

Prof. Dr. Antonio Rigozzi / Marjolaine Viret / Emily Wisnosky

Does the World Anti-Doping Code Revision Live up to its Promises?

A Preliminary Survey of the Main Changes in the Final Draft of the 2015 WADA Code

Du 12 au 15 novembre 2013 se déroulera, à Johannesburg, la 4^e Conférence mondiale sur le dopage et le sport. Dans le cadre de celle-ci, le nouveau Code mondial antidopage (2015 WADA Code) devrait être adopté. Cet article retrace les étapes du processus de consultation qui a abouti au projet final et met en lumière les principales innovations qu'il contient. Les auteurs examinent si et dans quelle mesure les objectifs proclamés au cours du processus de révision ont été atteints. Un regard critique sera aussi porté sur certaines modifications, notamment lorsque leur application pratique paraît problématique. La table en annexe montre l'évolution des articles clés du Code au fil des quatre versions.

Domaine(s) juridique(s) : Sport ; Arbitrage ; Articles scientifiques

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Introduction

[Rz 1] The World Anti-Doping Agency («WADA») is currently nearing the end of its second revision process of the World Anti-Doping Code («the Code» or «the WADA Code»). The final draft (version 4.0) will be presented to WADA's stakeholders for acceptance in November 2013 at the World Conference on Doping in Sport in Johannesburg, South Africa. Broadly speaking, the goals of this Code revision can be summarized in three words: the 2015 WADA Code is to be fairer, smarter, and clearer.

[Rz 2] In the present article, the authors discuss the main changes incorporated into the Code during the revision process and provide a preliminary assessment of the extent to which the goals of the revision have been realized. This article chronicles the evolution of the Code throughout the revision process, starting from the 2009 WADA Code through to the final version 4.0 of the 2015 WADA Code (which will enter into force on January 1, 2015)¹. It also summarizes the reactions, objections, and proposals by the various stakeholders who intervened in the consultation process. Finally, the authors cast a critical eye over certain revised provisions, in particular with respect to possible implications in practice.

[Rz 3] In conducting their assessment, the authors relied primarily on the documents that WADA published as part of the revision process². The three draft versions and the final version 4.0 of the 2015 WADA Code were used as the main sources of information. Stakeholder comments, which WADA procured on each of the 2009 version, version 1.0 and version 2.0 of the 2015 WADA Code, were also consulted and

¹ See also Appendix 1 to this article for a table that provides a comprehensive summary of the revisions made to the key provisions (Articles 1 through 17) in each of the four draft versions of the 2015 WADA Code.

² The following documents mentioned in this article are available on the WADA website (www.wada-ama.org): 1) The 2009 WADA Code and each of the four draft versions of the 2015 WADA Code; 2) The stakeholder comments solicited by WADA as part of each the three consultation phases during the review process; 4) the Overview referenced *infra* note 4 and 5) the Legal Opinion referenced *infra* note 3.

compiled to provide a sense of stakeholder response to the proposed amendments. This article also refers on various occasions to a legal opinion requested by WADA on the compatibility of the revised Code with general principles of international law and human rights (the «Legal Opinion»)³.

[Rz 4] Along with the version 3.0, WADA published a document entitled «World Anti-Doping Code 2015 Draft Version 3.0 Overview», which was subsequently updated upon publication of final version 4.0 (the «Overview»)⁴. The Overview organizes the amendments considered key by WADA according to seven revision «Themes» and a «Other Miscellaneous Changes» section. The authors used the Overview as an indicator of WADA's perspectives on policy considerations underlying the amendments. The article groups the amendments appearing in the Overview under three main section headings: Technical, Substantive and Procedural Issues. In discussing these issues, the authors also touch upon other related amendments not addressed specifically in the Overview.

[Rz 5] As far as reference is made to the WADA 2015 International Standards, the final draft (version 3.0) of these documents was relied upon. All terms that are both capitalized and italicized in this article represent defined terms in the 2015 WADA Code final version 4.0 or in the 2015 International Standards.

I. Technical Issues: Focus on Smarter Evidence-Gathering and Prosecution

1. Emphasis on Intelligence-Based Investigations

[Rz 6] One of the major paradigm shifts announced during the revision of the 2015 WADA Code is the focus on developing instruments to enable detection and prosecution of anti-doping rule violations in a more elaborate way than through mere *Testing* and searching for *Prohibited Substances* and *Methods* in the *Samples*. The amendments that create these instruments can be divided into two categories, which are presented in turn below after some introductory remarks. The first category aims at clarifying the duties and responsibilities of stakeholders with respect to intelligence-gathering and investigations. The purpose of the second category is to facilitate such gathering and investigations.

1.1. General Remarks

A. A Long Awaited Change of Focus

[Rz 7] Throughout the consultation process, various stakeholders pointed to the need to adapt the instruments of the fight against doping so as to target «real cheats»⁵. In particular, it was suggested that greater emphasis should be placed on intelligent evidence-gathering and investigations, in addition to or in combination with traditional *Testing* and analysis⁶. In its revision Theme Three, the Overview acknowledges the merits of this suggestion with the following statement: «The 2015 Code amendments support the increasing importance of investigations and use of intelligence in the fight against doping». The Overview refers to recent high-profile cases (such as the *Armstrong* matter) that were made possible only through investigations and collaboration among *Anti-Doping Organizations* («ADO»s) and public authorities⁷.

[Rz 8] The amendments introduced during the revision are in line with the principles and goals proclaimed in the WADA document «Coordinating Investigations and Sharing Anti-Doping Information and Evidence» published in 2011⁸. The 2015 WADA Code itself merely provides some general guidance on the duties of the different stakeholders, in particular in Articles 5 and 20 through 22. These provisions therefore need to be read in conjunction with the 2015 International Standard for Testing and Investigations («ISTI»), renamed on this occasion (formerly: «International Standard for Testing»).

[Rz 9] In spite of stakeholders' pleas for a change of focus in anti-doping from the very outset of the consultation process, the new duties of ADOs with respect to intelligence and investigations were mainly introduced in the versions of the 2015 WADA Code and 2015 ISTI released only after the third and last consultation phase⁹. As a result, the authors do not

³ JEAN-PAUL COSTA, Legal Opinion Regarding the Draft 3.0 Revision of the World Anti-Doping Code, 2013 [hereinafter Legal Opinion].

⁴ WADA, Significant Changes Between the 2009 Code and the 2015 Code, Version 4.0, 2013 [hereinafter Overview].

⁵ See, e.g., 2015 WADA Code Review, 3rd Phase, General Comments, p. 4, (International Rugby Players» Association/Josh Blackie); 2015 WADA Code Review, 2nd Phase, General Comments, p. 13, (USOC preliminary remarks, reported through Association of NOCs); 2015 WADA Code Review, 1st Phase, General Comments, p. 4, (New Zealand Federation of Athletes/Tim Lythe); 2015 WADA Code Review, 1st Phase, General Comments, p. 11, (ITF/Stuart Miller).

⁶ See, e.g., 2015 WADA Code Review, 3rd Phase, General Comments, p. 24, (Australian Government/Bill Rowe); 2015 WADA Code Review, 2nd Phase, General Comments, p. 19, (Australian Government/Bill Rowe); 2015 WADA Code Review, 1st Phase, General Comments, p. 14, (British Olympic Association/Sara Sutcliffe); 2015 WADA Code Review, 1st Phase, Introduction, p. 2 *et seq.*, (NADA Austria/David Müller).

⁷ Overview, *supra* note 4, at p. 3. Note the *Armstrong* matter was not mentioned specifically in the final version of the Overview, but the version that was published along with the 2015 WADA Code version 3.0 specifically recalls the *Armstrong*, BALCO, and Operation Puerto affairs (p. 4).

⁸ WADA, Coordinating Investigations and Sharing Anti-Doping Information and Evidence, May 2011.

⁹ *I.e.* 2015 WADA Code version 3.0 (published upon the third and last consultation phase for the Code) and 2015 ISTI version 2.0 (published upon the second and final consultation phase for the standards). Even though

have the benefit of the stakeholders' reactions to these new provisions. Nevertheless, as will be discussed in the subsequent sections, some aspects of the proposed amendments are predictably going to raise questions with respect to their implementation since they touch upon recurrently controversial aspects of the fight against doping.

B. The Concept of «Intelligence» and «Investigations» under the 2015 WADA Code

[Rz 10] Neither the 2015 WADA Code nor the 2015 ISTI include «intelligence» or «investigations» as defined terms. The meaning of these expressions must hence be deduced from the provisions regulating the two instruments¹⁰.

[Rz 11] Concerning «intelligence», Article 11.2.1 of the 2015 ISTI mentions as possible sources for collecting such intelligence: *Athletes; Athlete Support Personnel*; the public (e.g. through confidential phone hotlines); *Sample* collection personnel; laboratories; pharmaceutical companies; National Federations; law enforcement authorities or other regulatory or disciplinary bodies; and the media. Article 11.3.2 of the 2015 ISTI clarifies that intelligence may be specific to a particular case, i.e. it could encompass the collection of personal data. Beyond these contextual indications, guidance can also be sought from other sources, such as the use of the terms as traditionally encountered in militaries or secret services. In these contexts, intelligence refers to information gathered about third parties and their activities, but also to the processing, assessment and use of such information as the basis for actions supporting the goals of the entity gathering the intelligence.

