agree to, the delegation of some or all of the whereabouts responsibilities of the International Federation under Article 4.8 to the *National Anti-Doping Organization* or Doping Control Coordinator subject to (f) below;
- b) An International Federation may delegate some or all of its whereabouts responsibilities under Article 4.8 to the *Athlete's* National Federation or Doping Control Coordinator subject to (f) below; or

- c) A *National Anti-Doping Organization* may delegate some or all of its whereabouts responsibilities under Article 4.8 to the *Athlete's* National Federation, Doping Control Coordinator or other appropriate *Anti-Doping Organization* with authority over the *Athlete* in question subject to (f) below;
- d) Where no appropriate *National Anti-Doping Organization* exists, the *National Olympic Committee* shall assume the whereabouts responsibilities of the *National Anti-Doping Organization* set out in Article 4.8; and
- e) Where *WADA* determines that the International Federation or *National Anti-Doping Organization* (as applicable) is not discharging some or all of its whereabouts responsibilities under Article 4.8, *WADA* may delegate some or all of those responsibilities to any other appropriate *Anti-Doping Organization*.
- f) At all times the *Anti-Doping Organization* (whether the International Federation, *National Anti-Doping Organization* or other *Anti-Doping Organization* with authority over the *Athlete* in question) that delegates its responsibilities (in whole or in part) to a National Federation or Doping Control Coordinator remains ultimately responsible for the acts and/or omissions of such entity to whom it has delegated authority.

**4.8.14.2** A National Federation must use its best efforts to assist its International Federation and/or *National Anti-Doping Organization* (as applicable) in collecting Whereabouts Filings from *Athletes* who are subject to that National Federation's authority, including (without limitation) making special provision in its rules for that purpose.

**4.8.14.3** An *Athlete* may choose to delegate the task of making their Whereabouts Filings (and/or any updates thereto) to a third party, such as a coach, a manager or a National Federation, provided that the third party agrees to such delegation. The *Anti-Doping Organization* collecting the *Athlete's* Whereabouts Filings may require written notice of any agreed delegation to be filed with it, signed by both the *Athlete* in question and the third party delegate.

*[Comment to 4.8.14.3: For example, an Athlete participating in a Team Sport or other sport where competing and/or training is carried out on a collective basis, may delegate the task of making their Whereabouts Filings to the team, to be carried out by a coach, a manager or a National Federation. Indeed, for the sake of convenience and efficiency, an Athlete in such a sport may delegate the making of their Whereabouts Filings to their team not only in respect of periods of Team Activities but also in respect of periods where they are not with the team, provided the team agrees. In such circumstances, the Athlete will need to provide the information as to their individual whereabouts for the period in question to the team, to supplement the information it provides in relation to Team Activities.]*

**4.8.14.4** In all cases, however, including in the case of Athletes in Team Sports:

- a) Each *Athlete* in a *Registered Testing Pool* remains ultimately responsible at all times for making accurate and complete Whereabouts Filings, whether they make each filing personally or delegates the task to a third party. It shall not be a defence to an allegation of a Filing Failure that the *Athlete* delegated such responsibility to a third party and that third party failed to comply with the applicable requirements; and
- b) Such *Athlete* remains personally responsible at all times for ensuring they are available for *Testing* at the whereabouts declared on their Whereabouts Filings. It shall not be a defence to an allegation of a Missed Test that the *Athlete* delegated responsibility for filing their whereabouts information for the relevant period to a third party and that third party failed to file the correct information or failed to update previously-filed information so as to ensure that the whereabouts information in the Whereabouts Filing for the day in question was current and accurate.

*[Comment to 4.8.14.4: For example, if an attempt to test an Athlete during a 60-minute time slot designated within a particular Team Activity period is unsuccessful due to a team official filing the wrong information in relation to the Team Activity, or failing to update previously-filed information where the details of the Team Activity have subsequently changed, the team may be liable for sanction under the applicable rules of the International Federation for such failure, but the Athlete will still be liable for a Whereabouts Failure. This must be the case because if an Athlete is able to blame their team if they are not available for Testing at a location declared by their team, then they will be able to avoid accountability for their whereabouts for Testing. Of course, the team has the same interest as the Athlete in ensuring the accuracy of the Whereabouts Filing and avoiding any Whereabouts Failures on the part of the Athlete.]*

## **4.9 Coordinating with other *Anti-Doping Organizations***

**4.9.1** *Anti-Doping Organizations* shall coordinate their *Testing* efforts with the efforts of other *Anti-Doping Organizations* with overlapping Testing Authority, in order to maximize the effectiveness of those combined efforts, to avoid unnecessarily repetitive *Testing* of particular *Athletes* and to ensure *Athletes* competing at *International Events* are suitably tested in advance. In particular *Anti-Doping Organizations* shall:

- a) Consult with other relevant *Anti-Doping Organizations* in order to coordinate *Testing* activities (including *Athlete* whereabouts pool selection and Test Distribution Plans, which may include *Out-of-Competition Testing* in the lead up to a major *Event*) and to avoid duplication. Clear agreement on roles and responsibilities for *Event Testing* shall be agreed in advance in accordance with *Code* Article 5.3. Where such agreement is not possible, *WADA* will resolve the matter in accordance with the principles set out at Annex H – *Event Testing*.

- b) Within twenty-one (21) days of *Sample* collection, enter the *Doping Control* form into *ADAMS* for all *Samples* collected.
- c) Share information on whereabouts requirements on *Athletes* where there is overlapping *Testing Authority* via *ADAMS*.
- d) Share information on *Athlete Biological Passport* programs where there is overlapping *Testing Authority* via *ADAMS*.
- e) Share intelligence on *Athletes* where there is overlapping *Testing Authority*.

**4.9.2** *Anti-Doping Organizations* may contract other *Anti-Doping Organizations* or *Delegated Third Parties* to act as a *Doping Control Coordinator* or *Sample Collection Authority* on their behalf. In the terms of the contract, the commissioning *Anti-Doping Organization* (which, for these purposes, is the *Testing Authority*) may specify how any discretion afforded to a *Sample Collection Authority* under the *International Standard for Testing and Investigations* is to be exercised by the *Sample Collection Authority* when collecting *Samples* on its behalf.

*[Comment to 4.9.2: For example, the International Standard for Testing and Investigations confers discretion as to the criteria to be used to validate the identity of the Athlete (Article 5.3.4), as to the circumstances in which delayed reporting to the Doping Control Station may be permitted (Article 5.4.4), as to who may be present during the Sample Collection Session (Article 6.3.3), as to the criteria to be used to ensure that each Sample collected is stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station (Article 8.3.1), and as to the guidelines to be followed by the DCQ in determining whether exceptional circumstances exist that mean a Sample Collection Session should be abandoned without collecting a Sample with a Suitable Specific Gravity for Analysis (Article F.4.5) and share information/intelligence obtained (Article 11).]*

**4.9.3** *Anti-Doping Organizations* should consult and coordinate with each other, with *WADA*, and with law enforcement and other relevant authorities, in obtaining, developing and sharing information and intelligence that can be useful in informing test distribution planning, in accordance with Article 11.

## **5.0 NOTIFICATION OF ATHLETES**

### **5.1 Objective**

The objective is to ensure that an *Athlete* who has been selected for *Testing* is properly notified with no advance notice of *Sample* collection as outlined in Articles 5.3.1 and 5.4.1, that the rights of the *Athlete* are maintained, that there are no opportunities to manipulate the *Sample* to be provided, and that the notification is documented.

## 5.2 General

Notification of *Athletes* starts when the Sample Collection Authority initiates the notification of the selected *Athlete* and ends when the *Athlete* arrives at the Doping Control Station or when the *Athlete*'s possible Failure to Comply has occurred. The main activities are:

- a) Appointment of DCOs, Chaperones and other Sample Collection Personnel sufficient to ensure No Advance Notice Testing and continuous observation of *Athletes* notified of their selection to provide a *Sample*;
- b) Locating the *Athlete* and confirming their identity;
- c) Informing the *Athlete* that they have been selected to provide a *Sample* and of their rights and responsibilities;
- d) Continuously chaperoning the *Athlete* from the time of notification to the arrival at the designated Doping Control Station; and
- e) Documenting the notification, or notification attempt.

## 5.3 Requirements prior to notification of *Athletes*

**5.3.1** No Advance Notice Testing shall be the method for *Sample* collection save in exceptional and justifiable circumstances. The *Athlete* shall be the first *Person* notified that they have been selected for *Sample* collection, except where prior contact with a third party is required as specified in Article 5.3.7. In order to ensure that *Testing* is conducted on a No Advance Notice Testing basis, the Testing Authority (and the Sample Collection Authority, if different) shall ensure that *Athlete* selection decisions are only disclosed in advance of *Testing* to those who strictly need to know in order for such *Testing* to be conducted. Any notification to a third party shall be conducted in a secure and confidential manner so that there is no risk that the *Athlete* will receive any advance notice of their selection for *Sample* collection. For *In-Competition Testing*, such notification shall occur at the end of the *Competition* in which the *Athlete* is competing.

*[Comment to 5.3.1: Every effort should be made to ensure Event Venue or training venue staff are not aware that Testing may take place in advance. It is not justifiable for a National Federation or other body to insist that it be given advance notice of Testing of Athletes under its authority so that it can have a representative present at such Testing.]*

**5.3.2** To conduct or assist with the Sample Collection Sessions, the Sample Collection Authority shall appoint and authorize Sample Collection Personnel who have been trained for their assigned responsibilities, who do not have a conflict of interest in the outcome of the *Sample* collection, and who are not *Minors*.

**5.3.3** Sample Collection Personnel shall have official documentation, provided by

the Sample Collection Authority, evidencing their authority to collect a *Sample* from the *Athlete*, such as an authorization letter from the Testing Authority. DCOs shall also carry complementary identification which includes their name and photograph (i.e., identification card from the Sample Collection Authority, driver's license, health card, passport or similar valid identification) and the expiry date of the identification.

- 5.3.4** The Testing Authority or otherwise the Sample Collection Authority shall establish criteria to validate the identity of an *Athlete* selected to provide a *Sample*. This ensures the selected *Athlete* is the *Athlete* who is notified. If the *Athlete* is not readily identifiable, a third party may be asked to identify them and the details of such identification documented.
- 5.3.5** The Sample Collection Authority, DCO or Chaperone, as applicable, shall establish the location of the selected *Athlete* and plan the approach and timing of notification, taking into consideration the specific circumstances of the sport/*Competition*/training session/etc. and the situation in question.
- 5.3.6** The Sample Collection Authority, DCO or Chaperone shall document *Athlete* notification attempt(s) and outcome(s).
- 5.3.7** The Sample Collection Authority, DCO or Chaperone, as applicable, shall consider whether a third party is required to be notified prior to notification of the *Athlete*; in the following situations:
- a) Where required by an *Athlete's* impairment (as provided for in Annex A - Modifications for *Athletes* with Impairments);
  - b) Where the *Athlete* is a *Minor* (as provided for in Annex B – Modifications for *Athletes* who are *Minors*);
  - c) Where an interpreter is required and available for the notification;
  - d) Where required to assist Sample Collection Personnel to identify the *Athlete(s)* to be tested and to notify such *Athlete(s)* that they are required to provide a *Sample*.

*[Comment to 5.3.7: It is permissible to notify a third party that Testing of Minors or Athletes with impairments will be conducted. However, there is no requirement to notify any third party (e.g., a team doctor) of the Doping Control mission where such assistance is not needed. Should a third party be required to be notified prior to notification, the third party should be accompanied by the DCO or Chaperone to notify the Athlete.]*

#### **5.4 Requirements for notification of *Athletes***

- 5.4.1** When initial contact is made, the Sample Collection Authority, DCO or Chaperone, as applicable, shall ensure that the *Athlete* and/or a third party (if required in accordance with Article 5.3.7) is informed:

- a) That the *Athlete* is required to undergo a *Sample* collection;
- b) Of the authority under which the *Sample* collection is to be conducted;
- c) Of the type of *Sample* collection and any conditions that need to be adhered to prior to the *Sample* collection;
- d) Of the *Athlete*'s rights, including the right to:
  - (i) Have a representative and, if available, an interpreter accompany them, in accordance with Article 6.3.3(a);
  - (ii) Ask for additional information about the *Sample* collection process;
  - (iii) Request a delay in reporting to the Doping Control Station for valid reasons in accordance with Article 5.4.4; and
  - (iv) Request modifications as provided for in Annex A – Modifications for *Athletes* with Impairments.
- e) Of the *Athlete*'s responsibilities, including the requirement to:
  - (i) Remain within continuous observation of the DCO/Chaperone at all times from the point initial contact is made by the DCO/Chaperone until the completion of the *Sample* collection procedure;
  - (ii) Produce identification in accordance with Article 5.3.4;
  - (iii) Comply with *Sample* collection procedures (and the *Athlete* should be advised of the possible *Consequences* of a Failure to Comply); and
  - (iv) Report immediately for *Sample* collection, unless there are valid reasons for a delay, as determined in accordance with Article 5.4.4.
- f) Of the location of the Doping Control Station;
- g) That should the *Athlete* choose to consume food or fluids prior to providing a *Sample*, they do so at their own risk;
- h) Not to hydrate excessively, since this may delay the production of a suitable *Sample*; and
- i) That any urine *Sample* provided by the *Athlete* to the Sample Collection Personnel shall be the first urine passed by the *Athlete* subsequent to notification, i.e., they shall not pass urine in the shower or otherwise prior to providing a *Sample* to the Sample Collection Personnel.

**5.4.2** When contact is made, the DCO/Chaperone shall:

- a) From the time of such contact until the *Athlete* leaves the Doping Control

Station at the end of their Sample Collection Session, keep the *Athlete* under observation at all times;

- b) Identify themselves to the *Athlete* using the documentation referred to in Article 5.3.3; and
- c) Confirm the *Athlete's* identity as per the criteria established in Article 5.3.4. Confirmation of the *Athlete's* identity by any other method, or failure to confirm the identity of the *Athlete*, shall be documented and reported to the Testing Authority. In cases where the *Athlete's* identity cannot be confirmed as per the criteria established in Article 5.3.4, the Testing Authority shall decide whether it is appropriate to follow up in accordance with Annex A – Review of a Possible Failure to Comply of the *International Standard for Results Management*.

**5.4.3** The DCO/Chaperone shall have the *Athlete* sign an appropriate form to acknowledge and accept the notification. If the *Athlete* refuses to sign that they have been notified, or evades the notification, the DCO/Chaperone shall, if possible, inform the *Athlete* of the *Consequences* of a Failure to Comply, and the Chaperone (if not the DCO) shall immediately report all relevant facts to the DCO. When possible, the DCO shall continue to collect a *Sample*. The DCO shall document the facts in a detailed report and report the circumstances to the Testing Authority. The Testing Authority shall follow the steps prescribed in Annex A - Review of a Possible Failure to Comply of the *International Standard for Results Management*.

**5.4.4** The DCO/Chaperone may at their discretion consider any reasonable third party request or any request by the *Athlete* for permission to delay reporting to the Doping Control Station following acknowledgment and acceptance of notification, and/or to leave the Doping Control Station temporarily after arrival. The DCO/Chaperone may grant such permission if the *Athlete* can be continuously chaperoned and kept under continuous observation during the delay. Delayed reporting to or temporary departure from the Doping Control Station may be permitted for the following activities:

- a) For *In-Competition Testing*:
  - (i) Participation in a presentation ceremony;
  - (ii) Fulfilment of media commitments;
  - (iii) Competing in further *Competitions*;
  - (iv) Performing a warm down;
  - (v) Obtaining necessary medical treatment;
  - (vi) Locating a representative and/or interpreter;
  - (vii) Obtaining photo identification; or

- (viii) Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the Testing Authority.
- b) For *Out-of-Competition Testing*:
- (i) Locating a representative;
  - (ii) Completing a training session;
  - (iii) Receiving necessary medical treatment;
  - (iv) Obtaining photo identification; or
  - (v) Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the Testing Authority.
- 5.4.5** A DCO/Chaperone shall reject a request for delay from an *Athlete* if it will not be possible for the *Athlete* to be continuously observed during such delay.
- 5.4.6** The DCO/Chaperone or other authorized Sample Collection Personnel shall document any reasons for delay in reporting to the Doping Control Station and/or reasons for leaving the Doping Control Station that may require further investigation by the Testing Authority.
- 5.4.7** If the *Athlete* delays reporting to the Doping Control Station other than in accordance with Article 5.4.4 and/or any failure of the *Athlete* to remain under constant observation during chaperoning but the *Athlete* arrives at the Doping Control Station prior to the DCO's departure from the sample collection location, the DCO shall report a possible Failure to Comply. If at all possible, the DCO shall proceed with collecting a Sample from the *Athlete*. The Testing Authority shall investigate a possible Failure to Comply in accordance with Annex A – Review of a Possible Failure to Comply in the *International Standard for Results Management*.
- 5.4.8** If Sample Collection Personnel observe any other matter with potential to compromise the collection of the Sample, the circumstances shall be reported to and documented by the DCO. If deemed appropriate by the DCO, the DCO shall consider if it is appropriate to collect an additional Sample from the *Athlete*. The Testing Authority shall investigate a possible Failure to Comply in accordance with Annex A – Review of a Possible Failure to Comply in the *International Standard for Results Management*.

## **6.0 PREPARING FOR THE SAMPLE COLLECTION SESSION**

### **6.1 Objective**

To prepare for the Sample Collection Session in a manner that ensures that the session can be conducted efficiently and effectively, including with sufficient resources e.g., personnel and equipment.

## 6.2 General

Preparing for the Sample Collection Session starts with the establishment of a system for obtaining relevant information for effective conduct of the session and ends when it is confirmed that the Sample Collection Equipment conforms to the specified criteria. The main activities are:

- a) Establishing a system for collecting details regarding the Sample Collection Session;
- b) Establishing criteria for who may be present during a Sample Collection Session;
- c) Ensuring that the Doping Control Station meets the minimum criteria prescribed in Article 6.3.2; and
- d) Ensuring that the Sample Collection Equipment meets the minimum criteria prescribed in Article 6.3.4.

## 6.3 Requirements for preparing for the Sample Collection Session

6.3.1. The Testing Authority, Doping Control Coordinator or Sample Collection Authority shall establish a system for obtaining all the information necessary to ensure that the Sample Collection Session can be conducted effectively, including identifying special requirements to meet the needs of *Athletes* with impairments (as provided in Annex A - Modifications for *Athletes* with Impairments) as well as the needs of *Athletes* who are *Minors* (as provided in Annex B – Modifications for *Athletes* who are *Minors*).

6.3.2. The DCO shall use a Doping Control Station which, at a minimum, ensures the *Athlete's* privacy and where possible is used solely as a Doping Control Station for the duration of the Sample Collection Session. The DCO shall record any significant deviations from these criteria. Should the DCO determine the Doping Control Station is unsuitable, they shall seek an alternative location which fulfils the minimum criteria above.

6.3.3. The Testing Authority or Sample Collection Authority shall establish criteria for who may be authorized to be present during the Sample Collection Session in addition to the Sample Collection Personnel. At a minimum, the criteria shall include:

- a) An *Athlete's* entitlement to be accompanied by a representative and/or interpreter during the Sample Collection Session, except when the *Athlete* is passing a urine *Sample*;
- b) The entitlement of an *Athlete* with an impairment to be accompanied by a representative as provided for in Annex A - Modifications for *Athletes* with Impairments;
- c) A *Minor Athlete's* entitlement (as provided for in Annex B - Modifications

for *Athletes* who are *Minors*), and the witnessing DCO/Chaperone's entitlement to have a representative observe the witnessing DCO/Chaperone when the *Minor Athlete* is passing a urine *Sample*, but without the representative directly observing the passing of the *Sample* unless requested to do so by the *Minor Athlete*;

- d) A *WADA*-appointed observer under the *WADA Independent Observer Program* or *WADA* auditor (where applicable); and/or
- e) An authorized *Person* who is involved in the training of Sample Collection Personnel or auditing the Sample Collection Authority.

*[Comment to 6.3.3 (d) and (e): The WADA observer/auditor and/or authorized Person shall not directly observe the passing of a urine Sample]*

**6.3.4.** The Sample Collection Authority shall only use Sample Collection Equipment systems for urine and blood *Samples* which, at a minimum:

- a) Have a unique numbering system, incorporated into all A and B bottles, containers, tubes or other items used to seal the *Sample* and have a barcode or similar data code which meets the requirements of *ADAMS* on the applicable Sample Collection Equipment;
- b) Have a Tamper-Evident sealing system;
- c) Ensure the identity of the *Athlete* is not evident from the equipment itself;
- d) Ensure that all equipment is clean and sealed prior to use by the *Athlete*;
- e) Are constructed of a material and sealing system that is able to withstand the handling conditions and environment in which the equipment will be used or subjected to, including but not limited to transportation, Laboratory analysis and long term frozen storage up to the period of the statute of limitations;
- f) Are constructed of a material and sealing system that will;
  - (i) Maintain the integrity (chemical and physical properties) of the *Sample* for the Analytical Testing;
  - (ii) Can withstand temperatures of -80 °C for urine and blood. Tests conducted to determine integrity under freezing conditions shall use the matrix that will be stored in the *Sample* bottles, containers or tubes i.e., blood or urine;
  - (iii) Are constructed of a material and sealing system that can withstand a minimum of three (3) freeze/thaw cycles;
- g) The A and B bottles, containers and tubes shall be transparent so the *Sample* is visible;

- h) Have a sealing system which allows verification by the *Athlete* and the DCO that the *Sample* is correctly sealed in the A and B bottles or containers;
- i) Have a built-in security identification feature(s) which allows verification of the authenticity of the equipment;
- j) Are compliant with the standards published by the International Air Transport Association (IATA) for the transport of exempt human specimens which includes urine and/or blood *Samples* in order to prevent leakage during transportation by air;
- k) Have been manufactured under the internationally recognized ISO 9001 certified process which includes quality control management systems;
- l) Can be resealed after initial opening by a Laboratory using a new unique Tamper- Evident sealing system with a unique numbering system to maintain the integrity of the *Sample* and Chain of Custody in accordance with the requirements of the *International Standard* for Laboratories for long term storage of the *Sample* and further analysis;
- m) Have undergone testing by a testing institution that is independent of the manufacturer and is ISO 17025 accredited, to validate at a minimum that the equipment meets the criteria set out in subsections b), f), g), h), i), j) and l) above;
- n) Any modification to the material or sealing system of the equipment shall require re-testing to ensure it continues to meet the stated requirements as per m) above;

**For urine *Sample* collection:**

- o) Have the capacity to contain a minimum of 85mL volume of urine in each A and B bottle or container;
- p) Have a visual marking on the A and B bottles or containers and the collection vessel, indicating:
  - (i) the minimum volume of urine required in each A and B bottle or container as outlined in Annex C – Collection of Urine;
  - (ii) the maximum volume levels that allow for expansion when frozen without compromising the bottle, container or the sealing system; and
  - (iii) the level of Suitable Volume of Urine for Analysis on the collection vessel.
- q) Include a partial *Sample Tamper Evident* sealing system with a unique numbering system to temporarily seal a *Sample* with an insufficient volume in accordance with Annex E – Urine *Samples* – Insufficient Volume;

### **For blood *Sample* collection:**

- r) Have the ability to collect, store and transport blood in separate A and B tubes and containers;
- s) For the analysis of *Prohibited Substances* or *Prohibited Methods* in whole blood or plasma and/or for profiling blood parameters, the A and B tubes must have the capacity to contain a minimum of 3mL of blood and shall contain EDTA as an anti-coagulant;
- t) For the analysis of *Prohibited Substances* or *Prohibited Methods* in serum, the A and B tubes must have the capacity to contain a minimum of 5mL of blood and shall contain an inert polymeric serum separator gel and clotting activation factor; and

*[Comment to 6.3.4 s) and t): If specific tubes have been indicated in the applicable WADA International Standard, Technical Document or Guidelines, then the use of alternative tubes which meet similar criteria shall be validated with the involvement of the relevant Laboratory(ies) and approved by WADA prior to use for *Sample* collection.]*

- u) For the transport of blood *Samples*, ensure the storage and transport device and temperature data logger meet the requirements listed in Annex I – Collection, Storage and Transport of Blood *Athlete Biological Passport Samples*.

*[Comment to 6.3.4: It is strongly recommended that prior to the equipment being made commercially available to stakeholders, such equipment be distributed to the anti-doping community, which may include Athletes, Testing Authorities, Sample Collection Authorities, Sample Collection Personnel, and Laboratories to seek feedback and ensure the equipment is fit for purpose.]*

## **7.0 CONDUCTING THE SAMPLE COLLECTION SESSION**

### **7.1 Objective**

To conduct the Sample Collection Session in a manner that ensures the integrity, security and identity of the *Sample* and respects the privacy and dignity of the *Athlete*.

### **7.2 General**

The Sample Collection Session starts with defining overall responsibility for the conduct of the Sample Collection Session and ends once the *Sample* has been collected and secured and the *Sample* collection documentation is complete. The main activities are:

- a) Preparing for collecting the *Sample*;
- b) Collecting and securing the *Sample*; and

- c) Documenting the *Sample* collection.

### **7.3 Requirements prior to *Sample* collection**

- 7.3.1** The *Sample Collection Authority* shall be responsible for the overall conduct of the *Sample Collection Session*, with specific responsibilities delegated to the DCO.
- 7.3.2** The DCO shall ensure that the *Athlete* has been informed of their rights and responsibilities as specified in Article 5.4.1.
- 7.3.3** The DCO/Chaperone shall advise the *Athlete* not to hydrate excessively, having in mind the requirement to provide a *Sample* with a Suitable Specific Gravity for Analysis.
- 7.3.4** The *Anti-Doping Organization* shall establish criteria regarding what items may be prohibited within the Doping Control Station. At a minimum these criteria shall prohibit the provision of alcohol or its consumption within the Doping Control Station.
- 7.3.5** The *Athlete* shall only leave the Doping Control Station under continuous observation by the DCO or Chaperone and with the approval of the DCO. The DCO shall consider any reasonable request by the *Athlete* to leave the Doping Control Station, as specified in Articles 5.4.4, 5.4.5 and 5.4.6, until the *Athlete* is able to provide a *Sample*.
- 7.3.6** If the DCO gives approval for the *Athlete* to leave the Doping Control Station, the DCO shall agree with the *Athlete* on the following conditions of leave:
  - a) The purpose of the *Athlete* leaving the Doping Control Station; the time of return (or return upon completion of an agreed activity);
  - b) That the *Athlete* must remain under continuous observation throughout;
  - c) That the *Athlete* shall not pass urine until they arrive back at the Doping Control Station; and
  - d) The DCO shall document the time of the *Athlete*'s departure and return.

### **7.4 Requirements for *Sample* collection**

- 7.4.1** The DCO shall collect the *Sample* from the *Athlete* according to the following protocol(s) for the specific type of *Sample* collection:
  - a) Annex C: Collection of Urine *Samples*;
  - b) Annex D: Collection of Blood *Samples*;
  - c) Annex I: Collection, Storage and Transport of Blood *Athlete Biological Passport Samples*.
- 7.4.2** Any behaviour by the *Athlete* and/or *Persons* associated with the *Athlete* or

anomalies with potential to compromise the *Sample* collection shall be recorded in detail by the DCO. If appropriate, the Testing Authority shall apply Annex A - Review of a Possible Failure to Comply in the *International Standard for Results Management*.

- 7.4.3** If there are doubts as to the origin or authenticity of the *Sample*, the *Athlete* shall be asked to provide an additional *Sample*. If the *Athlete* refuses to provide an additional *Sample*, the DCO shall document in detail the circumstances around the refusal, and the Testing Authority shall apply Annex A - Review of a Possible Failure to Comply in accordance with *International Standard for Results Management*.
- 7.4.4** The DCO shall provide the *Athlete* with the opportunity to document any concerns they may have about how the Sample Collection Session was conducted.
- 7.4.5** The following information shall be recorded as a minimum in relation to the Sample Collection Session:
- a) Date, time of notification, name and signature of notifying DCO/Chaperone;
  - b) Arrival time of the *Athlete* at the Doping Control Station and any temporary departures and returns;
  - c) Date and time of sealing of each *Sample* collected and date and time of completion of entire *Sample* collection process (i.e., the time when the *Athlete* signs the declaration at the bottom of the *Doping Control* form);
  - d) The name of the *Athlete*;
  - e) The date of birth of the *Athlete*;
  - f) The gender of the *Athlete*;
  - g) Means by which the *Athlete's* identity is validated (e.g., passport, driver's license or *Athlete* accreditation) including by a third party (who is so identified);
  - h) The *Athlete's* home address, email address and telephone number;
  - i) The *Athlete's* sport and discipline (in accordance with the TDSSA);
  - j) The name of the *Athlete's* coach and doctor (if applicable);
  - k) The *Sample* code number and reference to the equipment manufacturer;
  - l) The type of the *Sample* (urine, blood, etc.);
  - m) The type of *Testing* (*In-Competition* or *Out-of-Competition*);

- n) The name and signature of the witnessing DCO/Chaperone;
- o) The name and signature of the BCO (where applicable);
- p) Partial *Sample* information, as per Article E.4.4;
- q) Required Laboratory information on the *Sample* (i.e., for a urine *Sample*, its volume and specific gravity measurement);
- r) Medications and supplements taken within the previous seven (7) days and (where the *Sample* collected is a blood *Sample*) blood transfusions within the previous three (3) months, as declared by the *Athlete*;
- s) For an *Athlete Biological Passport* blood *Sample*, the DCO/BCO shall record the information as outlined in Annex I - Collection, Storage and Transport of Blood *Athlete Biological Passport* *Samples*;
- t) Any irregularities in procedures, for example, if advance notice was provided;
- u) *Athlete* comments or concerns regarding the conduct of the *Sample Collection Session*, as declared by the *Athlete*;
- v) *Athlete* acknowledgment of the Processing of *Sample* collection data and description of such Processing in accordance with the *International Standard* for the Protection of Privacy and Personal Information;
- w) *Athlete* consent or otherwise for the use of the *Sample(s)* for research purposes;
- x) The name and signature of the *Athlete's* representative (if applicable), as per Article 7.4.6;
- y) The name and signature of the *Athlete*;
- z) The name and signature of the DCO;
- aa) The name of the Testing Authority;
- bb) The name of the *Sample* Collection Authority;
- cc) The name of the Results Management Authority; and
- dd) The name of the Doping Control Coordinator (if applicable).

*[Comment to 7.4.5: All of the aforementioned information does not need to be consolidated in a single Doping Control form but rather may be collected during the Sample Collection Session and/or on other official documentation such as a separate notification form and/or supplementary report.]*

7.4.6 At the conclusion of the Sample Collection Session, the *Athlete* and DCO shall sign appropriate documentation to indicate their satisfaction that the documentation accurately reflects the details of the *Athlete's Sample Collection Session*, including any concerns expressed by the *Athlete*. The *Athlete's* representative, if present and who witnessed the proceedings, should sign the documentation.

7.4.7 The *Athlete* shall be offered a copy of the records of the Sample Collection Session that have been signed by the *Athlete* whether electronically or otherwise.

## 8.0 SECURITY/POST-TEST ADMINISTRATION

### 8.1 Objective

To ensure that all *Samples* collected at the Doping Control Station and *Sample* collection documentation are securely stored prior to transport from the Doping Control Station.

### 8.2 General

Post-test administration begins when the *Athlete* has left the Doping Control Station after providing their *Sample(s)* and ends with preparation of all of the collected *Samples* and *Sample* collection documentation for transport.

### 8.3 Requirements for security/post-test administration

8.3.1 The Sample Collection Authority shall define criteria ensuring that each *Sample* collected is stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station. At a minimum, these criteria should include detailing and documenting the location where *Samples* are stored and who has custody of the *Samples* and/or is permitted access to the *Samples*. The DCO shall ensure that any *Sample* is stored in accordance with these criteria.

8.3.2 The Sample Collection Authority shall develop a system for recording the Chain of Custody of the *Samples* and *Sample* collection documentation to ensure that the documentation for each *Sample* is completed and securely handled. This shall include confirming that both the *Samples* and *Sample* collection documentation have arrived at their intended destinations. The Laboratory shall report any irregularities to the Testing Authority on the condition of *Samples* upon arrival in line with the *International Standard* for Laboratories.

*[Comment to 8.3.2: Information as to how a Sample is stored prior to departure from the Doping Control Station may be recorded on, for example, a DCO report.]*

8.3.3 The Sample Collection Authority shall develop a system to ensure that, where required, instructions for the type of analysis to be conducted are provided to the Laboratory that will be conducting the analysis. In addition, the *Anti-Doping*

*Organization* shall provide the Laboratory with information as required under Article 7.4.5 c), f), i), k), l), m), q), r), w), aa), bb) and cc) for result reporting and statistical purposes and include whether *Sample* retention in accordance with Article 4.7.3. is required.

## **9.0 TRANSPORT OF *SAMPLES* AND DOCUMENTATION**

### **9.1 Objective**

- a) To ensure that *Samples* and related documentation arrive at the Laboratory that will be conducting the analysis in proper condition to do the necessary analysis; and
- b) To ensure the Sample Collection Session documentation is sent by the DCO to the Testing Authority in a secure and timely manner.

### **9.2 General**

**9.2.1** Transport starts when the *Samples* and related documentation leave the Doping Control Station and ends with the confirmed receipt of the *Samples* and Sample Collection Session documentation at their intended destinations.

**9.2.2** The main activities are arranging for the secure transport of *Samples* and related documentation to the Laboratory that will be conducting the analysis and arranging for the secure transport of the Sample Collection Session documentation to the Testing Authority.

### **9.3 Requirements for transport and storage of *Samples* and documentation**

**9.3.1** The Sample Collection Authority shall authorize a transport system that ensures *Samples* and documentation are transported in a manner that protects their integrity, identity and security.

**9.3.2** *Samples* shall always be transported to the Laboratory that will be analyzing the *Samples* using the Sample Collection Authority's authorized transport method, as soon as possible after the completion of the Sample Collection Session. *Samples* shall be transported in a manner which minimizes the potential for *Sample* degradation due to factors such as time delays and extreme temperature variations.

*[Comment to 9.3.2: Anti-Doping Organizations should discuss transportation requirements for particular missions (e.g., where the Sample has been collected in less than hygienic conditions, or where delays may occur in transporting the Samples to the Laboratory) with the Laboratory that will be analyzing the Samples, to establish what is necessary in the particular circumstances of such mission (e.g., refrigeration or freezing of the Samples).]*

**9.3.3** Documentation identifying the *Athlete* shall not be included with the *Samples* or documentation sent to the Laboratory that will be analyzing the *Samples*.

- 9.3.4 The DCO shall send all relevant Sample Collection Session documentation to the Sample Collection Authority, using the Sample Collection Authority's authorized transport method (which may include electronic transmission), as soon as practicable after the completion of the Sample Collection Session.
- 9.3.5 If the Samples with accompanying documentation or the Sample Collection Session documentation are not received at their respective intended destinations, or if a Sample's integrity or identity may have been compromised during transport, the Sample Collection Authority shall check the Chain of Custody, and the Testing Authority shall consider whether the Samples should be voided.
- 9.3.6 Documentation related to a Sample Collection Session and/or an anti-doping rule violation shall be stored by the Testing Authority and/or the Sample Collection Authority for the period and other requirements specified in the International Standard for the Protection of Privacy and Personal Information.

*[Comment to 9.3: While the requirements for transport and storage of Samples and documentation herein apply equally to all urine, blood and blood Athlete Biological Passport Samples, additional requirements for standard blood can be found in Annex D - Collection of Blood Samples and additional requirements for the transportation of Blood Samples for the Athlete Biological Passport can be found in Annex I - Collection, Storage and Transport of Blood Athlete Biological Passport Samples.]*

## 10.0 OWNERSHIP OF SAMPLES

- 10.1 Samples collected from an Athlete are owned by the Testing Authority for the Sample Collection Session in question.
- 10.2 The Testing Authority may transfer ownership of the Samples to the Results Management Authority or to another Anti-Doping Organization upon request.
- 10.3 WADA may assume Testing Authority in certain circumstances in accordance with the Code and the International Standard for Laboratories.
- 10.4 Where the Testing Authority is not the Passport Custodian, the Testing Authority that initiated and directed the Sample collection maintains the responsibility for additional Analytical Testing of the Sample. This includes the performance of further Confirmation Procedure(s) upon requests generated automatically by the Adaptive Model of the Athlete Biological Passport in ADAMS (e.g., GC/C/IRMS triggered by elevated T/E) or a request by the APMU (e.g., GC/C/IRMS requested due to abnormal secondary Markers of the urinary “longitudinal steroid profile” or ESA analysis tests due to suspicious haematological Marker values).

## PART THREE: STANDARDS FOR INTELLIGENCE GATHERING AND INVESTIGATIONS

### 11.0 GATHERING, ASSESSMENT AND USE OF INTELLIGENCE

#### 11.1 Objective

*Anti-Doping Organizations* shall ensure they are able to obtain, assess and process anti-doping intelligence from all available sources, to help deter and detect doping, to inform the development of an effective, intelligent and proportionate Test Distribution Plan, to plan *Target Testing*, and to conduct investigations as required by *Code* Article 5.7. The objective of Article 11 is to establish standards for the efficient and effective gathering, assessment and processing of such intelligence for these purposes

*[Comment to 11.1: While Testing will always remain an integral part of the anti-doping effort, Testing alone is not sufficient to detect and establish to the requisite standard all of the anti-doping rule violations identified in the Code. In particular, while Use of Prohibited Substances and Prohibited Methods may often be uncovered by analysis of Samples, the other Code anti-doping rule violations (and, often, Use) can usually only be effectively identified and pursued through the gathering and investigation of 'non-analytical' anti-doping intelligence and information. This means that Anti-Doping Organizations need to develop efficient and effective intelligence-gathering and investigation functions. WADA has devised Intelligence and Investigations Guidelines with case studies to assist Anti-Doping Organizations to better understand the types of 'non-analytical' intelligence that may be available and to provide support and guidance to Signatories in their efforts to comply with the Code and the International Standards.]*

#### 11.2 Gathering of anti-doping intelligence

**11.2.1** *Anti-Doping Organizations* shall do everything in their power to ensure that they are able to capture or receive anti-doping intelligence from all available sources, including, but not limited to, *Athletes* and *Athlete Support Personnel* (including *Substantial Assistance* provided pursuant to *Code* Article 10.7.1) and members of the public (e.g., by means of a confidential telephone hotline), Sample Collection Personnel (whether via mission reports, incident reports, or otherwise), Laboratories, pharmaceutical companies, other *Anti-Doping Organizations*, *WADA*, National Federations, law enforcement, other regulatory and disciplinary bodies, and the media (in all its forms).

**11.2.2** *Anti-Doping Organizations* shall have policies and procedures in place to ensure that anti-doping intelligence captured or received is handled securely and confidentially, that sources of intelligence are protected, that the risk of leaks or inadvertent disclosure is properly addressed, and that intelligence shared with them by law enforcement, other relevant authorities and/or other third parties, is processed, used and disclosed only for legitimate anti-doping purposes.

### **11.3 Assessment and analysis of anti-doping intelligence**

**11.3.1** *Anti-Doping Organizations* shall ensure that they are able to assess all anti-doping intelligence upon receipt for relevance, reliability and accuracy, taking into account the nature of the source and the circumstances in which the intelligence has been captured or received.

*[Comment to 11.3.1: There are various models that may be used as the basis for the assessment and analysis of anti-doping intelligence. There are also databases and case management systems that may be used to assist in the organization, processing, analysis and cross-referencing of such intelligence.]*

**11.3.2** All anti-doping intelligence captured or received by an *Anti-Doping Organization* should be collated and analyzed to establish patterns, trends and relationships that may assist the *Anti-Doping Organization* in developing an effective anti-doping strategy and/or in determining (where the intelligence relates to a particular case) whether there is reasonable cause to suspect that an anti-doping rule violation may have been committed, such that further investigation is warranted in accordance with Article 12 and the *International Standard for Results Management*.

### **11.4 Intelligence outcomes**

**11.4.1** Anti-doping intelligence shall be used to assist for the following purposes (without limitation): developing, reviewing and revising the Test Distribution Plan and/or determining when to conduct *Target Testing*, in each case in accordance with Article 4 and/or to create targeted intelligence files to be referred for investigation in accordance with Article 12.

**11.4.2** *Anti-Doping Organizations* should also develop and implement policies and procedures for the sharing of intelligence (where appropriate, and subject to applicable law) with other *Anti-Doping Organizations* (e.g., if the intelligence relates to *Athletes* or other *Persons* under their authority) and/or law enforcement and/or other relevant regulatory or disciplinary authorities (e.g., if the intelligence suggests the possible commission of a crime or regulatory offence or breach of other rules of conduct).

**11.4.3** *Anti-Doping Organizations* should develop and implement policies and procedures to facilitate and encourage whistleblowers as outlined within *WADA's Whistleblower policy* available on *WADA's* website.

## **12.0 INVESTIGATIONS**

### **12.1 Objective**

The objective of Article 12 is to establish standards for the efficient and effective conduct of investigations that *Anti-Doping Organizations* must implement under the *Code*, including but not limited to:

- a) The investigation of *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with the *International Standard for Results Management*;
- b) The investigation of any other analytical or non-analytical information and/or intelligence where there is reasonable cause to suspect that an anti-doping rule violation may have been committed, in accordance with the *International Standard for Results Management*;
- c) The investigation of the circumstances surrounding and/or arising from an *Adverse Analytical Finding* to gain further intelligence on other *Persons* or methods involved in doping (e.g., interviewing the relevant *Athlete*); and
- d) Where an anti-doping rule violation by an *Athlete* is established, the investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in that violation, in accordance with *Code* Article 20.