[Rz 12] The possible scope and purposes of «investigations» contemplated by WADA are described in Article 5.8 of the 2015 WADA Code final version 4.0 and Article 12.1.1 of the 2015 ISTI. Broadly speaking, three types of investigations can be distinguished: (i) investigations triggered by analytical findings (*Atypical Findings* and *Adverse Passport Findings*)¹¹, (ii) investigations based on any other analytical/non-analytical information where there is reasonable cause to suspect that an anti-doping rule violation was committed, and (iii) investigations aimed at extending the circle of potential suspects once an anti-doping rule violation is established¹². Regardless of the type of investigation, the goal is always to reach a decision to either rule out a violation (or involvement

in a violation) or support initiation of disciplinary proceedings (Article 12.1.2 of the 2015 ISTI).

1.2. Clearer Definition of Duties and Responsibilities

A. Duties of Anti-Doping Organizations

[Rz 13] The modified heading in Article 5 of the 2015 WADA Code, now devoted to «*Testing* and Investigations» instead of merely *Testing*, is a clear signal to stakeholders with regard to the intended future orientation of anti-doping efforts. Beyond this statement of intent, however, the 2015 WADA Code appears to clarify and to make explicit existing duties of the ADOs rather than to create significant new ones. Real innovations and operational directions are instead found in the 2015 ISTI.

[Rz 14] With respect to intelligence, Article 11 of the 2015 ISTI lists the following duties of ADOs:

- Do «everything in their power»¹³ to ensure that they are able to capture or receive intelligence from all available sources (11.2.1);
- Have policies and procedures in place to process and protect the intelligence gathered (11.2.2);
- Be able to assess (e.g. relevance, reliability), collate, and analyze such intelligence (11.3);
- Use the outcome of such analysis, either for the *Test Distribution Plan*, for *Testing*, or to create «targeted intelligence files» to be referred for investigation (11.4.1);
- Develop and implement policies and procedures to share intelligence with other ADOs and law enforcement authorities (11.4.2).

[Rz 15] As regards to investigations, it is useful to distinguish investigations on *Atypical Findings* and *Adverse Passport Findings* (Articles 7.4 & 7.5 of the 2015 WADA Code final version 4.0; Articles 12.2 of the 2015 ISTI) from investigations on «other possible anti-doping rule violations» (Articles 7.6 & 7.7 of the 2015 WADA Code final version 4.0; Article 12.3 of the 2015 ISTI). The only substantial change in the 2015 WADA Code with respect to violations arising from analytical findings is the new Article 7.5, which specifically addresses the review of *Adverse Passport Findings*. More interesting amendments are found in Article 12.2.2 of the 2015 ISTI that now authorize WADA to request information from the ADO carrying out investigations. In spite of its context (Article 12.2 formally deals with *Atypical Findings* and *Adverse Passport Findings*), this paragraph seems to be designed to apply to any type of anti-doping rule violations. It explicitly gives WADA the right to request information regarding, without limitation: the competition level of the *Athlete*; the whereabouts

the WADA website mentions that 2015 ISTI «is the result of the comments received during the final Consultation Phase», it is unclear to what «final phase» reference is made and no such comments have been made public.

¹⁰ The expression «intelligence» was already used in the WADA Document WADA, Coordinating Investigations and Sharing Anti-Doping Information and Evidence, May 2011, e.g. Appendix 2, p. 3.

¹¹ By contrast, neither of these Articles addresses specifically the fact that *Adverse Analytical Findings* may also necessitate investigations, e.g. when such finding represents evidence of the use of a *Prohibited Method*.

¹² The first two types are directly identified in the 2015 WADA Code, whereas the third type is only mentioned in the 2015 ISTI.

¹³ Note that this attenuation was only added in the final 3.0 version of the 2015 ISTI.

information provided by the *Athlete* and the role such information played in the particular case; and the timing of the *Sample* collection.

[Rz 16] Article 12.3 of the 2015 ISTI contains more precise indications regarding investigations of anti-doping rule violations other than those arising from *Adverse Analytical Findings*, *Atypical Findings*, or *Adverse Passport Findings*. The following points are worth mentioning: the duty to keep WADA up-to-date as to ongoing investigations; the duty to conduct evidence-gathering promptly; duties regarding the fairness and impartiality of investigations; the duty for *ADOs* to exploit all resources available to them. Article 12.4 of the 2015 ISTI further describes the outcome of the investigations, *i.e.* the decision as to whether there are sufficient grounds to initiate anti-doping proceedings against an *Athlete* or other *Person*.

[Rz 17] From the perspective of the *Athlete's* or other *Person's* protection, a positive aspect of the revision is the introduction in the 2015 ISTI of the idea that investigations, like the subsequent hearing process, must comply with minimal standards of fairness and impartiality. In particular, the Comment to Article 12.3.3 of the 2015 ISTI clarifies that investigations must not be conducted with the aim of a single outcome (*i.e.* to initiate proceedings against the *Athlete*), but must also seek to gather evidence indicating «that there is no case to answer». This newly codified principle of the «neutrality» of the investigations raises further questions. In particular, the scope of the duty to investigate is unclear: is it limited to gathering evidence that could eliminate the finding of an anti-doping rule violation, or does it include evidence that could eliminate or reduce the sanction? One may also wonder whether *Athletes* may try to rely on this provision to request that additional evidence be gathered in their favor (*e.g.* to request a quantification analysis or the analysis of contaminated supplements). Nevertheless, this clarification as such is welcome since the issue was frequently raised in anti-doping proceedings before internal disciplinary hearing panels, without clear guidance being provided in applicable regulations. In fact, it is worth questioning whether this significant amendment should not have been inserted directly into the WADA Code.

[Rz 18] An amendment that was introduced in Article 12.3.5 of the 2015 ISTI version 2.0, only to be removed again in the final version 3.0, provided that «at an appropriate time the *Athlete* or other *Person* involved should be informed in writing of the investigation and given an opportunity to comment». This amendment implied a form of right to be heard prior to the notification of the formal assertion of the anti-doping rule violation under Article 7.7 of the 2015 WADA Code and Article 12.4 of the ISTI. Since no consultation was conducted with respect to this amendment, the authors can only speculate on the reasons for first including and then removing it. In all likelihood, the implementation of this provision would have been difficult to achieve in practice and might have opened the door to challenges by *Athletes* in case of anti-doping

proceedings being initiated without an opportunity to comment beforehand.

[Rz 19] Finally, the duty of cooperation imposed on *Athletes* during the investigations raises issues of procedural fairness. Provided that such duty was validly incorporated in the applicable anti-doping regulations, the invitation to *ADOs* to secure the collaboration through the threat of disciplinary sanctions nevertheless remains highly questionable from a legal point of view. Depending on the severity of the sanctions incurred, the resulting pressure on *Athletes* may well reignite the debate around the application of the privilege against self-incrimination in anti-doping¹⁴.

B. Cooperation of Other Stakeholders

[Rz 20] While Part One of the 2015 WADA Code clarifies the tasks of *ADOs* with respect to intelligence and investigations, Part Three («Roles and Responsibilities») purports to encourage other stakeholders to cooperate in these tasks.

[Rz 21] According to the new language added to Article 20 of the 2015 WADA Code final version 4.0, International Federations (Article 20.3.6) and National Olympic/Paralympic Committees (Article 20.4.4) undertake to require National Federations «to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* («*NADO*») and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation¹⁵.

[Rz 22] Under Article 21 of the 2015 WADA Code (roles and responsibilities of *Athletes* and other *Persons*), *Athletes* (21.1.6) and *Athlete Support Personnel* (21.2.5) are now «to cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations». The Comment to Article 21.2.5 also adds that «failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a stakeholder's rules». These responsibilities are backed up by the new Article 12.3.5 of the 2015 ISTI, which again insists that disciplinary action should be taken under applicable rules against non-cooperative *Athletes* and *Athlete Support Personnel*.

[Rz 23] Finally, a new paragraph 2 has been added to Article 22 that lists the expectations of the WADA Code *Signatories* towards governments. Paragraph 2 provides that «each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with *Anti-Doping Organizations* and sharing of data among *Anti-Doping Organizations* as provided in the *Code*». The initial wording that was calling for the creation of

¹⁴ See, *e.g.*, GABRIELLE KAUFMANN-KOHLER & ANTONIO RIGOZZI, *Legal Opinion on the Conformity of Article 10.6 of the draft 2007 WADA Code with the Fundamental Rights Athletes*, 2007, p. 37 *et seq.*

¹⁵ The reference to «International Federation» was added only in the final version 4.0.

«a proper legal basis» in version 2.0 was abandoned, likely due to criticism in the consultation process¹⁶. It was modified to reflect the fact that states are bound only by the UNESCO Convention, which leaves state parties the choice of measures to comply with their international obligations.

C. Intelligence-Gathering and Privacy

[Rz 24] As explained before, «intelligence» under the WADA Code encompasses personal data, which is likely to include sensitive data (e.g. data related to health or criminal offences). Personal data must be processed in accordance with privacy and data protection standards. For example, Swiss and European Union («EU») laws impose strict limitations on postponing notice to the data-subject that sensitive personal data is being collected and on restricting access by the data-subject to his or her personal data¹⁷. The very concept of intelligence-gathering and investigations, however, supposes precisely that *Athletes* or other *Persons* are not informed of the personal data collected, at least not immediately¹⁸.

[Rz 25] With respect to requests for information by data-subjects, Article 11.1 of the 2015 International Standard on the Protection of Privacy and Personal Information («ISPP-PI») provides that *ADOs* may refuse to respond if «to do so in a particular case plainly conflicts with the *Anti-Doping Organization's* ability to plan or conduct *No Advance Notice Testing* or to investigate and establish anti-doping rule violations». Under Article 9 of the Swiss Data Protection Act, however, access to data may only be postponed in the interests of the entity processing the data if such data is not communicated to third parties. Should an *Athlete* therefore proactively request information on intelligence gathered about him or her, the *ADO* would only be entitled to refuse such information if it refrained from forwarding the intelligence to any other *ADO*, which might considerably obstruct the efficiency of the new provisions on intelligence-gathering.

[Rz 26] On a more general note, it has become obvious in recent years that data protection represents a considerable hurdle to anti-doping and that solutions which are both effective and lawful are extremely difficult to find. WADA has

made various attempts to enhance compliance of its anti-doping programs with data protection standards. Thus, Article 11.2.1 of the 2015 ISTI provides that *ADOs* must put in place policies and procedures to handle the intelligence collected securely and confidentially, safe storage of data being a basic principle of data protection. How *ADOs*, in particular *ADOs* with limited financial resources, will manage to implement such policies and how this will impact data sharing remain open issues. That said, the fact that minimal requirements are clearly provided for is a step in the right direction.

[Rz 27] Article 22.2 of the 2015 WADA Code expects governments to take measures available to them under their legal system in order to promote cooperation and sharing of information with *ADOs*, as well as the sharing of data among *ADOs*. The fact remains that governments are not bound by the *Signatories'* expectations listed in Article 22. Hence, absent a legal provision in a particular country, the sole basis that *ADOs* (especially private entities such as International Federations) may rely upon to process personal data is consent of the data-subject¹⁹. The validity of such consent is highly controversial and might be successfully challenged in court. Moreover it is more than doubtful that consent can be relied upon in cases where the intelligence gathered relates to individuals who never submitted to anti-doping regulations. It is difficult to imagine how intelligence could be processed about these individuals (even as collateral information) in a lawful manner without their awareness, let alone their consent.

[Rz 28] The 2015 WADA Code final version 4.0 does not address the consequences for intelligence gathered in an unlawful manner with respect to its subsequent use in anti-doping proceedings (e.g. intelligence obtained in breach of data protection law, privacy, physical integrity, or other rights of the individual concerned). Instead, the WADA Code chooses an approach that treats irregular evidence-gathering as «procedural defects» which only invalidate proceedings if they are material (Article 3.2).

1.3. Instruments to Facilitate Intelligence-Gathering and Investigations

A. Substantial Assistance

[Rz 29] The *Substantial Assistance* provision (Article 10.6.1 of the 2015 WADA Code) is generally perceived as an important instrument to promote a more effective fight against serious forms of organized doping. Article 11.2 of the 2015 ISTI indeed lists *Substantial Assistance* among the sources through which *ADOs* are invited to collect intelligence. The revision has brought about two amendments worth mentioning here with respect to *Substantial Assistance*.

¹⁶ See, e.g., 2015 WADA Code Review, 3rd Phase, General Comments, p. 38, («Article 29 Working Party»); 2015 WADA Code Review, 2nd Phase, Comment to Art. 22, p. 3, (European Union/Pambos Stylianou).

¹⁷ See, e.g., Articles 8 *et seq.* and 14 of the Federal Act on Data Protection (FADP), CC 235.1 [hereinafter the Swiss Data Protection Act]; see also the overview by DOMINIQUE SPRUMONT & MARJOLAINE VIRET, *The 2015 Revision of the WADA Code- Will the Fight against Doping Collide with Health Law?*, Jusletter, 8 April 2013, para. 11.

¹⁸ Article 7.2 of the 2015 ISPPPI envisages this situation, by providing that «exceptionally, notice to the Participant or other persons may be delayed or suspended where providing such notice might reasonably be considered to jeopardize an anti-doping investigation or otherwise undermine the integrity of the anti-doping process. In such cases, the justification for the delay must be appropriately documented and the information provided to the Participant or other persons as soon as reasonably possible».

¹⁹ Data protection laws allow for various justifying grounds for processing personal data, among which three typical grounds are consent, a legal basis, and an overriding public (or in certain cases, private) interests. The justifying grounds are often more restrictive for sensitive data.

[Rz 30] The first amendment (Article 10.6.1.2) gives WADA the authority to agree, at any time, on «what it considers to be an appropriate suspension of the applicable period of *Ineligibility* or other *Consequences*», either at the request of an *ADO* or of the *Athlete*. WADA is not bound by the limitations imposed on other *ADOs*: the suspension may extend to complete elimination of the period of *Ineligibility* and/or elimination of the duty to return prize money, payment of fines, or costs. WADA's decision is not subject to appeal. A number of stakeholders during the consultation process criticized the exclusion of appeal²⁰, claiming that WADA hereby attributes itself an authority that puts it above other *ADOs* without proper justification. These objections were apparently not considered sufficiently grounded as the wording was not changed in the final version. Given the importance of this kind of decisions, it is difficult to understand why such decisions should not be subject to scrutiny by the Court of Arbitration for Sport («CAS»). The fact that no appeal is available might induce *ADOs* or any other party with a legitimate interest to challenge WADA's decision before state courts.

[Rz 31] The second amendment (Article 10.6.1.3) empowers WADA to «authorize an *Anti-Doping Organization* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided». This option represents an exception to the general rule that *ADOs* must provide notice of all suspensions granted under Article 10.6.1 to all other *ADOs* with a right to appeal.

[Rz 32] Both amendments are likely intended to increase the incentive for providing *Substantial Assistance*, by enabling WADA to give true assurances to the *Athlete* or other *Person* who offers *Substantial Assistance*, both with respect to the effects on the sanction and with respect to protection of their anonymity. The two amendments were already included in the 2015 WADA Code version 1.0. The only substantial modification during the consultation process was the addition of the expression «no period of *Ineligibility*» which replaced the initial wording of «full amnesty». Other requests for amendments by stakeholders during the consultation process, with a view to broadening the scope of the assistance eligible for suspension, were not included (e.g. the request to grant suspensions also for general information useful to the fight against doping)²¹. Instead, the scope of the provision has even been reduced on some aspects. In particular, one such aspect includes situations where the assistance provided does not directly result in the *ADO* with results management

responsibility discovering an anti-doping rule violation, but «merely» leads to a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person*. Under the 2015 WADA Code final version 4.0, this type of assistance will only qualify for a suspension of the sanction if the information provided is also made available to the *ADO*, a requirement that did not (at least not explicitly) exist under the 2009 WADA Code.

B. Extension of the Statute of Limitations and Data Retention Periods

[Rz 33] Under Article 17 of the 2009 WADA Code final version 4.0, the statute of limitations for prosecuting anti-doping rule violations is eight years. This provision prompted debate not only with respect to its compatibility with national laws, but also as the statute of limitations period indirectly determines the retention times for the various personal data and biological materials gathered in *Doping Control*.

[Rz 34] The 2015 WADA Code version 1.0 initially amended Article 17 to provide for two different lengths of limitation periods: fourteen years for certain types of violations (*Trafficking*, *Administration*, complicity, and aggravating circumstances) and eight years for all other anti-doping rule violations. In spite of very serious objections regarding the practicability, enforceability, and lack of justification for this new solution during the second consultation round, the dual period was maintained in version 2.0, with the difference that the base time period was now of fourteen years for all anti-doping rule violations, except for *Presence of a Prohibited Substance* (Article 2.1) and *Use or Attempted Use of a Prohibited Substance* or *Method* (Article 2.2), for which the period was nonetheless raised to ten years.

[Rz 35] After the dual period again faced resistance during the third consultation round, versions 3.0 and 4.0 settled for a uniform period of ten years for all anti-doping rule violations, based on the recommendations of the Legal Opinion²². The wording that describes the relevant moment for verifying whether the statute of limitations was complied with has been amended from «no action may be commenced» to «no anti-doping rule violation proceeding may be commenced». Article 17 in final version 4.0 also provides a clarification that had been requested during the consultation process²³, i.e. a specification of the exact procedural act that interrupts the statute of limitations: the *Athlete* or other *Person* must have been «notified of the anti-doping rule violation as provided in Article 7», or such notification must have been «reasonably attempted».

[Rz 36] The debate surrounding the statute of limitations

²⁰ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 57, (UCI/Philippe Verbiest); 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 59, (IAAF/Huw Roberts); 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 60, (Antidoping Switzerland/Matthias Kamber).

²¹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 62, (UK Anti-Doping/Graham Arthur); 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 64, (Institute of NADOs/Joseph de Pencier).

²² Legal Opinion, *supra* note 3, at pp. 20-21.