**12.1.1** In each case, the purpose of the investigation is to achieve one of the following either:

- a) to rule out the possible violation/involvement in a violation;
- b) to develop evidence that supports the initiation of an anti-doping rule violation proceeding in accordance with *Code* Article 8; or
- c) to provide evidence of a breach of the *Code* or applicable *International Standard*.

## **12.2 Investigating possible anti-doping rule violations**

**12.2.1** *Anti-Doping Organizations* shall ensure that they are able to investigate confidentially and effectively any analytical or non-analytical information or intelligence that indicates there is reasonable cause to suspect that an anti-doping rule violation may have been committed, in accordance with the *International Standard for Results Management*.

*[Comment to 12.2.1: Where an attempt to collect a Sample from an Athlete produces information indicating a possible evasion of Sample collection and/or refusal or failure to submit to Sample collection after due notification, in violation of Code Article 2.3, or possible Tampering or Attempted Tampering with Doping Control, in violation of Code Article 2.5, the matter shall be investigated in accordance with the International Standard for Results Management.]*

**12.2.2** The *Anti-Doping Organization* shall gather and record all relevant information and documentation as soon as possible, in order to develop that information and documentation into admissible and reliable evidence in relation to the possible anti-doping rule violation, and/or to identify further lines of enquiry that may lead to the discovery of such evidence. The *Anti-Doping*

*Organization* shall ensure that investigations are conducted fairly, objectively and impartially at all times. The conduct of investigations, the evaluation of information and evidence identified in the course of that investigation, and the outcome of the investigation, shall be fully documented.

*[Comment to 12.2.2: It is important that information is provided to and gathered by the investigating Anti-Doping Organization as quickly as possible and in as much detail as possible because the longer the period between the incident and investigation, the greater the risk that certain evidence may no longer exist. Investigations should not be conducted with a closed mind, pursuing only one outcome (e.g., institution of anti-doping rule violation proceedings against an Athlete or other Person). Rather, the investigator(s) should be open to and should consider all possible outcomes at each keystone of the investigation, and should seek to gather not only any available evidence indicating that there is a case to answer but also any available evidence indicating that there is no case to answer.]*

**12.2.3** The *Anti-Doping Organization* should make use of all investigative resources reasonably available to it to conduct its investigation. This may include obtaining information and assistance from law enforcement and other relevant authorities, including other regulators. However, the *Anti-Doping Organization* should also make full use of all investigative resources at its own disposal, including the *Athlete Biological Passport* program, investigative powers conferred under applicable rules (e.g., the power to demand the production of relevant documents and information, and the power to interview both potential witnesses and the *Athlete* or other *Person* who is the subject of the investigation), and the power to suspend a period of *Ineligibility* imposed on an *Athlete* or other *Person* in return for the provision of *Substantial Assistance* in accordance with *Code* Article 10.7.1.

**12.2.4** *Athletes* and *Athlete Support Personnel* are required under *Code* Article 21 to cooperate with investigations conducted by *Anti-Doping Organizations*. If they fail to do so, disciplinary action should be taken against them under applicable rules. If their conduct amounts to subversion of the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), the *Anti-Doping Organization* should bring proceedings against them for violation of *Code* Article 2.5 (*Tampering* or *Attempted Tampering*).

## **12.3 Investigation outcomes**

**12.3.1** The *Anti-Doping Organization* shall come to a decision efficiently and without undue delay as to whether proceedings should be brought against the *Athlete* or other *Person* asserting commission of an anti-doping rule violation. As set out in *Code* Article 13.3, if an *Anti-Doping Organization* fails to make such decision within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if the *Anti-Doping Organization* had rendered a decision finding that no anti-doping rule violation has been committed. As noted in the comment to *Code* Article 13.3, however, before taking such action

*WADA* will consult with the *Anti-Doping Organization* and give it an opportunity to explain why it has not yet rendered a decision.

- 12.3.2 Where the *Anti-Doping Organization* concludes based on the results of its investigation that proceedings should be brought against the *Athlete* or other *Person* asserting commission of an anti-doping rule violation, it shall give notice of that decision in the manner set out in the *International Standard for Results Management* and shall bring forward the proceedings against the *Athlete* or other *Person* in question in accordance with *Code* Article 8.
- 12.3.3 Where the *Anti-Doping Organization* concludes, based on the results of its investigation, that proceedings should not be brought forward against the *Athlete* or other *Person* asserting commission of an anti-doping rule violation:
  - 12.3.3.1 It shall notify *WADA* and the *Athlete's* or other *Person's* International Federation and *National Anti-Doping Organization* in writing of that decision, with reasons, in accordance with *Code* Article 14.1.4.
  - 12.3.3.2 It shall provide such other information about the investigation as is reasonably required by *WADA* and/or the International Federation and/or *National Anti-Doping Organization* in order to determine whether to appeal against that decision.
  - 12.3.3.3 In any event, it shall consider whether any of the intelligence obtained and/or lessons learned during the investigation should be used to inform the development of its Test Distribution Plan and/or to plan *Target Testing*, and/or should be shared with any other body in accordance with Article 11.4.2.

## ANNEX A - MODIFICATIONS FOR *ATHLETES* WITH IMPAIRMENTS

### A.1. Objective

To ensure that the particular needs of *Athletes* with impairments are considered in relation to the provision of a *Sample*, where possible, without compromising the integrity of the Sample Collection Session.

### A.2. Scope

Determining whether modifications are necessary starts with identification of situations where *Sample* collection involves *Athletes* with impairments and ends with modifications to *Sample* collection procedures and equipment where necessary and where possible.

### A.3. Responsibility

**A.3.1** The Testing Authority or Sample Collection Authority (as applicable) has responsibility for ensuring, when possible, that the DCO has any information and Sample Collection Equipment necessary to conduct a Sample Collection Session with an *Athlete* with an impairment, including details of such impairment that may affect the procedure to be followed in conducting a Sample Collection Session.

**A.3.2** The DCO has responsibility for *Sample* collection.

### A.4. Requirements

**A.4.1** All aspects of notification and *Sample* collection for *Athletes* with impairments shall be carried out in accordance with the standard notification and *Sample* collection procedures unless modifications are necessary due to the *Athlete*'s impairment.

*[Comment to A.4.1: The Testing Authority in the case of an *Athlete* with an intellectual impairment, shall decide whether to obtain consent to Testing from their representative and inform the Sample Collection Authority and Sample Collection Personnel.]*

**A.4.2** In planning or arranging *Sample* collection, the Sample Collection Authority and DCO shall consider whether there will be any *Sample* collection for *Athletes* with impairments that may require modifications to the standard procedures for notification or *Sample* collection, including Sample Collection Equipment and Doping Control Station.

**A.4.3** The Sample Collection Authority and DCO shall have the authority to make modifications as the situation requires when possible and as long as such modifications will not compromise the identity, security or integrity of the *Sample*. The DCO shall consult the *Athlete* in order to determine what modifications may be necessary for the *Athlete*'s impairment. All such modifications shall be documented.

- A.4.4** An *Athlete* with an intellectual, physical or sensorial impairment may be assisted by the *Athlete's* representative or Sample Collection Personnel during the Sample Collection Session where authorized by the *Athlete* and agreed to by the DCO.
- A.4.5** The DCO may decide that alternative Sample Collection Equipment or an alternative Doping Control Station will be used when required to enable the *Athlete* to provide the *Sample*, as long as the *Sample's* identity, security and integrity will not be affected.
- A.4.6** *Athletes* who are using urine collection or drainage systems are required to eliminate existing urine from such systems before providing a urine *Sample* for analysis. Where possible, the existing urine collection or drainage system should be replaced with a new, unused catheter or drainage system prior to collection of the *Sample*. The catheter or drainage system is not a required part of Sample Collection Equipment to be provided by the Sample Collection Authority; instead it is the responsibility of the *Athlete* to have the necessary equipment available for this purpose.
- A.4.7** For *Athletes* with visual or intellectual impairments, the DCO and/or *Athlete* may determine if they shall have a representative present during the Sample Collection Session. During the Sample Collection Session, a representative of the *Athlete* and/or a representative of the DCO may observe the witnessing DCO/Chaperone while the *Athlete* is passing the urine *Sample*. This representative or these representatives may not directly observe the passing of the urine *Sample*, unless requested to do so by the *Athlete*.
- A.4.8** The DCO shall record modifications made to the standard *Sample* collection procedures for *Athletes* with impairments, including any applicable modifications specified in the above actions.

## ANNEX B - MODIFICATIONS FOR *ATHLETES* WHO ARE *MINORS*

### B.1. Objective

To ensure that the particular needs of *Athletes* who are *Minors* are met in relation to the provision of a *Sample*, where possible, without compromising the integrity of the Sample Collection Session.

### B.2. Scope

Determining whether modifications are necessary starts with identification of situations where *Sample* collection involves *Athletes* who are *Minors* and ends with modifications to *Sample* collection procedures where necessary and where possible.

### B.3. Responsibility

**B.3.1** The Testing Authority has responsibility for ensuring, when possible, that the DCO has any information necessary to conduct a Sample Collection Session with an *Athlete* who is a *Minor*. This includes confirming wherever necessary that the necessary parental consent for *Testing* any participating *Athlete* who is a *Minor*.

**B.3.2** The DCO has responsibility for *Sample* collection.

### B.4. Requirements

**B.4.1** All aspects of notification and *Sample* collection for *Athletes* who are *Minors* shall be carried out in accordance with the standard notification and *Sample* collection procedures unless modifications are necessary due to the *Athlete* being a *Minor*.

**B.4.2** In planning or arranging *Sample* collection, the Sample Collection Authority and DCO shall consider whether there will be any *Sample* collection for *Athletes* who are *Minors* that may require modifications to the standard procedures for notification or *Sample* collection.

**B.4.3** The Sample Collection Authority and the DCO shall have the authority to make modifications as the situation requires when possible and as long as such modifications will not compromise the identity, security or integrity of the *Sample*. All such modifications shall be documented.

**B.4.4** *Athletes* who are *Minors* should be notified in the presence of an *Athlete* representative (who is not a *Minor*) in addition to the DCO/Chaperone, and may choose to be accompanied by a representative throughout the entire Sample Collection Session. Even if the *Minor* declines a representative, the Sample Collection Authority or DCO, as applicable, shall consider whether another third party ought to be present during notification of the *Athlete*.

- B.4.5** Should an *Athlete* who is a *Minor* decline to have a representative present during the collection of a *Sample*, this shall be clearly documented by the DCO. This does not invalidate the Test, but shall be recorded.
- B.4.6** The DCO shall determine who may be present during the collection of a *Sample* from an *Athlete* who is a *Minor*, in addition to a representative of the DCO/Chaperone who shall be present. A representative of the *Minor* may be present during *Sample* provision (including observing the DCO when the *Minor* is passing the urine *Sample*, but not directly observing the passing of the urine *Sample* unless requested to do so by the *Minor*). The DCO's/Chaperone's representative shall only observe the DCO/Chaperone and shall not directly observe the passing of the *Sample*.
- B.4.7** The preferred venue for all *Out-of-Competition Testing* of a *Minor* is a location where the presence of an *Athlete* representative (who is not a *Minor*) is most likely to be available for the duration of the Sample Collection Session, e.g., a training venue.
- B.4.8** The Testing Authority or Sample Collection Authority (as applicable) shall consider the appropriate course of action when no *Athlete* representative (who is not a *Minor*) is present at the *Testing* of an *Athlete* who is a *Minor* (for example by ensuring that more than one Sample Collection Personnel is present during a Sample Collection Session of such *Minor Athlete*) and shall accommodate the *Minor* in locating a representative if requested to do so by the *Minor*.

## ANNEX C - COLLECTION OF URINE *SAMPLES*

### C.1. Objective

To collect an *Athlete's* urine *Sample* in a manner that ensures:

- a) Consistency with relevant principles of internationally recognized standard precautions in healthcare settings so that the health and safety of the *Athlete* and Sample Collection Personnel are not compromised;
- b) The *Sample* meets the Suitable Specific Gravity for Analysis and the Suitable Volume of Urine for Analysis. Failure of a *Sample* to meet these requirements in no way invalidates the suitability of the *Sample* for analysis. The determination of a *Sample's* suitability for analysis is the decision of the relevant Laboratory, in consultation with the Testing Authority for the Sample Collection Session in question;

*[Comment to C.1.b): The measurements taken in the field for Suitable Specific Gravity for Analysis and the Suitable Volume of Urine for Analysis are preliminary in nature, to assess whether the *Sample* meets the requirements for analysis. It is possible there could be discrepancies between the field readings and the final Laboratory readings due to the precision of the Laboratory equipment. The Laboratory reading will be considered final, and such discrepancies (if any) shall not constitute a basis for *Athletes* to seek to invalidate or otherwise challenge an Adverse Analytical Finding.]*

- c) the *Sample* has not been manipulated, substituted, contaminated or otherwise tampered with in any way;
- d) the *Sample* is clearly and accurately identified; and
- e) the *Sample* is securely sealed in a Tamper Evident kit.

### C.2. Scope

The collection of a urine *Sample* begins with ensuring the *Athlete* is informed of the *Sample* collection requirements and ends with discarding any residual urine remaining at the end of the *Athlete's* Sample Collection Session.

### C.3. Responsibility

**C.3.1** The DCO has the responsibility for ensuring that each *Sample* is properly collected, identified and sealed.

**C.3.2** The DCO/Chaperone has the responsibility for directly witnessing the passing of the urine *Sample*.

### C.4. Requirements

**C.4.1** The DCO shall ensure that the *Athlete* is informed of the requirements of the Sample Collection Session, including any modifications as provided for in Annex A – Modifications for *Athletes* with Impairments.

- C.4.2** The DCO shall ensure that the *Athlete* is offered a choice of *Sample* collection vessels for collecting the *Sample*. If the nature of an *Athlete*'s impairment requires that they must use additional or other equipment as provided for in Annex A - Modifications for *Athletes* with Impairments, the DCO shall inspect that equipment to ensure that it will not affect the identity or integrity of the *Sample*.
- C.4.3** When the *Athlete* selects a collection vessel, and for selection of all other Sample Collection Equipment that directly holds the urine *Sample*, the DCO will instruct the *Athlete* to check that all seals on the selected equipment are intact and the equipment has not been tampered with. If the *Athlete* is not satisfied with the selected equipment, they may select another. If the *Athlete* is not satisfied with any of the equipment available for selection, this shall be recorded by the DCO. If the DCO does not agree with the *Athlete* that all of the equipment available for the selection is unsatisfactory, the DCO shall instruct the *Athlete* to proceed with the Sample Collection Session. If the DCO agrees with the *Athlete* that all of the equipment available for the selection is unsatisfactory, the DCO shall terminate the Sample Collection Session and this shall be recorded by the DCO.
- C.4.4** The *Athlete* shall retain control of the collection vessel and any *Sample* provided until the *Sample* (or partial *Sample*) is sealed, unless assistance is required by reason of an *Athlete*'s impairment as provided for in Annex A - Modifications for *Athletes* with Impairments. Additional assistance may be provided in exceptional circumstances to any *Athlete* by the *Athlete*'s representative or Sample Collection Personnel during the Sample Collection Session where authorized by the *Athlete* and agreed to by the DCO.
- C.4.5** The DCO/Chaperone who witnesses the passing of the *Sample* shall be of the same gender as the *Athlete* providing the *Sample* and where applicable, based on the gender of the *Event* the *Athlete* competed in.
- C.4.6** The DCO/Chaperone shall, where practicable, ensure the *Athlete* thoroughly washes their hands with water only prior to the provision of the *Sample* or wears suitable (e.g., disposable) gloves during provision of the *Sample*.
- C.4.7** The DCO/Chaperone and *Athlete* shall proceed to an area of privacy to collect a *Sample*.
- C.4.8** The DCO/Chaperone shall ensure an unobstructed view of the *Sample* leaving the *Athlete*'s body and shall continue to observe the *Sample* after provision until the *Sample* is securely sealed. In order to ensure a clear and unobstructed view of the passing of the *Sample*, the DCO/Chaperone shall instruct the *Athlete* to remove or adjust any clothing which restricts the DCO's/Chaperone's clear view of *Sample* provision.

- C.4.9** The DCO/Chaperone shall ensure that urine passed by the *Athlete* is collected in the collection vessel to its maximum capacity and thereafter the *Athlete* is encouraged to fully empty their bladder into the toilet. The DCO shall verify, in full view of the *Athlete*, that the Suitable Volume of Urine for Analysis has been provided.
- C.4.10** Where the volume of urine provided by the *Athlete* is insufficient, the DCO shall follow the partial *Sample* collection procedure set out in Annex E - Urine *Samples* - Insufficient Volume.
- C.4.11** Once the volume of urine provided by the *Athlete* is sufficient, the DCO shall instruct the *Athlete* to select a *Sample* collection kit containing A and B bottles or containers in accordance with Annex C.4.3.
- C.4.12** Once a *Sample* collection kit has been selected, the DCO and the *Athlete* shall check that all *Sample* code numbers match and that this code number is recorded accurately by the DCO on the *Doping Control* form. If the *Athlete* or DCO finds that the numbers are not the same, the DCO shall instruct the *Athlete* to choose another kit in accordance with Annex C.4.3. The DCO shall record the matter.
- C.4.13** The *Athlete* shall pour the minimum Suitable Volume of Urine for Analysis into the B bottle or container (to a minimum of 30 mL), and then pour the remainder of the urine into the A bottle or container (to a minimum of 60 mL). The Suitable Volume of Urine for Analysis shall be viewed as an absolute minimum. If more than the minimum Suitable Volume of Urine for Analysis has been provided, the DCO shall ensure that the *Athlete* fills the A bottle or container to capacity as per the recommendation of the equipment manufacturer. Should there still be urine remaining, the DCO shall ensure that the *Athlete* fills the B bottle or container to capacity as per the recommendation of the equipment manufacturer. The DCO shall instruct the *Athlete* to ensure that a small amount of urine is left in the collection vessel, explaining that this is to enable the DCO to test the residual urine in accordance with Annex C.4.15.
- C.4.14** The *Athlete* shall then seal the A and B bottles or containers as directed by the DCO. The DCO shall check, in full view of the *Athlete*, that the bottles or containers have been properly sealed.
- C.4.15** The DCO shall test the residual urine in the collection vessel to determine if the *Sample* has a Suitable Specific Gravity for Analysis. If the DCO's field reading indicates that the *Sample* does not have a Suitable Specific Gravity for Analysis, then the DCO shall follow Annex F - Urine *Samples* that do not meet the requirement for Suitable Specific Gravity for Analysis.

**C.4.16** Urine should only be discarded when both the A and B bottles or containers have been sealed and the residual urine has been tested in accordance with Annex C.4.15.

**C.4.17** The *Athlete* shall be given the option of witnessing the discarding of any residual urine that will not be sent for analysis.

## ANNEX D - COLLECTION OF BLOOD *SAMPLES*

### D.1. Objective

To collect an *Athlete's* blood *Sample* in a manner that ensures:

- a) Consistency with relevant principles of internationally recognized standard precautions in healthcare settings, and is collected by a suitably qualified *Person*, so that the health and safety of the *Athlete* and *Sample Collection Personnel* are not compromised;
- b) The *Sample* is of a quality and quantity that meets the relevant analytical guidelines;
- c) The *Sample* has not been manipulated, substituted, contaminated or otherwise tampered with in any way;
- d) The *Sample* is clearly and accurately identified; and
- e) The *Sample* is securely sealed in a Tamper Evident kit.

### D.2. Scope

The collection of a blood *Sample* begins with ensuring the *Athlete* is informed of the *Sample* collection requirements and ends with properly storing the *Sample* prior to transport to the Laboratory that will be analyzing the *Sample*.

### D.3. Responsibility

**D.3.1** The DCO has the responsibility for ensuring that:

- a) Each *Sample* is properly collected, identified and sealed; and
- b) All *Samples* have been properly stored and dispatched in accordance with the relevant analytical guidelines.

**D.3.2** The BCO has the responsibility for collecting the blood *Sample*, answering related questions during the provision of the *Sample*, and proper disposal of used blood sampling equipment not required to complete the *Sample Collection Session*.

### D.4. Requirements

**D.4.1** Procedures involving blood shall be consistent with the local standards and regulatory requirements regarding precautions in healthcare settings where those standards and requirements exceed the requirements set out below.