²³ 2015 WADA Code Review, 3rd Phase, Comment to Article 17, p. 2, (Italian Olympic Committee/Stefano Bovis); 2015 WADA Code Review, 1st Phase, Comment to Article 17, p. 1, (UCI/Philippe Verbiest).

bears a close connection to data protection issues. In particular, the extension of the statute of limitations from eight years to ten years requires longer periods of storage of biological materials and data retention, since such periods are determined based on the need to be able to go back to these materials or data during the statute of limitations period²⁴. Indeed, all eight-year periods have been amended into ten-year periods in the revised Annex A on retention times included with the 2015 ISPPPI.

[Rz 37] It is accepted that the statute of limitations and related retention times must respect the principle of proportionality. However, and as stakeholders complained, the evaluation of proportionality cannot be verified since WADA provided no explanation regarding the evidence justifying an extension of the period in the statute of limitations²⁵. The Legal Opinion supports the ten-year period, but is silent on the consequences with respect to the retention times²⁶. Moreover, the Legal Opinion analyzes the statute of limitations exclusively from the perspective of the compatibility with human rights of limitation periods for criminal offences in national laws. In reality, anti-doping regulations are more often than not private (contractual or at least consensual) documents, so that a question worth assessing would have been whether these regulations may depart from the statute of limitations prescribed in national laws for obligations of private law.

2. Strengthening the Testing and Analysis Process

2.1. General Remarks

[Rz 38] According to the Overview, revision Theme Five is devoted to the improvement of test distribution planning and *Sample* analysis. In spite of the new focus on intelligence-gathering and investigations, *Testing* and analysis of *Samples* are to remain integral parts of *Doping Control*. The need for a «smarter» organization of both *Testing* and analysis stages of the *Doping Control* process is generally acknowledged. As some stakeholders pointed out during the consultation process, resources are often scarce²⁷, so *Doping Control* must focus on activities that are most likely to uncover and deter genuine doping schemes, rather than to catch in-

advertent ingestion of *Prohibited Substances*. The Overview also recognizes that not all *ADOs* organize their *Testing* and analysis activities in a way that appropriately targets detection of *Prohibited Substances* and *Methods* most beneficial in a particular sport²⁸.

2.2. Smarter Test Distribution and Analysis Menus through Risk Assessment

[Rz 39] Article 5.4.1 of the 2015 WADA Code final version 4.0 provides that WADA, in consultation with International Federations and other *ADOs*, will adopt a Technical Document «that establishes by means of risk assessment which *Prohibited Substances* and/or *Prohibited Methods* are most likely to be abused in particular sports and sport disciplines».

[Rz 40] *ADOs* are required to take the risk assessment component of the Technical Document as a basis to develop and implement their *Test Distribution Plan*, in order to fix priorities between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of analyses. WADA may request a copy of the *Test Distribution Plan* from each *ADO* (Article 5.4.2).

[Rz 41] The most elaborate *Test Distribution Plan* remains ineffective if the *Samples* collected do not subsequently undergo adequate analysis. Under the 2009 WADA Code, laboratories depend on the instructions given by the *ADO* responsible for *Testing* to decide which *Prohibited Substances* and *Prohibited Methods* to screen for. According to the Overview, in practice laboratories are not always requested to test for the full menu of the *Prohibited List*²⁹.

[Rz 42] Article 6.4 of the 2015 WADA Code final version 4.0 attempts to remedy these shortcomings by centralizing the manner in which the *Sample* analysis menus are determined. The new Technical Document to be established will include an «analysis menu» component, with a choice of menus depending on the sport or sports discipline at stake. Laboratories are to analyze *Samples* in conformity with the relevant menu. *ADOs* may still request laboratories to analyze their *Samples* using more extensive menus, but a less extensive menu requires WADA's approval. Laboratories may also choose to analyze, at their own expense, *Samples* for *Prohibited Substances* and *Methods* not included in a specific menu or not requested by the *ADO* (see also Articles 5.2.4.2 & 6.2.4.1 of the 2015 International Standard for Laboratories («ISL»)). Results from such analysis shall be reported and have the same validity and consequences as any other analytical result. Initially, the 2015 WADA Code version 1.0 purported to make analysis for the full *Prohibited List* the default duty of the laboratories (*Out-of-Competition* or in addition, *In-Competition*, as applicable), subject to WADA approving a restricted menu for particular sports. The «differentiated» menu

²⁴ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 17, p. 1, (International Golf Federation/Danja Poli); 2015 WADA Code Review, 2nd Phase, Comment to Article 17, p. 1, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman); 2015 WADA Code Review, 2nd Phase, Comment to Article 17, p. 2, (IOC/Christophe de Kepper).

²⁵ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 17, p. 2, (UEFA/Richard Grisdale); 2015 WADA Code Review, 2nd Phase, Comment to Article 17, p. 1, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman).

²⁶ Legal Opinion, *supra* note 3, at pp. 21-22.

²⁷ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 28, (Swedish Sports Confederation/Hakan Nyberg);

²⁸ Overview, *supra* note 4, at p. 5.

²⁹ *Id.* at p. 5.

system finally adopted takes into account the objections filed by stakeholders during the consultation process, according to which having laboratories systematically analyze all *Samples* for the full menu would be neither cost-efficient nor even practicable, given the discrepancies in the laboratories' technological capacities³⁰.

[Rz 43] Generally speaking, all efforts to rationalize the *Testing* and analysis menus, as well as the requirements for storage and reanalysis, have the potential to improve the effectiveness of *Doping Control*. The realization of this potential supposes, however, that reliable criteria are used for the risk assessment that is to serve as a basis both for the *Test Distribution Plan* and for the analysis menus. During the consultation process, doubts were raised as to whether WADA is truly the appropriate body to conduct such risk assessment³¹.

[Rz 44] Regarding more specifically the analysis, differentiated menus seem consistent with the goal of «intelligent» *Doping Control*. Indeed, the reality is that ADOs must strike a balance between the costs of the analysis for each *Sample* and the total number of *Samples* that they can afford to collect³².

[Rz 45] The fact is that many questions regarding the actual implementation of this new system remain so far unanswered. For example, the differentiated analysis menus cannot do away with the technological discrepancies among WADA-accredited laboratories. Should it be understood, as some stakeholders anticipated during the consultation process, that the ability to test for the standard menus defined by WADA will be a requirement for accreditation³³? Will particular laboratories specialize in menus for particular sports and would this evolution be desirable? The right for laboratories to extend the analysis menu on their own initiative also raises signification questions: what shall be the treatment of «simi-

lar» substances (*i.e.* the substances not explicitly listed in the *Prohibited List*)? Finally, the system will need to address a number of questions related to the predictability for *Athletes* as to what conduct they should avoid. Are the menus going to remain confidential, at the costs of transparency and accountability of the *Doping Control* programs? If the menus are made public, what will be the effects in terms of incentives on the *Athletes*? Indeed, there are good arguments to the effect that different analysis menus amount *de facto* to introducing different *Prohibited Lists* for different sports through the backdoor³⁴.

2.3. Limiting Positive Findings to those Targets Relevant to the Fight against Doping

[Rz 46] Beyond adapting the *Testing* and analysis procedures, another way of avoiding sub-optimal allocation of resources is to eliminate positive findings that are not sufficiently indicative of a doping conduct. The option contemplated in the 2015 WADA Code version 2.0 was to make the «performance enhancement» criterion systematically mandatory for including a substance or method on the *Prohibited List*. This solution was abandoned in version 3.0, along with the option of a special category of «substances of abuse» in the sanctioning regime (see section 4.3.E, below). In short, the system thus remains as it is in the 2009 WADA Code, namely that a substance or method shall be considered for inclusion on the *Prohibited List* if WADA, in its sole discretion, determines that any two of the following criteria are met: (i) potential to enhance or enhancement of sports performance, (ii) actual or potential health risk to the *Athlete*, or (iii) violation of the spirit of sport.

[Rz 47] One of the reasons for contemplating a revision of the criteria to include a *Prohibited Substance* in the *Prohibited List* was the need to tackle cannabis consumption as the most frequently reported occurrence of unnecessarily burdensome anti-doping proceedings³⁵. Finally WADA opted for a more technical approach, namely to increase the limit for laboratories to report an *Adverse Analytical Finding* for marijuana in order to avoid sanctioning *Athletes* who test positive *In-Competition* but with levels that could not indicate actual *Use In-Competition* (marijuana is prohibited *In-Competition* only)³⁶. Another amendment discussed in connection with

³⁰ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 1, (Sport Canada/Joe Van Ryn); 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 5, (SportAccord); 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 5, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman); 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 6, (FINA/Cornel Marculescu); 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 7, (International Rugby Board/Caroline Nolan); 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 7, (International Ice Hockey Federation/Ashley Ehlert); 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 9 (FIFA & UEFA/Jiri Dvorak).

³¹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 6, p. 12, (Australian Government/Bill Rowe).

³² See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 13, (Anti-Doping Norway/Anne Cappelen); 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 14, (UK Anti-Doping/Graham Arthur); 2015 WADA Code Review, 2nd Phase, Comment to Art. 6, p. 10, (Council of Europe); 2015 WADA Code Review, 2nd Phase, Comment to Art. 6, p. 15, (Swedish Sports Confederation/Hakan Nyberg).

³³ See, e.g., the remarks made with respect to the «full menu» option in the 1st draft version, in: 2015 WADA Code Review, 2nd Phase, Comment to Article 6, p. 9, (SportAccord).

³⁴ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 6, p. 10, (UCI/Philippe Verbiest); 2015 WADA Code Review, 3rd Phase, Comment to Article 6, p. 12, (UEFA/Richard Grisdale).

³⁵ According to one European study, Cannabinoids are the most frequently used *Prohibited Substance*, accounting for 18.7% of all violations reported. UNI Global Union & EU Athletes, *Adverse Analyzing: A European Study of Anti Doping Organization Reporting Practices and the Efficacy of Drug Testing Athletes*, 12 May 2011, pp. 78-79.

³⁶ One cannot help but to note that this legitimate concern could have been easily addressed by including a rule that the mere presence of metabolites of substances prohibited only *In-Competition* does not constitute a doping violation.

the sanctioning regime is the final interpretational sentence in Article 10.2.3 of the 2015 WADA Code final version 4.0 that purports to exclude recreational use of drugs prohibited *In-Competition* only from the scope of the «intentional» violations (see section 4.2.d, below).

[Rz 48] The decision to maintain the current system of criteria for inclusion of substances and methods into the *Prohibited List* is probably due to the fear that making performance enhancement a mandatory criterion would have altered the whole rationale of the Code, with multiple unpredictable consequences³⁷. Beyond the increase in the limits for marijuana, there are no real advances and no real response to the numerous concerns filed during the consultation process³⁸. The debate about recreational drugs and the justification for their prohibition was not seriously tackled³⁹. The Code still excludes any challenge against the inclusion of a substance or method into the *Prohibited List*⁴⁰. The transparency of the process of inclusion has not been improved⁴¹. WADA's discretion and secrecy with respect to the *Prohibited List* is maintained.

2.4. Additional Support to Avoid Challenges of Analytical Results

[Rz 49] The Overview points at some amendments designed to strengthen legal certainty with respect to analytical results⁴². Even though these amendments are only mentioned under «Other Miscellaneous Changes», they are significant enough to deserve a separate presentation in this section.

³⁷ See, e.g., the remark *in*: 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 24, (Irish Sports Council/Una May); 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 5, (AFLD/Robert Bertand); 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 25, (RUSADA/Anna Antseliovich).

³⁸ See, e.g., in this context the remark *in*: 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 19, (IOC/Christophe de Kepper).

³⁹ See, e.g., the remarks *in*: 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 19, (IOC/Christophe de Kepper); 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 26, (Anti-Doping Norway/Anne Cappelen).

⁴⁰ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 4, (South African Institute for Drug Free Sport/Khalid Galant); 2015 WADA Code Review, 1st Phase, Comment to Article 4, p. 3, (WAIPU/Lucien Valloni).

⁴¹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 3, (SportAccord); 2015 WADA Code Review, 3rd Phase, Comment to Article 4 p. 20, (Antidoping Switzerland/Matthias Kamber); 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 3, (Australian Government/Bill Rowe); 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 6, (Japan Anti-Doping Agency/YaYa Yamamoto); 2015 WADA Code Review, 1st Phase, Comment to Article 4, p. 6, (ITF/Stuart Miller); 2015 WADA Code Review, 1st Phase, Comment to Article 4, p. 9, (Council of Europe); 2015 WADA Code Review, 1st Phase, Comment to Article 4, p. 14, (Swedish Sports Confederation/Hakan Nyberg).

⁴² These amendments are contained in Articles 3.2.1 and 6.5. Overview, *supra* note 4, at pp. 7-8.

A. Presumption of Scientific Validity of Analytical Methods and Decision Limits

[Rz 50] Article 3 of the 2015 WADA Code final version 4.0, which addresses evidence issues in doping, includes a new «presumption» with respect to the validation of methods and decision limits. The revised Article 3.2.1 provides:

Analytical methods or decision limits approved by WADA after consultation with the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. In any case before CAS where the scientific validity of a method or decision limit approved by WADA has been challenged, the CAS panel shall inform WADA of the challenge and shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

[Rz 51] With Article 3.2.1, the WADA Code drafters appear to create another hurdle for *Athletes* to challenge analytical results⁴³. The presumption in the 2009 WADA Code is that a laboratory has not departed, in a particular case, from the applicable procedures (*i.e.* the ISL). However, the new Article 3.2.1 extends the domain of the presumptions to a different field, *i.e.* the scientific reliability of these applicable procedures.

[Rz 52] As matters stand, this amendment raises so many questions that it is hard to imagine how it could be applied in practice. First, it is unclear how the basis for the presumption would be established, apart from the fact that the burden of proof would probably lie on the *ADO*. There is no definition of the «relevant scientific community». Will the support of the method within WADA-accredited or approved laboratories be sufficient, or will other analytical scientists have an opportunity to comment as well? Furthermore, scientific knowledge is in constant evolution: a method may gain approval through peer review, but such approval may become subsequently undermined by new insights. Second, the provision seeks to alter the procedural requirements of the Statutes of the

⁴³ Indeed, the amendment is a result of the decision in CAS 2011/A/2566, *Veerpalu v. FIS*, 25 March 2013, where the CAS panel considered that WADA and the FIS had not established to its comfortable satisfaction that the decision limit used was sufficiently scientifically reliable.

Bodies Working for the Settlement of Sports-Related Disputes (the «CAS Code») by granting WADA extraordinary rights of intervention. Notably, there is a direct interference with the taking of evidence before CAS panels. In this respect, it must be noted that only the challenge before CAS is envisaged. By contrast, Article 3.2.1 does not seem to contemplate the situation of a challenge being brought already in the anti-doping proceedings before the internal disciplinary bodies.

[Rz 53] At the end of the day, however, one may wonder whether the new presumption will significantly alter doping disputes, since CAS panels have proven to be particularly reluctant to enter into the merits of challenges directed against the validity of laboratory methods already *de lege lata*⁴⁴. Indeed, CAS' unwillingness to entertain challenges to the scientific soundness of the analysis has created a situation where there is a *de facto* fiction (or irrebuttable presumption) that if the analysis is conducted according to the ISL then the result must be accurate. Paradoxically, the provision might even turn to the advantage of the *Athletes* as what is now a *de facto* irrebuttable presumption will be considered a simple (*i.e.* rebuttable) presumption.

B. The Cut-Off Point for Further Analyses

[Rz 54] Under Article 6.5 of the 2009 WADA Code, it is explicitly recognized that the «re-Testing» (*recte*: reanalyzing) of a *Sample* is possible at any time at the direction of WADA or of the *ADO* that collected the *Sample*. However, the revised Article 6.5 in the 2015 WADA Code final version 4.0 now provides a «cut-off» point past which *Samples* cannot be reanalyzed. Namely, a *Sample* is subject to further analysis by the *ADO* responsible for results management at any time, but only until the analytical results for both the A and B *Samples* (or only the A *Sample* where the B *Sample* analysis is not conducted) have been communicated to the *Athlete* as a basis for a violation of Article 2.1. The regime of long-term storage of *Samples* for potential further analysis is also clarified (Article 6.5 of the 2015 WADA Code; Articles 5.2.2.12 (for urine) and 6.2.2.11 (for blood) of the 2015 ISL), with further guidance to be provided in WADA «Guidelines for Long Term Storage» (Article 5.2.2.12.1 of the 2015 ISL).

[Rz 55] The rationale invoked in the Overview for introducing the «cut-off» is as follows⁴⁵:

Hearings should be based on the laboratory analysis which triggered the initiation of the anti-doping rule violation proceeding. The laboratory has a responsibility to perform the analysis correctly the first time and should not be given the opportunity to correct errors

in the middle of the proceedings. On the other hand, the Athlete should not be allowed to re-test the Sample, since in some cases, the Presence of a Prohibited Substances in a Sample will degrade over time.

[Rz 56] According to WADA, this amendment is supposed to guarantee equal treatment among the parties. This argument is questionable, since only the *ADO* – or the laboratory – initially determine what analyses are conducted on the *Samples* before anti-doping proceedings are initiated. In addition, the wording of Article 6.5 in the final version 4.0 indicates that the *Athlete* has no entitlement to make any request with respect to further analysis, even before the cut-off point. In reality, the effect of this provision might prove a further step towards discouraging *Athletes* from obtaining additional analytical data to assist them in their defense (*e.g.* a quantification of the substance or search for *Metabolites*). Moreover, the provision creates, without providing justifications, a distinction between *Adverse Analytical Findings for Prohibited Substances* and *Adverse Analytical Findings for Prohibited Methods*. Since proceedings for a *Prohibited Method* can only be initiated under Article 2.2 of the WADA Code, and Article 6.5 only applies to violations under Article 2.1, the cut-off would never apply in this situation.

II. Substantive Issues: Tackling the Real Problems

3. Casting a Bigger Net: Expanding the Means and Scope of Anti-Doping Efforts

3.1. General Remarks

[Rz 57] A major focus of the Code revision was reworking and fine-tuning the anti-doping rule violation provisions in line with the various revision Themes set forth in the Overview. Five of the ten anti-doping rule violations enumerated in Article 2 of the 2015 WADA Code were highlighted in the Overview as being amended or added according to the purpose of two different revision Themes.