**D.4.2** Blood *Sample Collection Equipment* shall consist of:

- a) Collection tube(s) which meet the requirements of Article 6.3.4; and

- b) A and B bottles/containers for the secure transportation of collection tubes; and/or
  - c) Unique labels for collection tubes with a *Sample* code number; and/or
  - d) Such other types of equipment to be used in connection with the collection of blood as set out in Article 6.3.4 and *WADA's Sample Collection Guidelines*.
- D.4.3** The DCO shall ensure that the *Athlete* is properly notified of the requirements of the *Sample* collection, including any modifications as provided for in Annex A - Modifications for *Athletes* with Impairments.
- D.4.4** The DCO/Chaperone and *Athlete* shall proceed to the area where the *Sample* will be provided.
- D.4.5** The DCO/BCO shall ensure the *Athlete* is offered comfortable conditions and shall instruct the *Athlete* to remain in a normal seated position with feet on the floor for at least 10 minutes prior to providing a *Sample*.
- D.4.6** The DCO/BCO shall instruct the *Athlete* to select the *Sample* collection kit(s) required for collecting the *Sample* and to check that the selected equipment has not been tampered with and the seals are intact. If the *Athlete* is not satisfied with a selected kit, they may select another. If the *Athlete* is not satisfied with any kits and no others are available, this shall be recorded by the DCO. If the DCO does not agree with the *Athlete* that all of the available kits are unsatisfactory, the DCO shall instruct the *Athlete* to proceed with the Sample Collection Session. If the DCO agrees with the *Athlete* that all available kits are unsatisfactory, the DCO shall terminate the Sample Collection Session and this shall be recorded by the DCO.
- D.4.7** When a *Sample* collection kit has been selected, the DCO and the *Athlete* shall check that all *Sample* code numbers match and that this *Sample* code number is recorded accurately by the DCO on the *Doping Control* form. If the *Athlete* or DCO finds that the numbers are not the same, the DCO shall instruct the *Athlete* to choose another kit. The DCO shall record the matter.
- D.4.8** The BCO shall assess the most suitable location for venipuncture that is unlikely to adversely affect the *Athlete* or their performance. This should be the non-dominant arm, unless the BCO assesses the other arm to be more suitable. The BCO shall clean the skin with a sterile disinfectant wipe or swab and, if required apply a tourniquet. The BCO shall take the blood *Sample* from a superficial vein into the tube. The tourniquet, if applied, shall be immediately removed after the venipuncture has been made.

- D.4.9** The amount of blood removed shall be adequate to satisfy the relevant analytical requirements for the *Sample* analysis to be performed, as set out in *WADA's Sample Collection Guidelines*.
- D.4.10** If the amount of blood that can be removed from the *Athlete* at the first attempt is insufficient, the BCO shall repeat the procedure up to a maximum of three (3) attempts in total. Should all three (3) attempts fail to produce a sufficient amount of blood, then the BCO shall inform the DCO. The DCO shall terminate the blood *Sample* collection and record the reasons for terminating.
- D.4.11** The BCO shall apply a dressing to the puncture site(s).
- D.4.12** The BCO shall dispose of used blood sampling equipment not required to complete the Sample Collection Session in accordance with the required local standards for handling blood.
- D.4.13** If the *Sample* requires further on-site processing, such as centrifugation or separation of serum (for example, in the case of a *Sample* intended for use in connection with the *Athlete Biological Passport* program), after the blood flow into the tube ceases, the BCO shall remove the tube from the holder and homogenize the blood in the tube manually by inverting the tube gently at least three (3) times). The *Athlete* shall remain in the blood collection area and observe their *Sample* until it is sealed in a Tamper-Evident kit.
- D.4.14** The *Athlete* shall seal their *Sample* into a Tamper Evident kit as directed by the DCO. In full view of the *Athlete*, the DCO shall check that the sealing is satisfactory. The *Athlete* and the BCO/DCO shall sign the *Doping Control* form.
- D.4.15** The sealed *Sample* shall be stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station to the Laboratory that will be analyzing the *Sample*.
- D.4.16** Blood *Samples* shall be transported in accordance with Article 9 and *WADA's Sample Collection Guidelines*. The transport procedure is the responsibility of the DCO. Blood *Samples* shall be transported in a device that maintains the integrity of *Samples* over time, in a cool and constant environment, measured by a temperature data logger notwithstanding changes in external temperature. The transport device shall be transported by secure means using a method authorized by the Testing Authority or Sample Collection Authority.

*[Comment to D.4.: The requirements of this Annex apply to blood Samples collected for the purposes of standard analysis as well as for Athlete Biological Passport purposes. Additional requirements applicable only to the Athlete Biological Passport are contained in Annex I.]*

## ANNEX E - URINE SAMPLES - INSUFFICIENT VOLUME

### E.1. Objective

To ensure that where a Suitable Volume of Urine for Analysis is not provided, appropriate procedures are followed.

### E.2. Scope

The procedure begins with informing the *Athlete* that the *Sample* that they have provided is not of Suitable Volume of Urine for Analysis and ends with the *Athlete's* provision of a *Sample* of sufficient volume.

### E.3. Responsibility

The DCO has the responsibility for declaring the *Sample* volume insufficient and for collecting the additional *Sample(s)* to obtain a combined *Sample* of sufficient volume.

### E.4. Requirements

- E.4.1 If the *Sample* collected is of insufficient volume, the DCO shall inform the *Athlete* that a further *Sample* shall be collected to meet the Suitable Volume of Urine for Analysis requirements.
- E.4.2 The DCO shall instruct the *Athlete* to select partial Sample Collection Equipment in accordance with Annex C.4.3.
- E.4.3 The DCO shall then instruct the *Athlete* to open the relevant equipment, pour the insufficient *Sample* into the new container (unless the Sample Collection Authority's procedures permit retention of the insufficient *Sample* in the original collection vessel) and seal it using a partial *Sample* sealing system, as directed by the DCO. The DCO shall check, in full view of the *Athlete*, that the container (or original collection vessel, if applicable) has been properly sealed.
- E.4.4 The DCO shall record the partial *Sample* number and the volume of the insufficient *Sample* on the *Doping Control* form and confirm its accuracy with the *Athlete*. The DCO shall retain control of the sealed partial *Sample*.
- E.4.5 While waiting to provide an additional *Sample*, the *Athlete* shall remain under continuous observation and be given the opportunity to hydrate in accordance with Article 7.3.3.
- E.4.6 When the *Athlete* is able to provide an additional *Sample*, the procedures for collection of the *Sample* shall be repeated as prescribed in Annex C - Collection of Urine *Samples*, until a sufficient volume of urine will be provided by combining the initial and additional *Sample(s)*.

- E.4.7** Following each *Sample* provided, the DCO and *Athlete* shall check the integrity of the seal(s) on the container(s) containing the previously provided partial *Sample(s)*. Any irregularity with the integrity of the seal(s) will be recorded by the DCO and investigated according to Annex A – Review of a Possible Failure to Comply of the *International Standard for Results Management*. The DCO may request that an additional *Sample* is collected from the *Athlete*. A refusal to provide a further *Sample* if requested, where the minimum requirements for *Sample* collection volume are not met, shall be recorded by the DCO and dealt with as a potential Failure to Comply in accordance with the *International Standard for Results Management*.
- E.4.8** The DCO shall then direct the *Athlete* to break the seal(s) and combine the *Samples*, ensuring that additional *Samples* are added in the order they were collected to the original partial *Sample* until, as a minimum, the requirement for Suitable Volume of Urine for Analysis is met.
- E.4.9** The DCO and the *Athlete* shall then continue with Annex C.4.12 or Annex C.4.14 as appropriate.
- E.4.10** The DCO shall check the residual urine in accordance with Annex C.4.15 to ensure that it meets the requirement for Suitable Specific Gravity for Analysis in accordance with Annex F.
- E.4.11** Urine should only be discarded when both the A and B bottles or containers have been filled to capacity in accordance with Annex C.4.14 and the residual urine has been checked in accordance with Annex C.4.15. The Suitable Volume of Urine for Analysis shall be viewed as an absolute minimum.

## **ANNEX F - URINE *SAMPLES* THAT DO NOT MEET THE REQUIREMENT FOR SUITABLE SPECIFIC GRAVITY FOR ANALYSIS**

### **F.1. Objective**

To ensure that when the urine *Sample* does not meet the requirement for Suitable Specific Gravity for Analysis, appropriate procedures are followed.

### **F.2. Scope**

The procedure begins with the DCO informing the *Athlete* that a further *Sample* is required and ends with the collection of a *Sample* that meets the requirements for Suitable Specific Gravity for Analysis, or appropriate follow-up action by the Testing Authority if required.

### **F.3. Responsibility**

**F.3.1** The Sample Collection Authority is responsible for establishing procedures to ensure that a suitable *Sample* is collected, if the original *Sample* collected does not meet the requirement for Suitable Specific Gravity for Analysis.

**F.3.2** The DCO is responsible for collecting additional *Samples* until a suitable *Sample* is obtained.

### **F.4. Requirements**

**F.4.1** The DCO shall determine that the requirements for Suitable Specific Gravity for Analysis have not been met.

**F.4.2** The DCO shall inform the *Athlete* that they are required to provide a further *Sample*.

**F.4.3** While waiting to provide a further *Sample*, the *Athlete* shall remain under continuous observation and shall be advised not to hydrate, since this may delay the production of a suitable *Sample*. In appropriate circumstances, further hydration after the provision of an unsuitable *Sample* may be pursued as a violation of *Code* Article 2.5.

*[Comment to F.4.3: It is the responsibility of the Athlete to provide a Sample with a Suitable Specific Gravity for Analysis. Sample Collection Personnel shall advise the Athlete and Athlete Support Personnel as appropriate of this requirement at the time of notification in order to discourage excessive hydration prior to the provision of the Athlete's first Sample. If the Athlete's first Sample does not have a Suitable Specific Gravity for Analysis, they shall be advised to not hydrate any further until a Sample with a Suitable Specific Gravity for Analysis is provided.]*

**F.4.4** When the *Athlete* is able to provide an additional *Sample*, the DCO shall repeat the procedures for *Sample* collection set out in Annex C - Collection of Urine *Samples*.

**F.4.5** The DCO shall continue to collect additional *Samples* until the requirement for Suitable Specific Gravity for Analysis is met, or until the DCO determines that there are exceptional circumstances which mean it is impossible to continue with the Sample Collection Session. Such exceptional circumstances shall be documented accordingly by the DCO.

*[Comment to F.4.5: Sample Collection Authorities and DCOs should ensure they have adequate equipment to comply with the requirements of Annex F. The DCO should wait as long as necessary to collect such additional Sample(s) with a Suitable Specific Gravity for Analysis. The Testing Authority may specify procedures to be followed by the DCO in determining whether exceptional circumstances exist that make it impossible to continue with the Sample Collection Session.]*

**F.4.6** The DCO shall record that the *Samples* collected belong to a single *Athlete* and the order in which the *Samples* were provided.

**F.4.7** The DCO shall then continue with the Sample Collection Session in accordance with Annex C.4.17.

**F.4.8** The DCO shall send to the Laboratory for analysis all *Samples* which were collected, irrespective of whether or not they meet the requirement for Suitable Specific Gravity for Analysis.

**F.4.9** When two (2) *Samples* are collected from an *Athlete*, during the same Sample Collection Session, both *Samples* shall be analyzed by the Laboratory. In cases where three (3) or more *Samples* are collected during the same Sample Collection Session, the Laboratory shall prioritize and analyze the first and the subsequent collected *Sample* with the highest specific gravity, as recorded on the *Doping Control* form. The Laboratory, in conjunction with the Testing Authority, may determine if the other *Samples* need to be analyzed.

## ANNEX G - SAMPLE COLLECTION PERSONNEL REQUIREMENTS

### G.1. Objective

To ensure that Sample Collection Personnel have no conflict of interest and have adequate qualifications and experience to conduct Sample Collection Sessions.

### G.2. Scope

Sample Collection Personnel requirements start with the development of the necessary competencies for Sample Collection Personnel and end with the provision of identifiable accreditation.

### G.3. Responsibility

The Sample Collection Authority has the responsibility for all activities defined in this Annex.

### G.4. Requirements - Qualifications and Training

G.4.1 The Sample Collection Authority shall:

- a) Determine the necessary competence, eligibility and qualification requirements for the positions of DCO, Chaperone and BCO; and
- b) Develop duty statements for all Sample Collection Personnel that outline their respective responsibilities. As a minimum:
  - i) Sample Collection Personnel shall not be *Minors*; and
  - ii) BCOs shall have adequate qualifications and practical skills required to perform blood collection from a vein.

G.4.2 The Sample Collection Authority shall ensure that Sample Collection Personnel sign an agreement dealing with conflicts of interest, confidentiality and code of conduct.

G.4.3 Sample Collection Personnel shall not be appointed to a Sample Collection Session where they have an interest in the outcome of a Sample Collection Session. At a minimum, Sample Collection Personnel are deemed to have such an interest if they are:

- a) Involved in the participation or administration of the sport at the level for which *Testing* is being conducted;
- b) Related to, or involved in the personal affairs of, any *Athlete* who might provide a *Sample* at that Sample Collection Session;
- c) Have family members actively involved in the daily activities of the sport at the level for which *Testing* is being conducted (e.g., administration, coaching, training, officiating, competitor, medical);

- d) Are engaged in business with, have a financial interest in or personal stake in a sport that has *Athletes* who are subject to *Testing*;
- e) Are drawing or likely to draw personal and/or professional gain or advantage directly or indirectly from a third party due to their own decisions taken in the fulfillment of their official functions; and/or
- f) Appear to have private or personal interests that detract from their ability to perform their duties with integrity in an independent and purposeful manner.

**G.4.4** The Sample Collection Authority shall establish a system that ensures that Sample Collection Personnel are adequately trained to carry out their duties.

**G.4.4.1** The training program for BCOs shall include, as a minimum, studies of all relevant requirements of the *Testing* process and familiarization with relevant standard precautions in healthcare settings.

**G.4.4.2** The training program for DCOs shall include, as a minimum:

- a) Comprehensive theoretical training in those *Doping Control* activities relevant to the DCO position;
- b) Observation of all Sample Collection Session activities that are the responsibility of the DCO as set out in this *International Standard for Testing and Investigations*, preferably on-site; and
- c) The satisfactory performance of one complete Sample Collection Session on-site under observation by a qualified DCO or similar. The requirement related to the actual passing of a urine *Sample* shall not be included in the on-site observations.

**G.4.4.3** The training program for Chaperones shall include all relevant requirements of the Sample Collection Session including but not limited to situations dealing with Failure to Comply, *Athletes* who are *Minors* and/or *Athletes* with impairments.

**G.4.4.4** A Sample Collection Authority that collects *Samples* from *Athletes* who are of a different nationality to its Sample Collection Personnel (e.g., at an *International Event* or in an *Out-of-Competition* context) should ensure that such Sample

Collection Personnel are adequately trained to carry out their duties in respect of such *Athletes*.

**G.4.4.5** The Sample Collection Authority shall maintain records of education, training, skills and experience of all Sample Collection Personnel.

**G.5. Requirements - Accreditation, re-accreditation and delegation**

**G.5.1** The Sample Collection Authority shall establish a system for accrediting and re-accrediting Sample Collection Personnel.

**G.5.2** The Sample Collection Authority shall ensure that Sample Collection Personnel have completed the training program and are familiar with the requirements of this *International Standard for Testing and Investigations* (including, where G.4.4.4 applies, in relation to the collection of *Samples* from *Athletes* who are of a different nationality than the Sample Collection Personnel) before granting accreditation.

**G.5.3** Accreditation shall only be valid for a maximum of two (2) years. Sample Collection Personnel shall be subject to an assessment (theoretical and/or practical) before being re-accredited and shall be required to repeat a full training program if they have not participated in *Sample* collection activities within the year prior to re-accreditation.

**G.5.4** Only Sample Collection Personnel who have an accreditation recognized by the Sample Collection Authority shall be authorized to conduct *Sample* collection activities on behalf of the Sample Collection Authority.

**G.5.5** The Sample Collection Authority shall develop a system to monitor the performance of Sample Collection Personnel during the period of accreditation, including defining and implementing criteria for revoking accreditation.

**G.5.6** DCOs may personally perform any activities involved in the Sample Collection Session, with the exception of blood collection unless particularly qualified, or they may direct a Chaperone to perform specified activities that fall within the scope of the Chaperone's authorized duties as determined by the Sample Collection Authority

## ANNEX H – *EVENT TESTING*

### H.1. Objective

To ensure there is a procedure to follow when a request is made by an *Anti-Doping Organization* for permission to conduct *Testing* at an *Event* where they have been unable to reach agreement on such *Testing* with the ruling body of the *Event*. *WADA's* objective in considering such requests is to:

- a) Encourage collaboration and coordination between different *Anti-Doping Organizations* to optimize the effectiveness of their respective *Testing* programs;
- b) Ensure that each *Anti-Doping Organization's* responsibilities are properly managed; and
- c) Avoid creating operational disturbance and harassment for *Athletes*.

### H.2. Scope

The procedure starts with the *Anti-Doping Organization* that is not responsible for initiating or directing *Testing* at an *Event* contacting the ruling body of the *Event* in writing to seek permission to conduct *Testing* and ends with *WADA* issuing a decision as to who shall be responsible to conduct *Testing* at the *Event*.

### H.3. Responsibility

Both *Anti-Doping Organizations* seeking permission to conduct *Testing* at an *Event* and the ruling body of the *Event* should collaborate and where possible coordinate *Testing* at the *Event*. However, if this is not possible, then both *Anti-Doping Organizations* are required to submit their reasonings to *WADA* within the timeframes outlined. *WADA* then has the responsibility of reviewing the circumstances and issuing a decision in accordance with the procedures set out in this Annex.

### H.4. Requirements

Any *Anti-Doping Organization* that is not responsible for initiating and directing *Testing* at an *Event* in accordance with *Code* Article 5.3.2, but which nevertheless desires to conduct *Testing* at such *Event* shall, prior to contacting *WADA*, request such permission from the ruling body of the *Event* in written form with full supporting reasons.

**H.4.1** Such request shall be sent to the ruling body at least thirty-five (35) days prior to the beginning of the *Event* (i.e., thirty-five (35) days prior to the beginning of the *In-Competition* period as defined by the rules of the International Federation in charge of that sport).

**H.4.2** If the ruling body refuses or does not respond within seven (7) days from receipt of the request, the requesting *Anti-Doping Organization*

may send to *WADA* (with a copy to the ruling body) a written request with full supporting reasons, a clear description of the situation, and all the relevant correspondence between the ruling body and the requesting *Anti-Doping Organization*. Such request must be received by *WADA* no later than twenty-one (21) days prior to the beginning of the *Event*.

- H.4.3** Upon receipt of such request, *WADA* will immediately ask the ruling body for its position on the request and the grounds for its refusal. The ruling body shall send *WADA* an answer within seven (7) days of receipt of *WADA*'s request.
- H.4.4** Upon receipt by *WADA* of the ruling body's answer, or if no answer is provided by the ruling body within the seven (7) days, *WADA* will render a reasoned decision within the next seven (7) days. In making its decision, *WADA* will consider, amongst others, the following:
- a) The Test Distribution Plan for the *Event*, including the number and type of *Testing* planned for the *Event*;
  - b) The menu of *Prohibited Substances* for which the *Samples* collected will be analyzed;
  - c) The overall anti-doping program applied in the sport;
  - d) The logistical issues that would be created by allowing the requesting *Anti-Doping Organization* to conduct *Testing* at the *Event*;
  - e) Any other grounds submitted by the requesting *Anti-Doping Organization* and/or the ruling body refusing such *Testing*; and
  - f) Any other available information that *WADA* considers relevant.
- H.4.5** If an *Anti-Doping Organization* who is not the ruling body for an *Event* in the country in which the *Event* is being hosted, has or receives intelligence regarding potential doping by an *Athlete(s)* who is due to compete at the *Event*, the *Anti-Doping Organization* shall share the intelligence with the ruling body of the *Event* as soon as possible. If no *Testing* is planned by the ruling body for the *Event* and the *Anti-Doping Organization* is in a position to conduct *Testing* itself, the ruling body for the *Event* shall assess whether it or the *Anti-Doping Organization* can conduct *Testing* regardless of whether the intelligence is provided by the *Anti-Doping Organization* within the thirty-five (35) day period preceding the *Event*. If the ruling body of the *Event* fails to engage with the *Anti-Doping Organization* that provided the intelligence or decides it is not able to conduct *Testing* itself or does not authorize the *Anti-Doping Organization* to conduct *Testing* at the *Event*, then the *Anti-Doping Organization* shall notify *WADA* immediately.

**H.4.6** If *WADA* decides that permission for *Testing* at the *Event* should be granted, either as requested by the requesting *Anti-Doping Organization* or as proposed by *WADA*, *WADA* may give the ruling body the possibility of conducting such *Testing*, unless *WADA* judges that this is not realistic and/or appropriate in the circumstances.

## ANNEX I - COLLECTION, STORAGE AND TRANSPORT OF BLOOD ATHLETE BIOLOGICAL PASSPORT SAMPLES

### 1.1. Objective

To collect an *Athlete's* blood *Sample*, intended for use in connection with the measurement of individual *Athlete* blood variables within the framework of the *Athlete Biological Passport* program, in a manner appropriate for such use.

### 1.2. Requirements

**1.2.1** Planning shall consider the *Athlete's* whereabouts information to ensure *Sample* collection does not occur within two (2) hours of the *Athlete's* training, participation in *Competition* or other similar physical activity. If the *Athlete* has trained or competed less than two (2) hours before the time the *Athlete* has been notified of their selection, the DCO or other designated Sample Collection Personnel shall chaperone the *Athlete* until this two-hour period has elapsed.