- Three of these violations (Article 2.3, Evading, Refusing or Failing to Submit to *Sample* Collection; Article 2.5, *Tampering* or *Attempted Tampering* with any part of *Doping Control* and Article 2.9, *Complicity*) were described as being expanded in scope under the part of revision Theme One intended to create «longer periods of *Ineligibility* for real cheats»⁴⁶.
- The amendments to Article 2.4 (Whereabouts Failures) also appeared under the first revision

⁴⁴ In fact, in CAS 2011/A/2566, *Veerpalu v. FIS*, 25 March 2013, para. 206, one of the important considerations for invalidating the decision limit was that such limit had NOT been peer reviewed, so that the neither the International Federation nor WADA *Veerpalu* case would have benefited from the new presumption in any event.

⁴⁵ Overview, *supra* note 4, at p. 8.

⁴⁶ Overview, *supra* note 4, at pp. 1-2.

Theme, but in the part focused upon creating «more flexibility in sanctioning» in certain circumstances⁴⁷.

- The most controversial of the changes made to the anti-doping rule violations is the introduction of a new Article 2.10 prohibiting, under a certain set of conditions, association with *Athlete Support Personnel* who have previously had ties to doping. This provision was added under revision Theme Four, «to better reach *Athlete Support Personnel* who are involved in doping». Under this same Theme Four, various amendments closely related to the new provision were added to extend the jurisdiction of ADOs in order to encompass more of the actors that facilitate doping in sports⁴⁸.

[Rz 58] These various amendments will be discussed in the following sections.

3.2. Evading, Refusing, or Failing to Submit to *Sample* Collection

[Rz 59] Article 2.3 of the 2015 WADA Code final version 4.0 reads as follows: «Evading *Sample* collection, or without compelling justification refusing or failing to submit to *Sample* collection after notification as authorized in applicable anti-doping rules».

[Rz 60] Throughout the revision process most stakeholder comments on Article 2.3 focused on seeking explanations of the terms of the provision. Some asked for clarification as to what might constitute «compelling justification»⁴⁹, or the circumstances in which such a compelling justification can be relied upon⁵⁰. Others pointed to ambiguities in Article 2.3 regarding what type of conduct would be considered an anti-doping rule violation under Article 2.3⁵¹.

[Rz 61] According to the Overview, Article 2.3 of the 2009 WADA Code (Refusing or Failing to Submit to *Sample* Collection) was expanded to include «evading» *Sample* collection⁵². Technically speaking the concept of «evading» was

already included in Article 2.3 of the 2009 WADA Code. However, in the 2015 WADA Code «evading» *Sample* collection is now afforded a more prominent spot⁵³. The title of Article 2.3 has been expanded to include «[e]vading» and the phrase «evading *Sample* collection» has been moved to the front of the provision from its former location at the rear. The other main amendment made to Article 2.3 slightly modifies the placement of the phrase «without compelling justification» in all likelihood to make it even clearer that this justifying ground applies both to «refusing» and «failing». It appears that this amendment merely supports the legal interpretation that CAS panels had already given to this provision under the ambiguous wording of the 2003 WADA Code⁵⁴, an interpretation subsequently codified through a clearer wording of the 2009 WADA Code. In spite of stakeholders' requests, the WADA Code drafters appear to consider that the clarification of Article 2.3 is better left to CAS jurisprudence. The changes made to Article 2.3 can be characterized as mostly cosmetic, whereas questions of substance that would have deserved consideration were not addressed. These might have included, for example, the extent to which «evading» requires the ADO to demonstrate a characterized intent on part of the *Athlete* of avoiding notification specifically for purposes of escaping *Sample* collection, or the determination of who (*Athlete* or ADO) bears the burden of proof with respect to «compelling justifications»⁵⁵.

3.3. Tampering

[Rz 62] The conduct of *Tampering* in the WADA Code is a complex topic. This complexity stems from the three not entirely consistent contexts in which *Tampering* is addressed in the Code. *Tampering* is (i) an anti-doping rule violation under Article 2.5 of the Code, (ii) a defined term in the WADA Code Definitions, and (iii) a *Prohibited Method* described under M2 of the *Prohibited List*. Unfortunately, the 2015 Code revision largely fails to remove the uncertainties that this complexity creates, especially in terms of the relationship between Article 2.5 and the appearance of *Tampering* on the *Prohibited List*.

⁴⁷ *Id.* at p. 2.

⁴⁸ *Id.* at p. 4.

⁴⁹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 12, (UK Anti-Doping/Graham Arthur).

⁵⁰ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 24, (Antidoping Switzerland/Matthias Kamber). Note this comment was in response to version 1.0, which in relevant part reflected a slightly different formulation than the final version 4.0, as follows: «Evading *Sample* collection or refusing or failing without compelling justification».

⁵¹ For example, one stakeholder gave an example of a potentially problematic scenario where an athlete raised the question as to whether endurance athletes who might «deliberately and justifiably» train in remote locations that would be difficult for *Doping Control* officers to reach would be found in violation of the «evading» portion of this provision. 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 4, (Staffordshire University/Kris Lines).

⁵² Overview, *supra* note 4, at p. 2.

⁵³ In the 2009 WADA Code, the body of the provision ended with the catchall phrase «or otherwise evading *Sample* collection». Further, there was also an example of *Sample* evasion (hiding from a *Doping Control* official) in the Comment to Article 2.3 that was described as comprising a violation.

⁵⁴ See, e.g., CAS 2007/A/1415, *B.v. FEI*, 24 April 2008, paras. 32-35. See also CAS 2008/A/1557, *FIGC, Mannini Possanzini & CONI v. WADA*, 27 July 2009, para 6.2 (revised award) (quoting paras. 71-72 of the first award rendered in this matter on 29 January 2009) [hereinafter *Mannini & Possanzini v. WADA*].

⁵⁵ Both in CAS 2004/A/714, *Fazekas v. IOC*, 31 March 2005, para. 68 and CAS 2008/A/1557, *Mannini & Possanzini v. WADA*, 29 January 2009, para. 6.2 (revised award) (quoting para. 73 of the first award rendered in this matter on 29 January 2009), the CAS panels considered that the burden of proof is on the *Athlete* without regarding the fact that under Article 3.1 of the WADA Code all elements of the anti-doping rule violation must be established by the ADO.

[Rz 63] In regards to the first context in which *Tampering* is addressed (Article 2.5 of the 2015 WADA Code final version 4.0), the Overview reports that as a result of the revision, the «text of the violation...has been expanded»⁵⁶. While the basic description of *Tampering* in Article 2.5 remains unchanged⁵⁷, more description as to what might constitute *Tampering* was added. This addition may be seen both as a reaction to challenges for lack of predictability by *Athletes* before CAS⁵⁸ and as a response to stakeholders' requests for more clarity as to what conduct constitutes a violation of *Tampering*⁵⁹. The additional language added merely provides a non-inclusive list of conduct that may constitute a violation, *i.e.* «intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organization* or intimidating or attempting to intimidate a potential witness».

[Rz 64] The aspect of Article 2.5 (*Tampering*) regarding offensive conduct towards *Doping Control* officers produced a rush of stakeholder comments. With a strong consensus that such conduct should not be tolerated, there was broad support to create a mandatory obligation for sports organizations to contain provisions in their disciplinary rules that address offensive conduct towards *Doping Control* officers.⁶⁰ Amidst this general support were also suggestions that such offensive conduct should fall within an anti-doping rule violation for *Tampering*. The WADA Code drafters refrained from going down this route. Instead, language was added to the Comment to Article 2.5 to clarify that offensive conduct that does not constitute a *Tampering* violation shall nevertheless be addressed by sports organizations in their disciplinary rules. This new language ensures that offensive conduct such as that demonstrated in the *Queiroz* affair is dealt with in a consistent matter by *ADOs*⁶¹.

[Rz 65] In regards to the second context in which *Tampering* is addressed, namely the definition of *Tampering* in Appendix 1 of the 2015 WADA Code final version 4.0, only a small change was made. The portion of the definition regarding providing fraudulent information to a *Doping Control* officer was moved from the definition to the body of Article 2.5⁶².

[Rz 66] The revision of Article 2.5 (*Tampering*) exacerbates an important question that already existed under the 2009 WADA Code⁶³: the delimitations between the *Tampering* violation under Article 2.5 and *Use of a Prohibited Method*, which also includes *Tampering* (M2 of the *Prohibited List*)⁶⁴. Formally, the WADA Code drafters have conceived Article 2.5 as a fall-back provision, by explicitly limiting the scope of the Article to conduct «which would not otherwise be included in the definition of *Prohibited Methods*». In an apparent contradiction to this limitation, language has been added to the Comment to Article 2.5 describing as an example of conduct prohibited under this provision: «altering a *Sample* by the addition of a foreign substance». This precise example also constitutes a *Prohibited Method*, including under the 2014 *Prohibited List. Prohibited Method* M2 explicitly refers to urine substitution or adulteration (*e.g.* proteases)⁶⁵. This overlap not only raises questions in connection with the requirements to establish a *Tampering* violation and the distribution of the burden of proof (*e.g.* whether the subjective elements of intent are to be treated differently under Article 2.5 as compared to Article 2.2 *Use of a Prohibited Method*). The overlap also has consequences with respect to determining the applicable sanctioning regime. *Use or Attempted Use of a Prohibited Method* under Article 2.2 2015 WADA Code is sanctioned under Article 10.2, which sets forth a sanctioning regime revolving around the core issue of whether the *Athlete* intended to cheat (see section 4.2.d, below). By contrast, Article 2.5 is sanctioned according to Article 10.3.1 that sets forth an inflexible four-year period of *Ineligibility* for *Tampering* violations⁶⁶.

3.4. Whereabouts Failures

[Rz 67] In Article 2.4 of the 2015 WADA Code final version

bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.»

⁶³ See, *e.g.*, CAS 2009/A/1873, *WADA v. FPC & Cabreira*, 19 April 2010, p. 19 *et seq.*

⁶⁴ M2.1 of the 2014 *Prohibited List* reads as follows: «*Tampering*, or attempting to tamper, in order to alter the integrity and validity of *Samples* collected during *Doping Control*. These include but are not limited to urine substitution and/or adulteration (*e.g.* proteases)».

⁶⁵ Protease is an enzyme that has the property of degrading EPO in urine. In CAS 2009/A/1873, *WADA v. FPC & Cabreira*, 19 April 2010, a case of urine adulteration through protease addition during *Sample* collection was treated as a *Tampering* violation under Article 2.5. However, at that time, the example of urine adulteration had not yet been explicitly added to the M2 in the *Prohibited List*.

⁶⁶ Article 10.3.1 of the 2015 WADA Code final version 4.0 reads as follows: «For violations of Article 2.3 or Article 2.5, the *Ineligibility* period shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.» This Article seems to allow flexibility for certain violations of Article 2.3 to also rely on the definition of intentional supplied in Article 10.2.1, but likely not violations of Article 2.5.

⁵⁶ Overview, *supra* note 4, at p. 2.

⁵⁷ The basic description of *Tampering* appearing in Article 2.5 of the 2015 WADA Code final version 4.0 is as follows: «[c]onduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*.»

⁵⁸ See, CAS 2009/A/1873, *WADA v. FPC & Cabreira*, 19 April 2010, para. 100, where the argument was raised but rejected by the CAS panel.

⁵⁹ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 23, (FIFA/Tanja Vogel).

⁶⁰ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 23, (FINA/Cornel Marculescu).

⁶¹ CAS 2010/A/2226, *Queiroz v. ADOp*, 23 March 2011, para. 9.6.

⁶² For easy reference, the definition of *Tampering* in Appendix 1 of the 2015 WADA Code final version 4.0 is as follows: «Altering for an improper purpose or in an improper way; bringing improper influence to

4.0, the anti-doping rule violation concerning whereabouts failures has been made more flexible by shortening the window (from 18 months to 12 months) in which an *Athlete* is deemed to have committed an anti-doping rule violation if he or she accumulates three *Missed Tests* or *Filing Failures* (Article 2.4). This amendment was broadly supported in the stakeholders' comments, with a minority of stakeholders preferring that the 18-month window remain in place⁶⁷.

[Rz 68] According to the Overview, this amendment aims to strike a fairer balance between the need to avoid heavy sanctions for *Athletes* who are merely careless in their administrative duties and the need to maintain an effective system of *Out-of-Competition Testing* in order to deter real doping schemes. The question remains whether this goal can effectively be achieved by reducing a time window or whether a reassessment of the proportionality of these administrative duties would be more appropriate. In this respect, it must be noted that the revised 2015 ISTI leaves considerable freedom to International Federations and *NADOs* in establishing their different *Testing* pools. For the actual *Registered Testing Pool*, Article 4.8.4 of the 2015 ISTI merely provides that the pool shall include *Athletes* from whom an *ADO* plans to collect three or more *Samples* per year, unless it is clearly able to obtain sufficient whereabouts information to conduct *No Advance Notice Testing* efficiently and effectively by other means.

[Rz 69] The amendment does nothing to address the privacy concerns voiced with respect to the whereabouts system. In particular, the whereabouts data retention times have not been reduced in accordance with the new Article 2.4, but have been maintained at 18 months (Annex A to the 2015 ISPPPI). The rationale invoked by WADA in Annex A is a pragmatic one: «for practical reasons, retention times are submitted to two categories: 18 months and 10 years». It remains to be seen whether this rationale will convince data protection authorities as a consideration that should prevail over the generally accepted requirement of proportionality of data retention periods. While it cannot be excluded that retaining whereabouts data for a period exceeding the 12-month window could be necessary – and therefore proportionate – in certain circumstances (e.g. for purposes of the *Athlete Biological Passport*), the mere concern of rationalizing retention to a maximum of two different time periods might not appear to be decisive.

3.5. Complicity

[Rz 70] The 2015 WADA Code final version 4.0 contains a new Article 2.9 as a stand-alone anti-doping rule violation for «complicity», which reads as follows: «Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule

violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 [Prohibition against Participation During *Ineligibility*] by another Person».

[Rz 71] Although technically comprising a new violation, the bulk of this provision was already contained in Article 2.8 of the 2009 WADA Code⁶⁸. The Overview describes the revisions to this provision as expanding the definition of complicity to include «assisting», «conspiring», and the prohibition on participation during a period of *Ineligibility*⁶⁹.

[Rz 72] Stakeholders were generally supportive of creating a separate violation for complicity, but some called for more clarification as to what constitute the requirements of the violation. Others were concerned about the potential overlap among this provision and Articles 2.5 (*Tampering*)⁷⁰ and 2.10 (Prohibited Association)⁷¹.

3.6. More Efficient Means Against Athlete Support Personnel

A. General Remarks

[Rz 73] One of the major shortfalls recognized in the fight against doping is the lack of ability to impose obligations and sanctions on the *Athletes'* entourage. Including, among others, the *Athlete's* coaches and doctors, this entourage (or *Athlete Support Personnel* as referred to in the Code) plays a prominent role in facilitating doping. *Athlete Support Personnel* largely fall outside of the jurisdiction of the Code and unless their activities are regulated by national administrative/licensing or criminal laws, they face little to no repercussions for providing doping assistance under the 2009 WADA Code.

[Rz 74] Revision Theme Four in the Overview comprises a number of amendments intended to design more efficient means to reach *Athlete Support Personnel* for disciplinary purposes. The most controversial of these amendments creates a new anti-doping rule violation for prohibited association by *Athletes* with *Athlete Support Personnel* who had doping-related incidents in their past. Other amendments seek to broaden the jurisdiction of *ADOs* vis-à-vis these *Athlete Support Personnel* and to create duties of investigation. Finally, a provision was added in version 3.0 (following the third and last consultation phase) that seeks to ban the *Use* or *Possession* without valid justification of *Prohibited Substances*

⁶⁷ 2015 WADA Code Review, 2nd Phase, Comment to Article 2, pp. 26-36.

⁶⁸ Article 2.8 of the 2009 WADA Code contained the following language, which comprises in large part Article 2.9 of the 2015 WADA Code final version 4.0: «assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any *Attempted* anti-doping rule violation».

⁶⁹ Overview, *supra* note 4, at p. 2. As a small point of clarification, «assisting» was already included in the 2009 WADA Code.

⁷⁰ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 25, (UK Anti-Doping/Graham Arthur).

⁷¹ See, e.g., 2015 WADA Code Review, 3rd Phase, Submissions not entered into WADACONnect, p. 3, (Centre for International Sports Law (CISL)).

or *Prohibited Methods by Athlete Support Personnel* as an additional «responsibility».

B. Prohibited Association

[Rz 75] In version 1.0, Article 2.10 read as follows:

Association by an Athlete in a professional or sport-related capacity with any Athlete Support Personnel who is serving a period of Ineligibility or who has been found in a criminal or disciplinary proceeding to have been involved with doping where the Athlete knew or should have known of the Athlete Support Personnel's disqualifying status.

The addition of this provision generated a great deal of comments. Many stakeholders supported its inclusion in principle, but expressed a broad spectrum of reservations⁷². The majority seemed to acknowledge that the need to design legal mechanisms to reach the *Athlete's* entourage is a priority in the fight against doping. However, there was also a clear consensus that the provision was drafted too broadly and more specific definitions of the included terms should be provided⁷³. Others pointed to difficulties in establishing that the *Athlete* knew (or should have known) that a member of their entourage has been involved in doping⁷⁴. Some expressed strongly negative reactions to this provision in principle, with one stakeholder even suggesting that prohibiting association was «an anathema» to human rights⁷⁵. Still others objected that this approach would be inherently disproportionate because it essentially amounted to a lifetime ban for the *Athlete Support Personnel*, in the absence of a time limit on the period during which the *Athlete* would be forbidden from associating with the *Person* in question⁷⁶. Others also questioned the appropriateness of sanctioning *Athletes* when the goal is to punish the *Athlete Support Personnel*⁷⁷. Still others pointed to concerns where the *Athlete's* association with the *Athlete Support Personnel* is involuntary, for example if they are part of a team and do not have an option with whom they associate⁷⁸ or where there are familial or other close relationships⁷⁹.

⁷² See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 46, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman), 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 48, (IAAF/Huw Roberts).