**1.2.2** If the *Sample* was collected within two (2) hours of training or *Competition*, the nature, duration and intensity of the exertion shall be recorded by the DCO to make this information available to the APMU and subsequently to the Experts.

**1.2.3** Although a single blood *Sample* is sufficient within the framework of the *Athlete Biological Passport*, it is recommended to collect an additional B *Sample* for a possible subsequent analysis of *Prohibited Substances* and *Prohibited Methods* in whole blood (e.g., detection of Homologous Blood Transfusion (HBT) and/or Erythropoiesis Stimulating Agents (ESAs)).

**1.2.4** For *Out-of-Competition Testing*, A and B urine *Samples* should be collected together with the blood *Sample(s)* in order to permit Analytical Testing for ESAs unless otherwise justified by a specific intelligent *Testing* strategy.

*[Comment to 1.2.4: WADA's Sample Collection Guidelines reflect these protocols and include practical information on the integration of Athlete Biological Passport Testing into "traditional" Testing activities. A table has been included within the Sample Collection Guidelines that identifies which particular timelines for delivery are appropriate when combining particular Test types (i.e., Athlete Biological Passport and Growth Hormone (GH), Athlete Biological Passport and Homologous Blood Transfusion, etc.), and which types of Samples may be suited for simultaneous transport.]*

**1.2.5** The *Sample* shall be refrigerated from its collection until its analysis with the exception of when the *Sample* is analyzed at the collection site without delay. The storage procedure is the DCO's responsibility.

**I.2.6** The storage and transport device shall be capable of maintaining blood *Samples* at a cool temperature during storage. Whole blood *Samples* shall not be allowed to freeze at any time. In choosing the storage and transport device, the DCO shall take into account the time of storage, the number of *Samples* to be stored in the device and the prevailing environmental conditions (hot or cold temperatures). The storage device shall be one of the following:

- a) Refrigerator;
- b) Insulated cool box;
- c) Isotherm bag; or
- d) Any other device that possesses the capabilities mentioned above.

**I.2.7** A temperature data logger shall be used to record the temperature from the collection to the analysis of the *Sample* except when the *Sample* is analyzed at the collection site without delay. The temperature data logger shall be able to:

- a) Record the temperature in degrees Celsius at least once per minute;
- b) Record time in GMT;
- c) Report the temperature profile over time in text format with one line per measurement following the format “YYYY-MM-DD HH:MM T”; and
- d) Have a unique ID of at least six characters.

**I.2.8** Following notification to the *Athlete* that he/she has been selected for *Sample* collection and following the DCO/BCO's explanation of the *Athlete*'s rights and responsibilities in the *Sample* collection process, the DCO/BCO shall ask the *Athlete* to remain still, in a normal seated position, with feet on the floor for at least ten (10) minutes prior to providing a blood *Sample*.

*[Comment to I.2.8: The Athlete shall not stand up at any time during the ten (10) minutes prior to Sample collection. To have the Athlete seated during ten (10) minutes in a waiting room and then to call the Athlete into a blood collection room is not acceptable.]*

**I.2.9** The DCO/BCO shall collect and record the following additional information on an *Athlete Biological Passport* supplementary form, *Athlete Biological Passport* specific *Doping Control* form or other related report form to be signed by the *Athlete* and the DCO/BCO:

- a) Has the *Athlete* been seated for at least ten (10) minutes with their feet on the floor prior to blood collection?

- b) Was the *Sample* collected immediately following at least three (3) consecutive days of an intensive endurance *Competition*, such as a stage race in cycling?
- c) Has the *Athlete* had a training session or *Competition* in the two (2) hours prior to the blood collection?
- d) Did the *Athlete* train, compete or reside at an altitude greater than 1,500 meters within the prior two (2) weeks? If so, or if in doubt, the name and location of the place where the *Athlete* had been and the duration of their stay shall be recorded. The estimated altitude shall be entered, if known.
- e) Did the *Athlete* use any form of altitude simulation such as a hypoxic tent, mask, etc. during the prior two (2) weeks? If so, as much information as possible on the type of device and the manner in which it was used (e.g., frequency, duration, intensity) should be recorded.
- f) Did the *Athlete* receive any blood transfusion(s) during the prior three (3) months? Was there any blood loss due to accident, pathology or donation in the prior three (3) months? If so, the estimated volume should be recorded.
- g) Has the *Athlete* been exposed to any extreme environmental conditions during the last two (2) hours prior to blood collection, including any sessions in any artificial heat environment, such as a sauna? If so, the details should be recorded.

**1.2.10** The DCO/BCO shall start the temperature data logger and place it in the storage device. It is important to start recording the temperature before *Sample* collection.

**1.2.11** The storage device shall be located in the Doping Control Station and shall be kept secure.

**1.2.12** The DCO/BCO instructs the *Athlete* to select the Sample Collection Equipment in accordance with Annex D.4.6. If the collection tube(s) are not pre-labelled, the DCO/BCO shall label them with a unique *Sample* code number prior to the blood being drawn and the *Athlete* shall check that the code numbers match.

### **1.3. The *Sample* Collection Procedure**

**1.3.1** The *Sample* collection procedure for the collection of blood for the purposes of the *Athlete Biological Passport* is consistent with the procedure set out in Annex D.4., including the ten (10) minute (or more) seated period, with the following additional elements:

- a) The BCO ensures that the collection tubes were filled appropriately;

and

- b) After the blood flow into the tube ceases, the BCO removes the tube from the holder and homogenizes the blood in the tube manually by inverting the tube gently at least three (3) times.

**I.3.2** The *Athlete* and the DCO/BCO sign the *Doping Control* and *Athlete Biological Passport* supplementary form(s), when applicable.

**I.3.3** The blood *Sample* is sealed and deposited in the storage device containing the temperature data logger.

#### **I.4. Transportation Requirements**

**I.4.1** Blood *Samples* shall be transported in a device that maintains the integrity of *Samples* over time, due to changes in external temperature.

**I.4.2** The transport procedure is the DCO's responsibility. The transport device shall be transported by secure means using a Sample Collection Authority authorized transport method.

**I.4.3** The integrity of the *Markers* used in the haematological module of the *Athlete Biological Passport* is guaranteed when the Blood Stability Score (BSS) remains below eighty-five (85), where the BSS is computed as:

$$\text{BSS} = 3 * \text{T} + \text{CAT}$$

with CAT being the Collection to Analysis Time (in hours), and T the average Temperature (in degrees Celsius) measured by the data logger between *Sample* collection and analysis.

**I.4.4** Within the framework of the BSS, the following table can be used by the DCO/BCO to estimate the maximal transport time to a Laboratory or WADA-Approved Laboratory for the Athlete Biological Passport, called the Collection to Reception Time (CRT), for a given average temperature T:

T [°C]	CRT [h]
15	35
12	41
10	46
9	48
8	50
7	53
6	55
5	58
4	60

- I.4.5 The DCO/BCO shall as soon as possible transport the *Sample* to a Laboratory or WADA- Approved Laboratory for the Athlete Biological Passport.
- I.4.6 The Testing Authority or Sample Collection Authority shall report without delay into *ADAMS*:
- a) The *Doping Control* form as per Article 4.9.1 b);
  - b) The *Athlete Biological Passport* supplementary form, and/or the additional information specific to the *Athlete Biological Passport* collected on a related report form;
  - c) In the Chain of Custody, the temperature data logger ID (without any time reference) and the time zone of the *Testing* location in GMT.

## APPENDIX SIX

### INTERNATIONAL STANDARD FOR RESULTS MANAGEMENT (Valid from 1 January 2021)

#### PART ONE: INTRODUCTION, *CODE* PROVISIONS, *INTERNATIONAL STANDARD* 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 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 invalidate analytical results or other evidence of an anti-doping rule violation and shall not constitute a defense to an anti-doping rule violation, except as expressly provided for under *Code* Article 3.2.3.

Terms used in this *International Standard* that are defined terms from the *Code* are italicized. Terms that are defined in this or another *International Standard* are underlined.

##### 2.0 *CODE* PROVISIONS

The following articles in the *Code* are directly relevant to the *International Standard for Results Management*; they can be obtained by referring to the *Code* itself:

- *Code* Article 2 Anti-Doping Rule Violations
- *Code* Article 3 Proof of Doping
- *Code* Article 5 *Testing* and Investigations
- *Code* Article 7 *Results Management*: Responsibility, Initial Review, Notice and *Provisional Suspensions*

- *Code Article 8 Results Management: Right to a Fair Hearing and Notice of Hearing Decision*
- *Code Article 9 Automatic Disqualification of Individual Results*
- *Code Article 10 Sanctions on Individuals*
- *Code Article 11 Consequences to Teams*
- *Code Article 13 Results Management: Appeals*
- *Code Article 14 Confidentiality and Reporting*
- *Code Article 15 Implementation of Decisions*
- *Code Article 20 Additional Roles and Responsibilities of Signatories and WADA*

### **3.0 DEFINITIONS AND INTERPRETATION**

#### **3.1 Defined Terms from the Code that are used in the *International Standard for Results Management***

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method Used* for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard for Laboratories*, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Anti-Doping Organization:** WADA or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organizations*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*”. In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]*

**Athlete Biological Passport:** The program and methods of gathering and collating data as described in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*.

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

**Atypical Finding:** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

**Atypical Passport Finding:** A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

**Consequences of Anti-Doping Rule Violations (“Consequences”):** An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14.1; (c) Provisional Suspension means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

**Contaminated Product:** A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

**Delegated Third Parties:** Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping educational programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee Doping Control Officers or chaperones). This definition does not include *CAS*.

**Disqualification:** See *Consequences of Anti-Doping Rule Violations* above.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

**Event:** A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, World Championships of an International Federation, or Pan American Games).

**Financial Consequences:** See *Consequences of Anti-Doping Rule Violations* above.

***In-Competition:*** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, *WADA* may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by *WADA*, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

*[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition period.]*

***Ineligibility:*** See *Consequences of Anti-Doping Rule Violations* above.

***Institutional Independence:*** Hearing panels on appeal shall be fully Independent Institutionally from the Anti-Doping Organization responsible for Results Management. They must therefore not in any way be administered by, connected or subject to the Anti-Doping Organization responsible for Results Management.

***International Event:*** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

***International-Level Athlete:*** *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.

*[Comment to International-Level Athlete: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]*

***International Standard:*** A standard adopted by *WADA* in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

**Major Event Organizations:** The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the *Use of a Prohibited Substance or Prohibited Method*.

**Minor:** A natural *Person* who has not reached the age of eighteen years.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

**National-Level Athlete:** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

**Operational Independence:** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

**Out-of-Competition:** Any period which is not *In-Competition*.

**Person:** A natural *Person* or an organization or other entity.

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by

explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

*[Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]*

***Prohibited List:*** The list identifying the *Prohibited Substances* and *Prohibited Methods*.

***Prohibited Method:*** Any method so described on the *Prohibited List*.

***Prohibited Substance:*** Any substance, or class of substances, so described on the *Prohibited List*.

***Provisional Hearing:*** For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 10 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

*[Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]*

***Provisional Suspension:*** See *Consequences of Anti-Doping Rule Violations* above.

***Publicly Disclose:*** See *Consequences of Anti-Doping Rule Violations* above.

***Registered Testing Pool:*** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 and the *International Standard for Testing and Investigations*.

***Results Management:*** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain

cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.

*[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]*

**Signatories:** Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

**Specified Method:** See Article 4.2.2.

**Specified Substance:** See Article 4.2.2.

**Substance of Abuse:** See Article 4.2.3.

**Substantial Assistance:** For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

**Tampering:** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

*[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of "B" Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process.]*

*Tampering includes misconduct which occurs during the Results Management and hearing process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]*

**Target Testing:** Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

**Technical Document:** A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

**Use:** The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

### **3.2 Defined Terms from the *International Standard for Testing and Investigations***

**Doping Control Officer (or DCO):** An official who has been trained and authorized by the Sample Collection Authority to carry out the responsibilities given to DCOs in the *International Standard for Testing and Investigations*.

**Expert:** The Expert(s) and/or Expert Panel, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, are responsible for providing an evaluation of the Passport. The Expert must be external to the *Anti-Doping Organization*.

For the Haematological Module, the Expert panel should consist of at least three (3) Experts who have qualifications in one or more of the fields of clinical and Laboratory haematology, sports medicine or exercise physiology, as they apply to blood doping. For the Steroidal Module, the Expert panel should be composed of at least three (3) individuals with qualifications in the fields of Laboratory steroid analysis, steroid doping and metabolism and/or clinical endocrinology. For both modules, an Expert panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert panel may include a pool of at least three (3) appointed Experts and any additional ad hoc Expert(s) who may be required upon

request of any of the appointed Experts or by the Athlete Passport Management Unit of the Anti-Doping Organization.

**Sample Collection Authority:** The organization that is responsible for the collection of *Samples* in compliance with the requirements of the *International Standard for Testing and Investigations*, whether (1) the Testing Authority itself; or (2) a Delegated Third Party to whom the authority to conduct *Testing* has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations* relating to collection of *Samples*.

**Sample Collection Session:** All of the sequential activities that directly involve the *Athlete* from the point that initial contact is made until the *Athlete* leaves the Doping Control Station after having provided their *Sample(s)*.

**Testing Authority:** The *Anti-Doping Organization* that authorizes *Testing* on *Athletes* it has authority over. It may authorize a Delegated Third Party to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization*. Such authorization shall be documented. The *Anti-Doping Organization* authorizing *Testing* remains the Testing Authority and ultimately responsible under the *Code* to ensure the Delegated Third Party conducting the *Testing* does so in compliance with the requirements of the *International Standard for Testing and Investigations*.

**Unsuccessful Attempt Report:** A detailed report of an unsuccessful attempt to collect a *Sample* from an *Athlete* in a Registered Testing Pool or *Testing* pool setting out the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Athlete* (including details of any contact made with third parties), and any other relevant details about the attempt.

**Whereabouts Filing:** Information provided by or on behalf of an *Athlete* in a Registered Testing Pool (or *Testing* pool if applicable) that sets out the *Athlete's* whereabouts during the following quarter, in accordance with Article 4.8.

### 3.3 Defined Terms from the *International Standard for Laboratories*

**Adaptive Model:** A mathematical model designed to identify unusual longitudinal results from *Athletes*. The model calculates the probability of a longitudinal profile of *Marker* values assuming that the *Athlete* has a normal physiological condition.

**Athlete Passport Management Unit (APMU):** A unit composed of a *Person* or *Persons* that is responsible for the timely management of *Athlete Biological Passports* in *ADAMS* on behalf of the Passport Custodian.

**Confirmation Procedure (CP):** An Analytical Testing Procedure that has the purpose of confirming the presence and/or, when applicable, confirming the concentration/ratio/score and/or establishing the origin (exogenous or endogenous) of

one or more specific *Prohibited Substances*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the Use of a *Prohibited Substance* or *Prohibited Method* in a *Sample*.

**Independent Witness:** A *Person*, invited by the Testing Authority, the Laboratory or WADA to witness parts of the Analytical Testing process. The Independent Witness shall be independent of the *Athlete* and his/her representative(s), the Laboratory, the Sample Collection Authority, the Testing Authority / Results Management Authority or WADA, as applicable. The Independent Witness may be indemnified for his/her service.

**Laboratory(ies):** (A) *WADA*-accredited laboratory(ies) applying Test Methods and processes to provide evidentiary data for the detection and/or identification of *Prohibited Substances* or *Prohibited Methods* on the *Prohibited List* and, if applicable, quantification of a Threshold Substance in *Samples* of urine and other biological matrices in the context of *Doping Control* activities.

**Laboratory Documentation Package:** The material produced by the Laboratory to support an analytical result such as an *Adverse Analytical Finding* as set forth in the *WADA Technical Document* for Laboratory Documentation Packages (TD LDOC).

**Limit of Quantification (LOQ):** Analytical parameter of assay technical performance. Lowest concentration of an Analyte in a *Sample* that can be quantitatively determined with acceptable precision and accuracy (i.e. acceptable Measurement Uncertainty) under the stated test conditions

**Threshold Substance:** An exogenous or endogenous *Prohibited Substance*, *Metabolite* or *Marker* of a *Prohibited Substance* for which the identification and quantitative determination (e.g. concentration, ratio, score) in excess of a pre-determined *Decision Limit*, or, when applicable, the establishment of an exogenous origin, constitutes an *Adverse Analytical Finding*. Threshold Substances are identified as such in the *Technical Document* on Decision Limits (TD DL).

### **3.4 Defined Term from the *International Standard for Therapeutic Use Exemptions***

**Therapeutic:** Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

### **3.5 Defined Term from the *International Standard for Protection of Privacy and Personal Information***

**Personal Information:** Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Person* whose information is Processed solely in the context of an *Anti-Doping Organization's* Anti-Doping Activities.

*[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an *Athlete's* name, date of birth, contact details and sporting affiliations, whereabouts, designated TUEs (if any), anti-*

doping test results, and Results Management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other Persons, such as medical professionals and other Persons working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this International Standard for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]

### **3.6 Defined Terms Specific to the International Standard for Results Management**

**Athlete Biological Passport Documentation Package:** The material compiled by the Athlete Passport Management Unit to support an *Adverse Passport Finding* such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors as well as other relevant supporting information.

**Expert Panel:** The Experts, with knowledge in the concerned field, chosen by the Anti-Doping Organization and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the Passport. For the Haematological Module, Experts should have knowledge in one or more of the fields of clinical haematology (diagnosis of blood pathological conditions), sports medicine or exercise physiology. For the Steroidal Module, the Experts should have knowledge in Laboratory analysis, steroid doping and/or endocrinology. For both modules, an Expert Panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert Panel may include a pool of at least three appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

**Failure to Comply:** A term used to describe anti-doping rule violations under *Code* Articles 2.3 and/or 2.5.

**Filing Failure:** A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated the task) to make an accurate and complete Whereabouts Filing that enables the *Athlete* to be located for *Testing* at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B.2 of the *International Standard for Results Management*.

**Hearing Process:** The process encompassing the timeframe between the referral of a matter to a hearing panel or tribunal until the issuance and notification of a decision by the hearing panel (whether at first instance or on appeal).

**Missed Test:** A failure by the *Athlete* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B.2 of the *International Standard for Results Management*.

**Passport:** A collation of all relevant data unique to an individual *Athlete* that may include longitudinal profiles of *Markers*, heterogeneous factors unique to that particular *Athlete* and other relevant information that may help in the evaluation of *Markers*.

**Passport Custodian:** The *Anti-Doping Organization* responsible for *Result Management* of the *Athlete's Passport* and for sharing any relevant information associated to that *Athlete's Passport* with other *Anti-Doping Organization(s)*.

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

**Whereabouts Failure:** A Filing Failure or a Missed Test.

### 3.7 Interpretation

**3.7.1** The official text of the *International Standard for Results Management* shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

**3.7.2** Like the *Code*, the *International Standard for Results Management* has been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.

**3.7.3** The comments annotating various provisions of the *International Standard for Results Management* shall be used to guide its interpretation.

**3.7.4** Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the *International Standard for Results Management*.

**3.7.5** Where the term “days” is used in the *International Standard for Results Management*, it shall mean calendar days unless otherwise specified.

**3.7.6** The Annexes to the *International Standard for Results Management* have the same mandatory status as the rest of the *International Standard*.

## **PART TWO: RESULTS MANAGEMENT – GENERAL PRINCIPLES**

### **4.0 GENERAL PRINCIPLES**

#### **4.1 Confidentiality of Results Management**

Save for disclosures, including *Public Disclosure*, that are required or permitted under Code Article 14 or this *International Standard*, all processes and procedures related to *Results Management* are confidential.

#### **4.2 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, and save for cases involving complex issues or delays not in the control of the *Anti-Doping Organization* (e.g. delays attributable to the *Athlete* or other *Person*), *Anti-Doping Organizations* should be able to conclude *Results Management* (including the Hearing Process at first instance) within six (6) months from the notification as per Article 5 below.

*[Comment to Article 4.2: The six (6) months' period is a guideline, which may lead to consequences in terms of compliance for the Results Management Authority only in case of severe and/or repeated failure(s).]*

## **PART THREE: RESULTS MANAGEMENT – PRE-ADJUDICATION**

### **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 potential Failures to Comply (Article 5.3.1.1), Whereabouts Failures (Article 5.3.1.2) and *Athlete Biological Passport* findings (Article 5.3.1.3). The notification requirements in respect of matters falling under the scope of Article 5.3 are described under Article 5.3.2.

*[Comment to Article 5: Where the anti-doping rules of a Major Event Organization provide for an expedited resolution of the limited Results Management, the anti-doping rules of the Major Event Organization may provide that there will be only one notification to the Athlete or other Person. The content of the notification letter should reflect the provisions of Article 5 mutatis mutandis.]*

#### **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) and/or (c) it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted 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 with 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: As per the Prohibited List and the Technical Document for Decision Limits for the Confirmatory Quantification of Threshold Substances, the detection in an Athlete's Sample at all times or In-Competition, as applicable, of any quantity of certain Threshold Substances (identified in the Prohibited List), in conjunction with a diuretic or masking agent, will be considered as an Adverse Analytical Finding unless the Athlete has an approved TUE for that substance in addition to the one granted for the diuretic or masking agent. Therefore, in the event of such detection, the Results Management Authority shall also determine whether the Athlete has an approved TUE for the detected Threshold Substance.]*

**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 review as necessary to determine if the specific requirements of the *TUE* have been complied with.

**5.1.1.2 Apparent Departure from *International Standard for Testing and Investigations* and/or *International Standard for Laboratories***

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.

**5.1.1.3 Apparent Ingestion through Permitted Route**

If the *Adverse Analytical Finding* involves a *Prohibited Substance* permitted through (a) specific route(s) as per the *Prohibited List*, the Results Management Authority shall consult any relevant available documentation (e.g. *Doping Control* form) to determine whether the *Prohibited Substance* appears to have been administered through a permitted route and, if so, shall consult an expert to determine whether the *Adverse Analytical Finding* is compatible with the apparent route of ingestion.

*[Comment to Article 5.1.1.3: For the sake of clarity, the outcome of the initial review shall not prevent an Athlete from arguing that his Use of the Prohibited Substance came from a permitted route at a later stage of Results Management.]*

**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 *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding* or that it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* 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 the Adverse Analytical Finding relates to salbutamol, formoterol, human chorionic gonadotrophin or another Prohibited Substance subject to specific Results Management requirements in a Technical Document, the Results Management Authority shall in addition comply with Article 5.1.2.2. The Athlete shall be provided with any relevant documentation, including a copy of the Doping Control form and the Laboratory results.]*

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

*[Comment to Article 5.1.2.1 b): The Results Management Authority should always refer to both Code Articles 2.1 and 2.2 in the notification and charge letter (Article 7) to an Athlete if the matter relates to an Adverse Analytical Finding. The Results Management Authority shall refer to ADAMS 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 applicable Consequences.]*

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 opportunity for the Athlete and/or the Athlete's representative to attend the "B" Sample opening and analysis in accordance with the *International Standard for Laboratories*;

e) 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 e): This request shall be made to the Results Management Authority and not the Laboratory directly.*

*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.]*

f) The opportunity for the Athlete to provide an explanation within a short deadline;

g) The opportunity for the Athlete to provide *Substantial Assistance* as set out under Code Article 10.7.1, to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* under Code Article 10.8.1 (if applicable) or to seek to enter into a case resolution agreement under Code Article 10.8.2; and

h) Any matters relating to *Provisional Suspension* (including the possibility for the Athlete to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

**5.1.2.2** In addition, in the event that the *Adverse Analytical Finding* relates to the *Prohibited Substances* 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 class S3 of the *Prohibited List*. The *Athlete's* attention shall in addition be drawn to the key guiding principles for a controlled pharmacokinetic study and they shall be provided with a list of Laboratories, which could perform the controlled pharmacokinetic study. The *Athlete* shall be granted a deadline of seven (7) days to indicate whether they intend to undertake a controlled pharmacokinetic study, failing which the Results Management Authority may proceed with the *Results Management*;

b) Urinary human chorionic gonadotrophin: follow the procedures set out at Article 6 of the 2019 *Technical Document* for the Reporting & Management of Urinary Human Chorionic Gonadotrophin (hCG) and Luteinizing Hormone (LH) Findings in Male *Athletes* (TD2019CG/LH) or any subsequent version of the *Technical Document*;

c) Other *Prohibited Substance* subject to specific *Results Management* requirements in a *Technical Document* or other document issued by WADA: follow the procedures set out in the relevant *Technical Document* or other document issued by WADA.

**5.1.2.3** The Results Management Authority shall also indicate the scheduled date, time and place for the “B” *Sample* analysis for the eventuality that the *Athlete* or Results Management Authority chooses to request an analysis of the “B” *Sample*; it shall do so either in the notification letter described in Article 5.1.2.1 or in a subsequent letter promptly after the *Athlete* (or the Results Management Authority) has requested the “B” *Sample* analysis.

*[Comment to Article 5.1.2.3: As per Article 5.3.4.5.4.8.5 of the International Standard for Laboratories, the “B” Sample confirmation should be performed as soon as possible, and no later than three (3) months, following the reporting of the “A” Sample Adverse Analytical Finding.]*

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

**5.1.2.4** If the *Athlete* requests the “B” *Sample* analysis but claims that they and/or their representative is not available on the scheduled date indicated by the Results Management Authority, the Results Management Authority shall liaise with the Laboratory and propose (at least) two (2) alternative dates.

*[Comment to Article 5.1.2.4: The alternative dates should take into account: (1) the reasons for the Athlete's unavailability; and (2) the need to avoid any degradation of the Sample and ensure timely Results Management.]*

**5.1.2.5** If the *Athlete* and their representative claim not to be available on the alternative dates proposed, 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 5.1.2.5: An Independent Witness may be appointed even if the Athlete has indicated that they will be present and/or represented.]*

**5.1.2.6** 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 their explanations. The *Athlete* shall also be afforded the possibility to admit the anti-doping rule violation to potentially benefit from a one-year reduction in the period of *Ineligibility* under *Code* Article 10.8.1, if applicable, and/or to voluntarily accept a *Provisional Suspension* as per *Code* Article 7.4.4.

**5.1.2.7** Upon receipt of any explanation from an *Athlete*, the Results Management Authority may, without limitation, request further information and/or documents from the *Athlete* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

*[Comment to Article 5.1.2.7: If the positive finding involves a Prohibited Substance subject to a permitted route (e.g. by inhalation, by transdermal or by ophthalmic Use) and the Athlete alleged that the positive finding came from the permitted route, the Results Management Authority should assess the credibility of the explanation by contacting third parties (including scientific experts) before deciding not to move forward with Results Management.]*

**5.1.2.8** Any communication provided to the *Athlete* under this Article 5.1.2 shall simultaneously be provided 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 5.1.2.8: 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 by analogy); (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 by analogy) and/or (c) it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route (see Article 5.1.1.3 by analogy). If that review does not reveal an

applicable *TUE*, an apparent departure that caused the *Atypical Finding* or an ingestion through a permitted route, the Results Management Authority shall conduct the required investigation.

*[Comment to Article 5.2.1 : If the Prohibited Substance involved is subject to specific Results Management requirements in a Technical Document, the Results Management Authority shall also follow the procedures set out therein.*

*In addition, the Results Management Authority may contact WADA to determine which investigative steps should be undertaken. These investigative steps may be provided for by WADA in a specific notice or other document.]*

**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 c) to e) and Article 5.1.2.3;

b) If the Results Management Authority receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or 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 Specific cases**

##### **5.3.1.1 Report of a potential Failure to Comply**

The pre-adjudication phase of *Results Management* of a possible Failure to Comply shall take place as provided in Annex A – Review of a Possible Failure to Comply.

##### **5.3.1.2 Whereabouts Failures**

The pre-adjudication phase of *Results Management* of potential Whereabouts Failures shall take place as provided in Annex B – *Results Management* for Whereabouts Failures.

### **5.3.1.3 Athlete Biological Passport Findings**

The pre-adjudication phase of *Results Management* of Atypical Passport Findings or Passports submitted to an Expert by the Athlete Passport Management Unit when there is no *Atypical Passport Finding* shall take place as provided in Annex C – *Results Management* Requirements and Procedures for the *Athlete Biological Passport*.

### **5.3.2 Notification for specific cases and other anti-doping rule violations under Article**

**5.3.2.1** 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 upon which the allegations are based;
- 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 in *Code* Article 10.7.1, to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* in *Code* Article 10.8.1 (if applicable) or seek to enter into a case resolution agreement in *Code* Article 10.8.2; and
- f) Any matters relating to *Provisional Suspension* (including the possibility for the *Athlete* or other *Person* to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

**5.3.2.2** Upon receipt of the *Athlete's* or other *Person's* explanation, the Results Management Authority may, without limitation, request further information and/or documents from the *Athlete* or other *Person* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

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

*[Comment to Article 5.3.2.3: To the extent not already set out in the communication to the Athlete or other Person, this notification shall include the following information (if applicable): the Athlete's or other Person'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, the Results Management Authority decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*) and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under *Code* Article 13.2.3.

### **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 capacity in any *Competition* or activity as per *Code* Article 10.14.1 prior to the final decision at a hearing pursuant to Article 8.

**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 5, the International Federation of the *Athlete* or other *Person* 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** As per *Code* Article 7.4.1, *Signatories* identified in the provision shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) is received for a *Prohibited Substance* or a *Prohibited Method* other than a *Specified Substance* or *Specified Method*, a *Provisional Suspension* shall be imposed promptly upon or after the review and notification required by *Code* Article 7.2.

*[Comment to Article 6.2.1.1: The review and notification required by Code Article 7.2 is set out in Article 5.]*

**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 *Code* Article 10.2.4.1. 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** Optional *Provisional Suspension*

As per *Code* Article 7.4.2, a *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has *Results Management Authority* over the alleged anti-doping rule violation, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations not covered by *Code* Article 7.4.1 prior to analysis of the *Athlete's* “B” *Sample* or final hearing as described in *Code* Article 8. The optional *Provisional Suspension* may also be lifted at the discretion of the *Results Management Authority* at any time prior to the hearing panel decision under Article 8, unless provided otherwise.

*[Comment to Article 6.2.2: Whether or not to impose an optional 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 rule violation 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.]*

*Nothing in this provision prevents provisional measures (including a lifting of the Provisional Suspension upon request of the Athlete or other Person) being ordered by the hearing panel.]*

### **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* or other *Person* 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*; or (b) an opportunity for an expedited hearing in accordance with *Code* Article 8 on a timely basis after imposition of a *Provisional Suspension*. The rules of the *Anti-Doping Organization* shall also provide for an opportunity for an expedited appeal against the imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, in accordance with *Code* Article 13.

**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, unless earlier lifted in accordance with this Article 6. 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 does not confirm the “A” *Sample* analysis result, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of *Code* Article 2.1.

*[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 Code Article 2.2.]*

**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 *Code* Article 2.1 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** As per *Code* Article 7.4.4, *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the “B” *Sample* (or waiver of the “B” *Sample*) or ten (10) days from notification of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notification. Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from notification of the anti-doping rule violation. 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 other *Person* or voluntary acceptance of a *Provisional Suspension*, or lifting of either, shall promptly be notified by the Results Management Authority to the *Athlete’s* or other *Person’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 or other Person, this notification shall include the following information (if applicable): the Athlete’s or other Person’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) they are 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 asserted 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 (Code Article 2.2) as part of a Presence violation (Code Article 2.1), or a Possession violation (Code Article 2.6) as part of an asserted Administration violation (Code Article 2.8)) shall not prevent a hearing panel from finding that the *Athlete* or other *Person* committed a violation of the subsidiary anti-doping rule violation in the event that they are 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 assertion is 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 5 or the charge letter under Article 7 during the Hearing Process at first instance 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 *Code Article 15*;

*[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 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 review 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 review, 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 (20) 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, dating and returning an acceptance of Consequences form, which shall be enclosed with the letter;

e) For the eventuality that the Athlete or other Person does not accept the proposed Consequences, shall already grant to the Athlete or other Person a deadline provided for in the Results Management Authority's anti-doping rules (which shall not be of more than twenty (20) days from receipt of the letter of charge and may be extended only in exceptional cases) to challenge in writing the Results Management Authority's assertion of an anti-doping rule violation and/or proposed Consequences, and/or make a written request for a hearing before the relevant hearing panel;

f) Shall indicate that if the Athlete or other Person does not challenge the Results Management Authority's assertion of an anti-doping rule violation or proposed Consequences nor request a hearing within the prescribed deadline, the Results Management Authority shall be entitled to deem that the Athlete or other Person has waived their right to a hearing and admitted the anti-doping rule violation as well as 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 they provide Substantial Assistance under Code Article 10.7.1, may admit the anti-doping rule violation(s) within twenty (20) days from receipt of the letter of charge and potentially benefit from a one-year reduction in the period of Ineligibility under Code Article 10.8.1 (if applicable) and/or seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under Code Article 10.8.2; and

h) Shall set out any matters relating to Provisional Suspension as per Article 6 (if applicable).

**7.2** The notice of charge notified to the Athlete or other Person 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 7.2: To the extent not already set out in the notice of charge, this notification shall contain the following information (wherever applicable): Athlete's

*or other Person's name, country, sport and discipline within the sport, and, for a violation of Code Article 2.1, 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* as per Article 7.1 f), the Results Management Authority shall promptly issue the decision and notify it in accordance with Article 9.

**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 *Code* Article 13.2.3.

**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.

*[Comment to Article 7.5: Where a Results Management Authority has delegated the adjudication part of Results Management to a Delegated Third Party, the matter shall be referred to the Delegated Third Party.]*

## **7.6 Single hearing before CAS**

**7.6.1** Pursuant to *Code* Article 8.5, anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the Results Management Authority and *WADA*, be heard in a single hearing directly at *CAS* under *CAS* appellate procedures, with no requirement for a prior hearing, or as otherwise agreed by the parties.

**7.6.2** If the *Athlete* or other *Person* and the Results Management Authority agree to proceed with a single hearing before *CAS*, it shall be the responsibility of the Results Management Authority to liaise in writing with *WADA* to determine whether it agrees to the proposal. Should *WADA* 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 relevant parties agree to refer the case to the CAS as a single instance, the Results Management Authority shall promptly notify any other Anti-Doping Organization with a right of appeal upon initiating the proceedings so that the latter may seek to 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.]*

## **PART FOUR: RESULTS MANAGEMENT – ADJUDICATION**

### **8.0 HEARING PROCESS**

**8.1** The rules of 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 rules has committed an anti-doping rule violation and, if applicable, to impose the relevant *Consequences*. The Results Management Authority (or a *Delegated Third Party* upon delegation under Code Article 20) shall bring forward the charge before the hearing panel.

*[Comment to Article 8.1: Results Management Authorities may also delegate the adjudication part of Results Management to Delegated Third Parties.]*

*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** For the purposes of Article 8.1, a wider pool of hearing panel members shall be established, from which the hearing panels for specific cases shall be nominated. Appointment to the pool must be made based on anti-doping experience, including legal, sports, medical and/or scientific expertise. All members of the pool shall be appointed for a period of no less than two (2) years (which may be renewable).

*[Comment to Article 8.2: The number of potential hearing panel members appointed to the wider pool depends on the number of affiliates and the anti-doping history (including the number of anti-doping rule violations committed in the past years) of the Anti-Doping Organization. At the very least, the number of potential hearing panel members shall be sufficient to ensure that Hearing Processes are timely conducted and provide for replacement possibilities in the event of a conflict of interest.]*

**8.3** The applicable rules shall provide for an independent person or body to determine in their discretion the size and composition of a particular hearing panel to adjudicate an individual case. At least one appointed hearing panel member must have a legal background.

*[Comment to Article 8.3: For example, the independent person may be a designated chairperson of the pool. The relevant rules should also provide for a mechanism for the event that the independent person or body has a conflict of interest (e.g. the chairperson may be replaced by a designated vice-chairperson in the event of a conflict of interest, or by the most senior hearing panel member with no conflict of interest, where there is no vice-chairperson or both the chairperson and vice-chairperson are in a situation of conflict).]*

*The size and composition of the hearing panel may vary depending on the nature of the charge and the evidence put forward. The hearing panel may be composed of a single adjudicator. The chairperson of the pool can be appointed (or appoint themselves if applicable) to sit as single adjudicator or hearing panel member. If a single adjudicator is appointed, they shall have a legal background.]*

**8.4** 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 their 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 8.4: 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 their functions. To assess whether a hearing panel member is impartial, the Results Management Authority may take into account the principles set out in the IBA Guidelines on Conflicts of Interest in International Arbitration as updated from time to time available at <https://www.ibanet.org/>.]*

**8.5** 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 seven (7) days from the ground for the challenge having become known. Any challenge shall be decided upon by an independent person from the wider pool of hearing panel members or by an independent institution.

*[Comment to Article 8.5: For example, the independent person may be a designated chairperson of the pool. The relevant rules should also provide for a mechanism for the event that the independent person is the person subject to the challenge or is one of the other members of that particular hearing panel (e.g. the designated independent person may be replaced in these circumstances by a vice-chairperson or other designated senior hearing panel member).]*

**8.6** The rules governing the activities of the Results Management Authority shall guarantee the *Operational Independence* of hearing panel members.

*[Comment to Article 8.6: As per the Code definition, Operational Independence means that (1) board members, staff members, commission members, consultants and officials of the Results Management Authority or its affiliates (e.g. member federation or confederation), as well as any person involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that Results Management Authority and (2) that 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.]

**8.7** *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.

[Comment to Article 8.7: All agreed fees and reasonable expenses of the hearing panels shall be timely paid by the Results Management Authority.]

**8.8** The Hearing Process shall respect, at a minimum, all of the following principles:

a) The hearing panel must remain fair, impartial and *Operationally Independent* at all times;

b) The Hearing Process shall be accessible and affordable;

[Comment to Article 8.8 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 8.8 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 complex matters, this timeframe should not exceed two (2) 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 relevant 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; and

[Comment to Article 8.8 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.]

e) The right for the *Athlete* or the other *Person* to request a public hearing. The Results Management Authority may also request a public hearing provided that the *Athlete* or the other *Person* has provided his/her written consent to the same.

[Comment to Article 8.8 e): However, the request may be denied by the hearing panel in the interest of morals, public order, national security, where the interests of *Minors* or the protection of the private life of the parties so require, where publicity would

*prejudice the interests of justice or where the proceedings are exclusively related to questions of law.]*

**8.9** 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** *Results Management* decisions or adjudications by *Anti-Doping Organizations* must not purport to be limited to a particular geographic area or sport and shall address and determine the following issues:

- 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 Code Article 2 is made out (see Code Article 2.1.2). 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; and

*[Comment to Article 9.1.1 d): The decision shall identify the specific provisions on which the sanction, including any reduction or suspension, is based and provide reasons justifying the imposition of the relevant Consequences. In particular, where the applicable rules grant discretion to the hearing panel (e.g. for Specified Substances or Specified Methods or Contaminated Products under Code Article 10.6.1.1 and 10.6.1.2), 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 Code Article 10.13.1). The decision shall also indicate the period of Disqualification, with justification in the event that certain results are not Disqualified for reasons of fairness (Code Article 10.10 of the Code), and any forfeiture of medals or prizes. The decision shall also set if (and to what extent) any period of Provisional Suspension is credited against any period of Ineligibility ultimately imposed, and set out any other relevant Consequences based on the applicable rules, including Financial Consequences. As per Code Article 7.5.1, Major Event Organizations shall, however, not be required to determine Ineligibility or Financial Consequences beyond the scope of their Event.]*

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 Code Article 13. 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.]*

*[Comment to Article 9.1.1: Results Management decisions include Provisional Suspension, save that a Results Management decision on Provisional Suspension shall not be required to determine whether an anti-doping rule violation was committed.]*

**9.1.2** A Results Management decision or adjudication by a Major Event Organization in connection with one of its Events may be limited in its scope but 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 Code Articles 9 and 10.1, 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 Code Article 10.1 (which is left to the ruling body for an Event). Pursuant to Code Article 15, 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 Code Article 9 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 Code Article 10.10; 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 Code Article 10.1.]*

## 9.2 Notification

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 *Code* Article 13.2.3 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 of the supporting reasons as well as a searchable version of the decision.

**9.2.1** An *Athlete* or other *Person* subject to a period of *Ineligibility* shall be made aware by the Results Management Authority of their status during *Ineligibility*, including the *Consequences* of a violation of the prohibition of participation during *Ineligibility*, pursuant to *Code* Article 10.14. The Results Management Authority shall ensure that the period of *Ineligibility* is duly respected within its sphere of competence. The *Athlete* or other *Person* should also be made aware that they may still provide *Substantial Assistance*.

**9.2.2** An *Athlete* subject to a period of *Ineligibility* should also be made aware by the Results Management Authority that they remain subject to *Testing* during the period of *Ineligibility*.

**9.2.3** 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.]*

**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.

## 10.0 APPEALS

**10.1** The rules governing appeal rights and avenues are set out at *Code* Article 13.

**10.2** With respect to national appellate instances within the meaning of *Code* Article 13.2.2:

a) The appointment of hearing panel members and the Hearing Process on appeal are governed by Article 8 *mutatis mutandis*. In addition to being fair, impartial and *Operationally Independent*, a hearing panel on appeal shall also be *Institutionally Independent*;

*[Comment to Article 10.2 a): For the purposes of this provision, hearing panels on appeal shall be fully Institutionally Independent from the Results Management Authority. They must therefore not in any way be administered by, connected or subject to the Results Management Authority.]*

- 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 *Code 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* and any other party, which would have had a right of appeal and is not a party to the *CAS* appeal, 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 Code of Sports-related Arbitration 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 *Code Article 13.2.3*; and
- e) The requirements of Articles 9.2.2 to 9.2.4 shall apply *mutatis mutandis*.

**11.0 VIOLATION OF THE PROHIBITION AGAINST PARTICIPATION DURING *INELIGIBILITY***

**11.1** In the event that an *Athlete* or other *Person* is suspected to have violated the prohibition against participation during *Ineligibility* pursuant to *Code Article 10.14*, the *Results Management* relating to this potential violation shall comply with the principles of this *International Standard mutatis mutandis*.

*[Comment to Article 11.1: In particular, the Athlete or other Person shall receive a notification letter in accordance with Article 5.3.2 mutatis mutandis, a letter of charge in accordance with Article 7 mutatis mutandis and be afforded the right to a hearing as per Article 8.]*

## ANNEX A – REVIEW OF A POSSIBLE FAILURE TO COMPLY

### A.1 Responsibility

**A.1.1** The Results Management Authority or Testing Authority (as applicable) is responsible for ensuring that:

- a) When the possible Failure to Comply comes to its attention, it notifies *WADA*, and instigates review of the possible Failure to Comply based on all relevant information and documentation;
- b) The *Athlete* or other *Person* is informed of the possible Failure to Comply in writing and has the opportunity to respond in accordance with Article 5.3.2 of the *International Standard for Results Management*;
- c) The review is conducted without unnecessary delay and the evaluation process is documented; and
- d) If it decides not to move forward with the matter, its decision is notified in accordance with Article 5.4 of the *International Standard for Results Management*.

**A.1.2** The DCO is responsible for providing a detailed written report of any possible Failure to Comply.

### A.2 Requirements

**A.2.1** Any potential Failure to Comply shall be reported by the DCO to the Results Management Authority (or Testing Authority as applicable) and/or followed up by the Testing Authority and reported to the Results Management Authority as soon as practicable.

**A.2.2** If the Results Management Authority determines that there has been a potential Failure to Comply, the *Athlete* or other *Person* shall be promptly notified in accordance with Article 5.3.2 of the *International Standard for Results Management* and further *Results Management* shall be conducted as per Article 5 *et seq.* of the *International Standard for Results Management*.

**A.2.3** Any additional necessary information about the potential Failure to Comply shall be obtained from all relevant sources (including the *Athlete* or other *Person*) as soon as possible and recorded.

**A.2.4** The Results Management Authority (and Testing Authority as applicable) shall establish a system for ensuring that the outcomes of its reviews into potential Failures to Comply are considered for *Results Management* action and, if applicable, for further planning and *Target Testing*.

## **ANNEX B – RESULTS MANAGEMENT FOR WHEREABOUTS FAILURES**

### **B.1 Determining a Potential Whereabouts Failure**

**B.1.1** Three (3) Whereabouts Failures by an *Athlete* within any 12-month period amount to an anti-doping rule violation under *Code* Article 2.4. The Whereabouts Failures may be any combination of Filing Failures and/or Missed Tests declared in accordance with Article B.3 and adding up to three (3) in total.

*[Comment to Article B.1.1: While a single Whereabouts Failure will not amount to an anti-doping rule violation under Code Article 2.4, depending on the facts, it could amount to an anti-doping rule violation under Code Article 2.3 (Evading Sample Collection) and/or Code Article 2.5 (Tampering or Attempted Tampering with Doping Control).]*

**B.1.2** The 12-month period referred to in *Code* Article 2.4 starts to run on the date that an *Athlete* commits the first Whereabouts Failure being relied upon in support of the allegation of a violation of *Code* Article 2.4. If two (2) more Whereabouts Failures occur during the ensuing 12-month period, then *Code* Article 2.4 anti-doping rule violation is committed, irrespective of any *Samples* successfully collected from the *Athlete* during that 12-month period. However, if an *Athlete* who has committed one (1) Whereabouts Failure does not go on to commit a further two (2) Whereabouts Failures within the 12-months, at the end of that 12-month period, the first Whereabouts Failure “expires” for purposes of *Code* Article 2.4, and a new 12-month period begins to run from the date of their next Whereabouts Failure.

**B.1.3** For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in *Code* Article 2.4:

a) A Filing Failure will be deemed to have occurred (i) where the *Athlete* fails to provide complete information in due time in advance of an upcoming quarter, on the first day of that quarter, and (ii) where any information provided by the *Athlete* (whether in advance of the quarter or by way of update) transpires to be inaccurate, on the (first) date on which such information can be shown to be inaccurate; and

b) A Missed Test will be deemed to have occurred on the date that the *Sample* collection was unsuccessfully attempted.

**B.1.4** Whereabouts Failures committed by the *Athlete* prior to retirement as defined in Article 4.8.7.3 of the *International Standard for Testing and Investigations* may be combined, for purposes of *Code* Article 2.4, with Whereabouts Failures committed by the *Athlete* after the *Athlete* again becomes available for *Out-of-Competition Testing*.

*[Comment to Article B.1.4: For example, if an *Athlete* committed two (2) Whereabouts Failures in the six (6) months prior to their retirement, then if they commit another Whereabouts Failure in the first six (6) months in which they are again available for *Out-of-Competition Testing*, that amounts to a *Code* Article 2.4 anti-doping rule violation.]*

## **B.2 Requirements for a Potential Filing Failure or Missed Test**

**B.2.1** An *Athlete* may only be declared to have committed a Filing Failure where the Results Management Authority establishes each of the following:

- a) That the *Athlete* was duly notified: (i) that they had been designated for inclusion in a *Registered Testing Pool*; (ii) of the consequent requirement to make Whereabouts Filing; and (iii) of the *Consequences* of any Failure to Comply with that requirement;
- b) That the *Athlete* failed to comply with that requirement by the applicable deadline;

*[Comment to Article B.2.1(b): An Athlete fails to comply with the requirement to make Whereabouts Filing (i) where they do not make any such filing, or where they fail to update the filing as required by Article 4.8.8.6 of the International Standard for Testing and Investigations; or (ii) where they make the filing or update but do not include all of the required information in that filing or update (e.g. they do not include the place where they will be staying overnight for each day in the following quarter, or for each day covered by the update, or omit to declare a regular activity that they will be pursuing during the quarter, or during the period covered by the update); or (iii) where they include information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organization to locate them for Testing (e.g., “running in the Black Forest”).]*

- c) In the case of a second or third Filing Failure, that they were given notice, in accordance with Article B.3.2(d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure they must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and

*[Comment to Article B.2.1(c): All that is required is to give the Athlete notice of the first Filing Failure and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Athlete.]*

- d) That the *Athlete*'s failure to file was at least negligent. For these purposes, the *Athlete* will be presumed to have committed the failure negligently upon proof that they were notified of the requirements yet did not comply with them. That presumption may only be rebutted by the *Athlete* establishing that no negligent behavior on their part caused or contributed to the failure.

**B.2.2** While *Code* Article 5.2 specifies that every *Athlete* must submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with Testing

Authority over them, in addition, an *Athlete* in a *Registered Testing Pool* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day in their Whereabouts Filing, at the location that the *Athlete* has specified for that time slot in such filing. Where this requirement is not met by the *Athlete*, it shall be pursued as an apparent Missed Test. If the *Athlete* is tested during such a time slot, the *Athlete* must remain with the DCO until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of *Code Article 2.3* (refusal or failure to submit to *Sample* collection).

**B.2.3** To ensure fairness to the *Athlete*, where an unsuccessful attempt has been made to test an *Athlete* during one of the 60-minute time slots specified in their Whereabouts Filing, any subsequent unsuccessful attempt to test that *Athlete* (by the same or any other *Anti-Doping Organization*) during one of the 60-minute time slots specified in their Whereabouts Filing may only be counted as a Missed Test (or, if the unsuccessful attempt was because the information filed was insufficient to find the *Athlete* during the time slot, as a Filing Failure) against that *Athlete* if that subsequent attempt takes place after the *Athlete* has received notice, in accordance with Article B.3.2(d), of the original unsuccessful attempt.

*[Comment to Article B.2.3: All that is required is to give the Athlete notice of one Missed Test or Filing Failure before a subsequent Missed Test or Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Missed Test or Filing Failure before pursuing a second Missed Test or Filing Failure against the Athlete.]*

**B.2.4** An *Athlete* may only be declared to have committed a Missed Test where the Results Management Authority can establish each of the following:

- a) That when the *Athlete* was given notice that they had been designated for inclusion in a *Registered Testing Pool*, they were advised that they would be liable for a Missed Test if they were unavailable for *Testing* during the 60-minute time slot specified in their Whereabouts Filing at the location specified for that time slot;
- b) That a DCO attempted to test the *Athlete* on a given day in the quarter, during the 60-minute time slot specified in the *Athlete's* Whereabouts Filing for that day, by visiting the location specified for that time slot;
- c) That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the *Athlete*, short of giving the *Athlete* any advance notice of the test;

*[Comment to Article B.2.4(c): Due to the fact that the making of a telephone call is discretionary rather than mandatory, and is left entirely to the absolute discretion of the Sample Collection Authority, proof that a telephone call was made is not a requisite element of a Missed Test, and the lack of a telephone call does not give the Athlete a defense to the assertion of a Missed Test.]*

- d) That Article B.2.3 does not apply or (if it applies) was complied with; and

e) That the *Athlete's* non-availability for *Testing* at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the *Athlete* will be presumed to have been negligent upon proof of the matters set out at sub-Articles B.2.4 (a) to (d). That presumption may only be rebutted by the *Athlete* establishing that

no negligent behavior on their part caused or contributed to their failure (i) to be available for *Testing* at such location during such time slot, and (ii) to update their most recent Whereabouts Filing to give notice of a different location where they would instead be available for *Testing* during a specified 60-minute time slot on the relevant day.

### **B.3 Results Management for a Potential Whereabouts Failure**

**B.3.1** In accordance with Code Articles 7.1.6, the Results Management Authority in relation to potential Whereabouts Failures shall be the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files their whereabouts information.

*[Comment to Article B.3.1: If an Anti-Doping Organization that receives an Athlete's Whereabouts Filing (and so is their Results Management Authority for whereabouts purposes) removes the Athlete from its Registered Testing Pool after recording one or two Whereabouts Failures against them, then if the Athlete is put in another Anti-Doping Organization's Registered Testing Pool, and that other Anti-Doping Organization starts receiving their Whereabouts Filing, then, that other Anti-Doping Organization becomes the Results Management Authority in respect of all Whereabouts Failures by that Athlete, including those recorded by the first Anti-Doping Organization. In that case, the first Anti-Doping Organization shall provide the second Anti-Doping Organization with full information about the Whereabouts Failure(s) recorded by the first Anti-Doping Organization in the relevant period, so that if the second Anti-Doping Organization records any further Whereabouts Failure(s) against that Athlete, it has all the information it needs to bring proceedings against them, in accordance with Article B.3.4, for violation of Code Article 2.4.]*

**B.3.2** When a Whereabouts Failure appears to have occurred, *Results Management* shall proceed as follows:

a) If the apparent Whereabouts Failure has been uncovered by an attempt to test the *Athlete*, the Testing Authority shall timely obtain an Unsuccessful Attempt Report from the DCO. If the Testing Authority is different from the Results Management Authority, it shall provide the Unsuccessful Attempt Report to the Results Management Authority without delay, and thereafter it shall assist the Results Management Authority as necessary in obtaining information from the DCO in relation to the apparent Whereabouts Failure.

b) The Results Management Authority shall timely review the file (including any Unsuccessful Attempt Report filed by the DCO) to determine whether all of the Article B.2.1 requirements (in the case of a Filing Failure) or all of the Article B.2.4 requirements (in the case of a Missed Test) are met. It shall gather information as

necessary from third parties (e.g., the DCO whose test attempt uncovered the Filing Failure or triggered the Missed Test) to assist it in this task.

c) If the Results Management Authority concludes that any of the relevant requirements have not been met (so that no Whereabouts Failure should be declared), it shall so advise *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13.

d) If the Results Management Authority concludes that all of the relevant requirements as set out in B.2.1 (Filing Failure) and B.2.4 (Missed Test) have been met, it should notify the *Athlete* within fourteen (14) days of the date of the apparent Whereabouts Failure. The notice shall include sufficient details of the apparent Whereabouts Failure to enable the *Athlete* to respond meaningfully, and shall give the *Athlete* a reasonable deadline to respond, advising whether they admit the Whereabouts Failure and, if they do not admit to the Whereabouts Failure, then an explanation as to why not. The notice should also advise the *Athlete* that three (3) Whereabouts Failures in any 12-month period is a *Code* Article 2.4 anti-doping rule violation, and should note whether they had any other Whereabouts Failures recorded against them in the previous twelve (12) months. In the case of a Filing Failure, the notice must also advise the *Athlete* that in order to avoid a further Filing Failure they must file the missing whereabouts information by the deadline specified in the notice, which must be within 48 hours after receipt of the notice.

e) If the *Athlete* does not respond within the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against them.

If the *Athlete* does respond within the deadline, the Results Management Authority shall consider whether their response changes its original decision that all of the requirements for recording a Whereabouts Failure have been met.

i. If so, it shall so advise the *Athlete*, *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13.

ii. If not, it shall so advise the *Athlete* (with reasons) and specify a reasonable deadline by which they may request an administrative review of its decision. The Unsuccessful Attempt Report shall be provided to the *Athlete* at this point if it has not been provided to them earlier in the process.

f) If the *Athlete* does not request an administrative review by the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against them. If the *Athlete* does request an administrative review before the deadline, it shall be carried out, based on the papers only, by one or more person not previously involved in the assessment of the apparent Whereabouts Failure. The purpose of the administrative review shall be to determine anew whether or not all of the relevant requirements for recording a Whereabouts Failure are met.

g) If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, the Results Management Authority shall so advise the *Athlete*, *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code Article 13*. On the other hand, if the conclusion is that all of the requirements for recording a Whereabouts Failure are met, it shall notify the *Athlete* and shall record the notified Whereabouts Failure against them.

**B.3.3** The Results Management Authority shall promptly report a decision to record a Whereabouts Failure against an *Athlete* to *WADA* and all other relevant *Anti-Doping Organizations*, on a confidential basis, via *ADAMS*.

*[Comment to Article B.3.3: For the avoidance of doubt, the Results Management Authority is entitled to notify other relevant Anti-Doping Organizations (on a strictly confidential basis) of the apparent Whereabouts Failure at an earlier stage of the Results Management process, where it considers it appropriate (for test planning purposes or otherwise). In addition, an Anti-Doping Organization may publish a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been recorded in respect of Athletes under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the Athletes involved. Prior to any proceedings under Code Article 2.4, an Anti-Doping Organization should not Publicly Disclose that a particular Athlete does (or does not) have any Whereabouts Failures recorded against them (or that a particular sport does, or does not, have Athletes with Whereabouts Failures recorded against them).]*

**B.3.4** Where three (3) Whereabouts Failures are recorded against an *Athlete* within any 12-month period, the Results Management Authority shall notify the *Athlete* and other *Anti-Doping Organizations* in accordance with Article 5.3.2 of the *International Standard for Results Management* alleging violation of *Code Article 2.4* and proceed with *Results Management* in accordance with Article 5 et seq. of the *International Standard for Results Management*. If the Results Management Authority fails to bring such proceedings against an *Athlete* within 30-days of *WADA* receiving notice of the recording of that *Athlete*'s third Whereabouts Failure in any 12-month period, then the Results Management Authority shall be deemed to have decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at *Code Article 13.2*.

**B.3.5** An *Athlete* asserted to have committed a *Code Article 2.4* anti-doping rule violation shall have the right to have such assertion determined at a full evidentiary hearing in accordance with *Code Article 8* and Articles 8 and 10 of the *International Standard for Results Management*. The hearing panel shall not be bound by any determination made during the *Results Management* process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the *Anti-Doping Organization* bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure to the

comfortable satisfaction of the hearing panel. If the hearing panel decides that one (or two) Whereabouts Failure(s) have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no *Code* Article 2.4 anti-doping rule violation shall be found to have occurred. However, if the *Athlete* then commits one (or two, as applicable) further Whereabouts Failure(s) within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in accordance with *Code* Article 3.2.3) and the Whereabouts Failure(s) subsequently committed by the *Athlete*.

*[Comment to Article B.3.5: Nothing in Article B.3.5 is intended to prevent the Anti-Doping Organization challenging an argument raised on the Athlete's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the Results Management process.]*

**B.3.6** A finding that an *Athlete* has committed a *Code* Article 2.4 anti-doping rule violation has the following *Consequences*: (a) imposition of a period of *Ineligibility* in accordance with *Code* Article 10.3.2 (first violation) or *Code* Article 10.9 (subsequent violation(s)); and (b) in accordance with *Code* Article 10.10 (*Disqualification*, unless fairness requires otherwise) of all individual results obtained by the *Athlete* from the date of the *Code* Article 2.4 anti-doping rule violation through to the date of commencement of any *Provisional Suspension* or *Ineligibility* period, with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes. For these purposes, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure found by the hearing panel to have occurred. The impact of any *Code* Article 2.4 anti-doping rule violation by an individual *Athlete* on the results of any team for which that *Athlete* has played during the relevant period shall be determined in accordance with *Code* Article 11.

## ANNEX C – RESULTS MANAGEMENT REQUIREMENTS AND PROCEDURES FOR THE *ATHLETE BIOLOGICAL PASSPORT*

### C.1 Administrative Management

**C.1.1** The requirements and procedures described in this Annex apply to all modules of the *Athlete Biological Passport* except where expressly stated or implied by the context.

**C.1.2** These processes shall be administered and managed by an *Athlete Passport Management Unit* on behalf of the *Passport Custodian*. The *Athlete Passport Management Unit* will initially review profiles to facilitate targeting recommendations for the *Passport Custodian* when appropriate or refer to the *Experts* as required. Management and communication of the biological data, *Athlete Passport Management Unit* reporting and *Expert* reviews shall be recorded in *ADAMS* and be shared by the *Passport Custodian* with other *Anti-Doping Organizations* with *Testing Authority* over the *Athlete* to coordinate further *Passport Testing* as appropriate. A key element for *Athlete Biological Passport* management and communication is the *Athlete Passport Management Unit* report in *ADAMS*, which provides an overview of the current status of the *Athlete's Passport* including the latest targeting recommendations and a summary of the *Expert* reviews.

**C.1.3** This Annex describes a step-by-step approach to the review of an *Athlete's Passport*:

- a) The review begins with the application of the *Adaptive Model*.
- b) In case of an *Atypical Passport Finding* or when the *Athlete Passport Management Unit* considers that a review is otherwise justified, an *Expert* conducts an initial review and returns an evaluation based on the information available at that time.
- c) In case of a “Likely doping” initial review, the *Passport* is then subjected to a review by three (3) *Experts* including the *Expert* who conducted the initial review.
- d) In case of a “Likely doping” consensus of the three (3) *Experts*, the process continues with the creation of an *Athlete Biological Passport Documentation Package*.
- e) An *Adverse Passport Finding* is reported by the *Athlete Passport Management Unit* to the *Passport Custodian* if the *Experts'* opinion is maintained after review of all information available at that stage, including the *Athlete Biological Passport Documentation Package*.
- f) The *Athlete* is notified of the *Adverse Passport Finding* and offered the opportunity to provide explanations.
- g) If after review of the explanations provided by the *Athlete*, the *Experts* maintain their unanimous conclusion that it is highly likely that the *Athlete Used a Prohibited Substance* or a *Prohibited Method*, an anti-doping rule violation is asserted against the *Athlete* by the *Passport Custodian*.

## C.2 Initial Review Phase

### C.2.1 Review by the Adaptive Model

**C.2.1.1.** In *ADAMS*, the Adaptive Model automatically processes data on the biological *Markers* of the *Athlete Biological Passport*. These *Markers* include primary *Markers* that are defined as the most specific to doping and secondary *Markers* that provide supporting evidence of doping in isolation or in combination with other *Markers*. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values outside of the 99%-range, from a lower limit corresponding to the 0.5<sup>th</sup> percentile to an upper limit corresponding to the 99.5<sup>th</sup> percentile (1:100 chance or less that this result is due to normal physiological variation). A specificity of 99% is used to identify both haematological and steroidal *Atypical Passport Findings*. In the case of sequence deviations (sequence *Atypical Passport Findings*), the applied specificity is 99.9% (1:1000 chance or less that this is due to normal physiological variation).

**C.2.1.2.** An *Atypical Passport Finding* is a result generated by the Adaptive Model in *ADAMS* which identifies either a primary *Marker(s)* value(s) as being outside the *Athlete's* intra-individual range or a longitudinal profile of a primary *Marker* values (sequence deviations) as being outside expected ranges, assuming a normal physiological condition. An *Atypical Passport Finding* requires further attention and review.

**C.2.1.3.** The *Athlete Passport Management Unit* may also submit a Passport to the Expert when there is no *Atypical Passport Finding* (see C.2.2.4 below).

#### C.2.1.4. *Atypical Passport Finding* – Haematological Module

**C.2.1.4.1.** For the Haematological Module, the Adaptive Model automatically processes in *ADAMS* two primary *Markers*, haemoglobin concentration (HGB) and stimulation index OFF-score (OFFS), and two secondary *Markers*, the reticulocyte percentage (RET%) and the Abnormal Blood Profile Score (ABPS). An *Atypical Passport Finding* is generated when a HGB and /or OFFS value of the last test falls outside the expected intra-individual ranges. Furthermore, the longitudinal profile composed of (up to) the last five valid HGB and/or OFFS values is also considered as an *Atypical Passport Finding* when deviating from the expected ranges, as determined by the Adaptive Model (sequence *Atypical Passport Finding*). An *Atypical Passport Finding* is only generated by the Adaptive Model based on values of the primary *Markers* HGB and OFFS or the sequence thereof.

**C.2.1.4.2.** In case of an *Atypical Passport Finding* the *Athlete Passport Management Unit* shall advise the Results Management Authority (or Testing Authority as applicable) in the *Athlete Passport Management Unit* report, or via the Passport Custodian where appropriate, on whether the *Sample*, or any accompanying urine *Sample*, should be subjected to analysis for Agents Affecting Erythropoiesis. The *Athlete Passport Management Unit* should also provide recommendations for

Agents Affecting Erythropoiesis analysis when the Adaptive Model detects an abnormality in the secondary *Markers* RET% and/or ABPS.

#### C.2.1.5. *Atypical Passport Finding* – Steroidal Module

C.2.1.5.1 For the Steroidal Module, the Adaptive Model automatically processes in *ADAMS* one primary *Marker*, the T/E ratio, and four (4) secondary *Markers*, the ratios A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol and 5 $\beta$ Adiol/E.

C.2.1.5.2 Ratios coming from a *Sample* that showed signs of heavy microbial degradation, and ratios for which one or both of the concentrations were not measured accurately by the Laboratory as established in the *Technical Document* for Endogenous Anabolic Androgenic Steroids (TDEAAS), shall not be processed by the Adaptive Model. In the case where the Laboratory reports a confounding factor that may otherwise cause an alteration in the steroid profile, such as the presence of ethanol glucuronide in the *Sample*, the Athlete Passport Management Unit shall evaluate whether the steroid profile can still be considered as valid and processed by the Adaptive Model and the *Sample* be subjected to a Confirmation Procedure (see TDEAAS).

C.2.1.5.3 An *Atypical Passport Finding* is generated when a value of the T/E ratio falls outside the expected intra-individual ranges. In addition, the “*longitudinal steroid profile*” composed of (up to) the last five (5) valid values of the T/E ratio is also considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model (sequence *Atypical Passport Finding*).

C.2.1.5.4 In the case of a “*longitudinal steroidal profile*”, an *Atypical Passport Finding* caused by an atypically high T/E value will trigger an *Atypical Passport Finding Confirmation Procedure* Request notification through *ADAMS* as established in the TDEAAS. When the Adaptive Model determines an abnormality in any of the other ratios of the “*steroid profile*” (A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol and 5 $\beta$ Adiol/E), the Athlete Passport Management Unit should advise the Results Management Authority (or Testing Authority as applicable) in the Athlete Passport Management Unit report, or via the Passport Custodian where appropriate, on whether the *Sample* should be subjected to a Confirmation Procedure.

#### C.2.1.6. Suspicious Steroid Profiles – Steroidal Module

C.2.1.6.1 If the *Sample* constitutes the first and unique result in a Passport, or if the *Sample* cannot be matched to a *Doping Control* Form in *ADAMS*, *ADAMS* will flag the result as a Suspicious Steroid Profile (SSP) if the steroid profile of the *Sample* meets any of the SSP criteria established in the TD EAAS, and the Laboratory and the Testing Authority will receive an SSP-Confirmation Procedure Request (CPR) notification from *ADAMS*. In such cases, the Testing Authority, upon consultation by the Laboratory, shall confirm, in writing within seven (7) days, whether or not the SSP result shall be confirmed by the Laboratory. The Testing Authority may consult with their APMU, or the Passport Custodian where applicable, in order to reach a decision. If the Testing Authority advises the Laboratory not to proceed with Confirmation Procedures, then it shall provide the reasons for this decision to the Laboratory, which

shall update the *ADAMS* test report for the *Sample* accordingly. In the absence of any justification from the Testing Authority, the Laboratory shall proceed with the confirmation analyses (for further details, see TD EAAS).

#### **C.2.1.7. Departure from *WADA Athlete Biological Passport* requirements**

**C.2.1.7.1** If there is a departure from *WADA Athlete Biological Passport* requirements for *Sample* collection, transport and analysis, the biological *Marker* result obtained from this *Sample* affected by the non-conformity shall not be considered in the Adaptive Model calculations (for example, RET% can be affected but not HGB under certain transportation conditions).

**C.2.1.7.2** A *Marker* result which is not affected by the non-conformity can still be considered in the Adaptive Model calculations. In such case, the Athlete Passport Management Unit shall provide the specific explanations supporting the inclusion of the result(s). In all cases, the *Sample* shall remain recorded in the *Athlete's Passport*. The Experts may include all results in their review provided that their conclusions may be validly supported when taking into account the effects of the non-conformity.

### **C.2.2 The Initial Expert Review**

**C.2.2.1** A Passport generating an *Atypical Passport Finding*, or for which a review is otherwise justified, shall be sent by the Athlete Passport Management Unit to an Expert for review in *ADAMS*. This should take place within seven (7) days following the generation of the *Atypical Passport Finding* in *ADAMS*. The review of the Passport shall be conducted based on the Passport and other basic information (e.g. *Competition* schedules), which may be available, such that the Expert is blinded to the identity of the *Athlete*.

*[Comment to Article C.2.2.1: If a result rendered by a Laboratory represents an Atypical Passport Finding caused by an atypically high T/E value, the *Sample* will undergo a Confirmation Procedure, including GC/C/IRMS analysis. If the result of the GC/C/IRMS Confirmation Procedure is negative or inconclusive then the Athlete Passport Management Unit shall seek an Expert review. An Athlete Passport Management Unit or Expert review is not required when the GC/C/IRMS Confirmation Procedure renders an Adverse Analytical Finding (AAF).]*

**C.2.2.2** If a Passport has been recently reviewed by an Expert and the Passport Custodian is in the process of executing a specific multi-*Sample Testing* strategy on the *Athlete*, the Athlete Passport Management Unit may delay the review of a Passport generating an *Atypical Passport Finding* triggered by one of the *Samples* collected in this context until completion of the planned series of tests. In such situations, the Athlete Passport Management Unit shall clearly indicate the reason for delaying the review of the Passport in the Athlete Passport Management Unit report.

**C.2.2.3** If the first and unique result in a Passport is flagged as an *Atypical Passport Finding* by the Adaptive Model, the Athlete Passport Management Unit may recommend the collection of an additional *Sample* before initiating the initial Expert review.

#### C.2.2.4 Review in the absence of an *Atypical Passport Finding*

C.2.2.4.1 A Passport may also be sent for Expert review in the absence of an *Atypical Passport Finding* where the Passport includes other elements otherwise justifying a review.

These elements may include, without limitation:

- a) Data not considered in the Adaptive Model;
- b) Any abnormal levels and/or variations of *Marker(s)*;
- c) Signs of hemodilution in the haematological Passport;
- d) Steroid levels in urine below the corresponding Limit of Quantification of the assay;
- e) Intelligence in relation to the *Athlete* concerned.

C.2.2.4.2 An Expert review initiated in the above-mentioned situations may result in the same *Consequences* as an Expert review triggered by an *Atypical Passport Finding*.

#### C.2.2.5 Expert Evaluation

C.2.2.5.1 When evaluating a Passport, an Expert weighs the likelihood that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* against the likelihood that the Passport is the result of a normal physiological or pathological condition in order to provide one of the following opinions: “Normal”, “Suspicious”, “Likely doping” or “Likely medical condition”. For a “Likely doping” opinion, the Expert shall come to the conclusion that the likelihood that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* outweighs the likelihood that the Passport is the result of a normal physiological or pathological condition.

*[Comment to Article C.2.2.5.1: When evaluating competing propositions, the likelihood of each proposition is evaluated by the Expert based on the evidence available for that proposition. It is acknowledged that it is the relative likelihoods (i.e., likelihood ratio) of the competing propositions that ultimately determine the Expert's opinion. For example, where the Expert is of the view that a Passport is highly likely the result of the *Use of a Prohibited Substance or Prohibited Method*, it is necessary for a “Likely doping” evaluation that the Expert consider that it is unlikely that it may be the result of a normal physiological or pathological condition. Similarly, where the Expert is of the view that a Passport is likely the result of the *Use of a Prohibited Substance or Prohibited Method*, it is necessary for a “Likely doping” evaluation that the Expert consider that it is highly unlikely that it may be the result of a normal physiological or pathological condition.]*

C.2.2.5.2 To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert shall come to the opinion that it is highly likely that the

Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* and that it is highly unlikely that the Passport is the result of a normal physiological or pathological condition.

### C.2.3 Consequences of the Initial Review

Depending on the outcome of the initial review, the Athlete Passport Management Unit will take the following action:

<u>Expert Evaluation</u>	<u>Athlete Passport Management Unit Action</u>
“Normal”	Continue normal <i>Testing</i> plan.
“Suspicious”	Provide recommendations to the <u>Passport Custodian</u> for <i>Target Testing</i> , <i>Sample</i> analysis and/or requesting further information as required.
“Likely doping”	Send to a panel of three (3) <u>Experts</u> , including the initial <u>Expert</u> , as per section C.2 of this Annex C.
“Likely medical condition”	Inform the <i>Athlete</i> as soon as possible via the <u>Passport Custodian</u> (or send to other <u>Experts</u> ).

*[Comment to Article C.2.3: The Athlete Biological Passport is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s) and it is not intended as a health check or for medical monitoring. It is important that the Passport Custodian educate the Athletes to ensure that they undergo regular health monitoring and not rely on the Athlete Biological Passport for this purpose. Nevertheless, the Passport Custodian should inform the Athlete in case the Passport indicates a likely pathology as determined by the Experts.]*

### C.3 Review by Three (3) Experts

**C.3.1** In the event that the opinion of the appointed Expert in the initial review, pending other explanation to be provided at a later stage, is that of “Likely doping”, the Passport shall then be sent by the Athlete Passport Management Unit to two (2) additional Experts for review. This should take place within seven (7) days after the reporting of the initial review. These additional reviews shall be conducted without knowledge of the initial review. These three (3) Experts now constitute the Expert Panel, composed of the Expert appointed in the initial review and these two (2) other Experts.

**C.3.2** The review by the three (3) Experts must follow the same procedure, where applicable, as presented in section C.2.2 of this Annex. The three (3) Experts shall each

provide their individual reports in *ADAMS*. This should take place within seven (7) days after receipt of the request.

**C.3.3** The *Athlete Passport Management Unit* is responsible for liaising with the Experts and for advising the Passport Custodian of the subsequent Expert assessment. The Experts can request further information, as they deem relevant for their review, notably information related to medical conditions, *Competition* schedule and/or *Sample(s)* analysis results. Such requests are directed via the *Athlete Passport Management Unit* to the Passport Custodian.

**C.3.4** A unanimous opinion among the three (3) Experts is necessary in order to proceed further towards declaring an *Adverse Passport Finding*, which means that all three (3) Experts render an opinion of “Likely doping”. The conclusion of the Experts must be reached with the three (3) Experts assessing the *Athlete’s Passport* with the same data.

*[Comment to Article C.3.4: The three (3) Expert opinions cannot be accumulated over time based on different data.]*

**C.3.5** To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert Panel shall come to the unanimous opinion that it is highly likely that the Passport is the result of the *Use of a Prohibited Substance or Method* and that there is no reasonably conceivable hypothesis under which the Passport is the result of a normal physiological condition and highly unlikely that it is the result of pathological condition.

**C.3.6** In the case when two (2) Experts evaluate the Passport as “Likely doping” and the third Expert as “Suspicious” asking for more information, the *Athlete Passport Management Unit* shall confer with the Expert Panel before they finalize their opinion. The group can also seek advice from an appropriate outside Expert, although this must be done while maintaining strict confidentiality of the *Athlete’s Personal Information*.

**C.3.7** If no unanimity can be reached among the three (3) Experts, the *Athlete Passport Management Unit* shall report the Passport as “Suspicious”, update the *Athlete Passport Management Unit* report, and recommend that the Passport Custodian pursue additional *Testing* and/or gather intelligence on the *Athlete* (refer to *Information Gathering and Intelligence Sharing Guidelines*), as appropriate.

#### **C.4 Conference Call, Compilation of the *Athlete Biological Passport Documentation Package* and Joint Expert Report**

**C.4.1** If a unanimous opinion of “Likely doping” is rendered by all three (3) Experts, the *Athlete Passport Management Unit* shall declare a “Likely doping” evaluation in the *Athlete Passport Management Unit* report in *ADAMS* and should organize a conference call with the Expert Panel to initiate the next steps for the case, including proceeding with the compilation of the *Athlete Biological Passport Documentation Package* (see *Technical Document for Athlete Passport Management Units*) and drafting of the joint Expert report. In preparation for this conference call, the *Athlete Passport Management Unit* should coordinate with the Passport Custodian to compile

any potentially relevant information to share with the Experts (e.g. suspicious analytical findings, relevant intelligence and relevant pathophysiological information).

**C.4.2** Once completed, the Athlete Biological Passport Documentation Package shall be sent by the Athlete Passport Management Unit to the Expert Panel, who will review it and provide a joint Expert report to be signed by all three (3) Experts. The conclusion within the joint Expert report shall be reached without interference from the Passport Custodian. If necessary, the Expert Panel may request complementary information from the Athlete Passport Management Unit.

**C.4.3** At this stage, the identity of the *Athlete* is not mentioned but it is accepted that specific information provided may allow to identify the *Athlete*. This shall not affect the validity of the process.

## **C.5 Issuing an *Adverse Passport Finding***

**C.5.1** If the Expert Panel confirms their unanimous position of “likely doping”, the Athlete Passport Management Unit shall declare an *Adverse Passport Finding* in *ADAMS* that includes a written statement of the *Adverse Passport Finding*, the Athlete Biological Passport Documentation Package and the joint Expert report.

**C.5.2** After reviewing the Athlete Biological Passport Documentation Package and joint Expert report, the Passport Custodian shall:

- a) Notify the *Athlete* of the *Adverse Passport Finding* in accordance with Article 5.3.2;
- b) Provide the *Athlete* the Athlete Biological Passport Documentation Package and the joint Expert report;
- c) Invite the *Athlete* to provide their own explanation, in a timely manner, of the data provided to the Passport Custodian.

## **C.6 Review of Explanation from *Athlete* and Disciplinary Proceedings**

**C.6.1** Upon receipt of any explanation and supporting information from the *Athlete*, which should be received within the specified deadline, the Athlete Passport Management Unit shall forward it to the Expert Panel for review with any additional information that the Expert Panel considers necessary to render its opinion in coordination with both the Passport Custodian and the Athlete Passport Management Unit. At this stage, the review is no longer anonymous. The Expert Panel shall reassess or reassert the case and reach one of the following conclusions:

- a) Unanimous opinion of “Likely doping” by the Experts based on the information in the Passport and any explanation provided by the *Athlete*; or
- b) Based on the available information, the Experts are unable to reach a unanimous opinion of “Likely doping” set forth above.

*[Comment to Article C.6.1: Such a reassessment shall also take place when the Athlete does not provide any explanation.]*

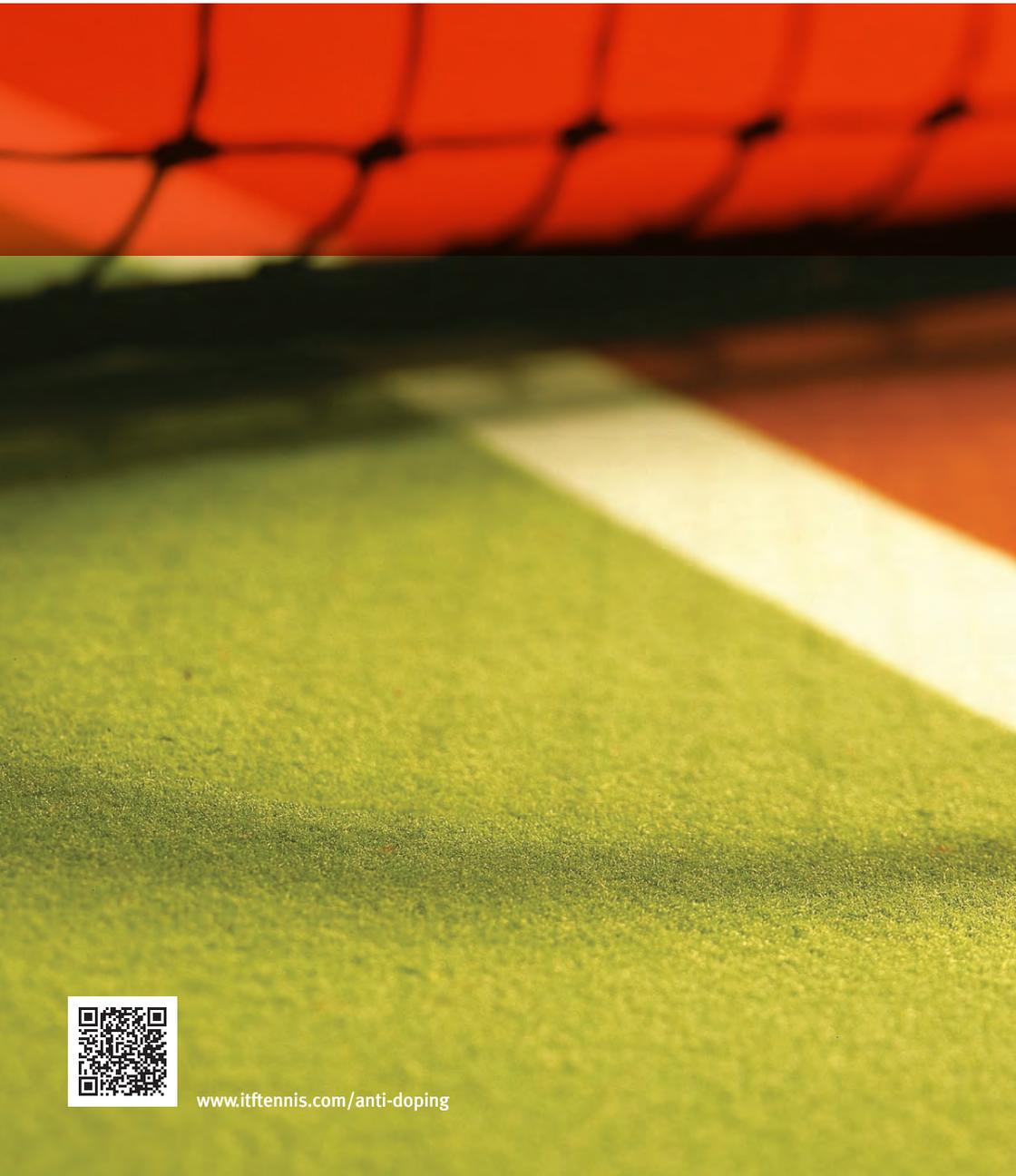
**C.6.2** If the Expert Panel expresses the opinion set forth in section C.6.1(a), then the Passport Custodian shall be informed by the Athlete Passport Management Unit, shall charge the *Athlete* in accordance with Article 7 and continue with *Results Management* in accordance with the *International Standard*.

**C.6.3** If the Expert Panel expresses the opinion set forth in section C.6.1(b), the Athlete Passport Management Unit shall update the Athlete Passport Management Unit report and recommend the Passport Custodian to pursue additional *Testing* and/or gather intelligence on the *Athlete* (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate. The Passport Custodian shall notify the *Athlete* and *WADA* of the outcome of the review.

## **C.7 Passport Re-setting**

**C.7.1** In the event the *Athlete* has been found to have committed an anti-doping rule violation based on the Passport, the *Athlete's Passport* shall be reset by the Passport Custodian at the start of the relevant period of *Ineligibility* and a new Biological Passport ID shall be assigned in *ADAMS*. This maintains the *Athlete's* anonymity for potential Athlete Passport Management Unit and Expert Panel reviews conducted in the future.

**C.7.2** When an *Athlete* is found to have committed an anti-doping rule violation on any basis other than the *Athlete Biological Passport*, the haematological and/or Steroidal Passport will remain in effect, except in those cases where the *Prohibited Substance* or *Prohibited Method* caused an alteration of the haematological or steroidal *Markers*, respectively (e.g. for *AAF* reported for anabolic androgenic steroids, which may affect the *Markers* of the steroid profile, or for the *Use of Erythropoiesis Stimulating Agents* or blood transfusions, which would alter the haematological *Markers*). The Passport Custodian shall consult with their Athlete Passport Management Unit following an *Adverse Analytical Finding* to determine whether a Passport reset is warranted. In such instances, the *Athlete's* profile(s) would be reset from the time of the beginning of the sanction.



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