⁷³ See generally, 2015 WADA Code Review, 2nd Phase, Comment to Article 2, pp. 45-61.

⁷⁴ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 47, (UCI/Philippe Verbiest).

⁷⁵ 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 45 (Australian Athletes' Alliance/Laura Sigal).

⁷⁶ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 49, (International Golf Federation/Michele Verroken).

⁷⁷ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 46, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman).

⁷⁸ 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 58, (UK Anti-Doping/Graham Arthur).

⁷⁹ 2015 WADA Code Review, 2nd Phase, Comment to Article 2, p. 48,

[Rz 76] In version 2.0, the WADA Code drafters responded to the comments of the stakeholders and made several substantive adjustments to the provision. First, the prohibition of association was limited to violations that occurred in the prior eight years. Second, the ambiguous term «involved with doping» was replaced with the more precise language: «involved in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such *Person*». Finally, language was added to limit the application of the provision only to situations where the *Athlete* was given written notice by the relevant authority of the *Person's* disqualifying status⁸⁰.

[Rz 77] Again, the comments regarding this Article were fairly mixed, with few stakeholders fully supporting the provision as drafted⁸¹. Stakeholders generally welcomed the clarifications made, especially the requirement of written notice, but many retained much of the same skepticism expressed in comments to version 1.0 about its application and enforceability in practice⁸². Some provided examples of situations that could conceivably fall within the purview of this provision, but would lead to an unfair result⁸³. Many either renewed or echoed concern about the reach of the provision and the potential for *Athletes* or other *Persons* to be put in the situation of being prohibited from associating with family members or spouses, being limited in their choice of physicians⁸⁴, or not having direct control over persons with whom they associate (*i.e.* in a team environment).⁸⁵ One stakeholder called for WADA to be prepared to hold a central register of *Athlete Support Personnel* with whom *Athletes* would be prohibited from associating under this provision⁸⁶. Clarification was also sought about the time period during which an *Athlete* would have to sever ties

(Association of Summer Olympic International Federations/Andrew Ryan).

⁸⁰ The text referred to in Article 2.10 of the 2015 WADA Code version reads as follows: «In order for this provision to apply, it is necessary that the *Athlete* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete*, or by WADA, of the *Athlete Support Personnel's* disqualifying status».

⁸¹ The USOC and USADA were two notable exceptions in which the General Counsel and Doping Control Manager, respectively, did not express any further reservations at the provision as drafted. 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 34, (United States Olympic Committee/Rana Dershowitz); 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 40, (United States Anti-Doping Agency/Molly Tomlinovic).

⁸² See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 2, pp. 31-32, (International Triathlon Union/Leslie Buchanan).

⁸³ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 36, (UEFA/Richard Grisdale). For example, one stakeholder wondered whether the provision implied that an *Athlete* who at the end of his career received a misdemeanor for cannabis would then be prohibited from serving as a coach for another eight years.

⁸⁴ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 32, (UCI/Philippe Verbiest).

⁸⁵ See, e.g. 2015 WADA Code Review, 3rd Phase, Comment to Article 2, pp. 37-38, (ADoP/Luís Horta).

⁸⁶ 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 32, (UCI/Philippe Verbiest).

with an ineligible *Athlete Support Personnel*⁸⁷. A small minority of stakeholders called for the provision to be broadened⁸⁸.

[Rz 78] The provision was drastically reworked and almost tripled in length between versions 2.0 and 3.0. Many of the revisions that were made in version 3.0 responded directly to the Legal Opinion obtained in the meantime. Others clarified or responded to comments voiced by stakeholders, and still others had no traceable origin in either the stakeholder comments or the Legal Opinion. The revisions that responded directly to the suggestions made in the Legal Opinion elicited on the topic include the following:

- The period in which association is prohibited was shortened from eight years to six years (unless the relevant period was longer than six years, in which case association would be prohibited for the entire length of the criminal, disciplinary, or professional sanction imposed);
- The following procedural and notification requirements were added: «The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Personnel* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Personnel* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her»; and
- Examples were provided in the Comment to Article 2.10 of activities that would fall under the classification of «prohibited association», as follows: «obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the *Athlete Support Personnel* to serve as an agent or representative. Prohibited association need not involve any form of compensation».

[Rz 79] In addition, the following substantive revisions were made to version 3.0. Importantly, version 3.0 attempted to preclude liability for association with persons in situations where such association cannot reasonably be avoided⁸⁹. This

amendment responds to the stakeholders that voiced concern about the enforceability of a provision that could conceivably extend to family members or other close, established relationships. The scope of the provision was also expanded to create liability for any «other *Person* subject to the authority of an *Anti-Doping Organization*» as well as *Athletes*. Following up on requests for clarification as to what type of proceedings would trigger the application of this provision, version 3.0 defines different treatment for three categories of *Athlete Support Personnel*. The first category (Article 2.10.1) includes those serving a period of *Ineligibility*, with whom association is prohibited with no qualifications. The second category (Article 2.10.2) includes those where *Ineligibility* was not addressed in a results management process pursuant to the Code (*i.e.* other criminal, disciplinary or professional sanctions), which entails a period of prohibited association of the greater of six years or the duration of the sanction or other measure imposed. The third category includes those who are «serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2», with whom association is also completely prohibited. No definition is included of the terms «front or intermediary». Language was added to clarify that the burden is on the «*Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Articles 2.10.1 or 2.10.2 is not in a professional or sport-related capacity». Finally, in Article 2.10.3, a requirement was also imposed on *ADOs* «that are aware of *Athlete Support Personnel* who meet the criteria described in Articles 2.10.1, 2.10.2, or 2.10.3» to «submit that information to *WADA*».

[Rz 80] In the final version 4.0, the categories created in version 3.0 to distinguish among the treatment of *Athlete Support Personnel* were further refined. Article 2.10.1 was revised by limiting its application to *Athlete Support Personnel* under the authority of an *ADO*. Similarly, Article 2.10.2 was revised to limit its application to *Athlete Support Personnel* **not** under the authority of an *ADO*. The following language was also added to clarify that this provision applies to conduct that occurred prior to the effective date of the 2015 WADA Code (January 1, 2015): «Notwithstanding Article 17, this Article applies even when the *Athlete Support Personnel's* disqualifying conduct occurred prior to the effective date provided in Article 25». These modifications made to the already complicated categories defined in version 3.0 raise a whole host of complicated questions. For example, it raises issues with interpretation regarding the timing of when the *Athlete Support Personnel* was subject to the authority of an *ADO*. Should the limiting language «under the authority of an» *ADO* be considered at the time of the association, or at the time of the notification of the association, or perhaps at the time of the criminal, disciplinary, or professional decision? Could an *Athlete Support Personnel* avoid a six-year period of association by proactively submitting to the authority of an *ADO*? If so,

⁸⁷ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Submissions not entered into WADACConnect, p. 4, (Centre for International Sports Law (CISL)).

⁸⁸ One stakeholder called for increasing the period of prohibited association: 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 35, (Norwegian Olympic and Paralympic Committee and Confederation of Sports/Henriette Hillestad Thune). See also 2015 WADA Code Review, 3rd Phase, Comment to Article 2, p. 33, (International Rugby Board/Caroline Nolan) where one stakeholder suggested expanding the definition to include association with laboratories and other entities. Note that the definition of *Athlete Support Personnel*, includes the WADA defined term of *Person*, which comprises natural persons, organizations and entities.

⁸⁹ Note that there was a typo in Article 2.10 of the 2015 WADA Code version 3.0, which limited application of this provision to those who «cannot» be reasonably avoided rather than «can» be reasonably avoided. This typo

was corrected in final version 4.0.

how would the timing of such submission affect the question of whether an anti-doping rule violation was committed?

[Rz 81] Defining a legal mechanism that effectively reaches *Athlete Support Personnel* is both a priority and a challenge in the anti-doping effort. However, a legal mechanism that is out of sync with international legal principles and human rights law, or logistically too cumbersome to enforce, will obviously prove ineffective. The mechanism outlined attempts to create an indirect path to the *Athlete Support Personnel* by sanctioning a third party – the *Athlete* or other *Person* – for association. Given that this mechanism was one of the subjects of the Legal Opinion, the answer of whether it is fully aligned with international legal principles and human rights law is not immediately clear. According to the Legal Opinion, the answer rests in whether the provision is sufficiently predictable and does not place too high a burden of proof on the *Athlete*⁹⁰. In addition, and of high relevance, it must be proportionate under the circumstances⁹¹. As written, Article 2.10 is quite broad, and could potentially encompass a range of activities that only have a tenuous link to sports generally and doping specifically. In addition, under the definition of *Athlete Support Personnel*⁹² that includes the WADA defined term of *Person*, this provision can conceivably create liability for association with entities and organizations, as well as natural persons, provided that the requisite elements are met. Even though Article 2.10 itself uses personal pronouns to describe the *Athlete Support Personnel*, it is not unimaginable to interpret the provision as encompassing association with a laboratory or other legal entity that could be engaged in aiding *Athletes* to dope.

[Rz 82] On the whole, CAS will have a key role to play in ensuring that the interpretation of this provision stays narrowly focused on association that has a sufficient nexus to doping activities to appropriately trigger liability on the part of the *Athlete*.

C. Broadening Jurisdiction and Investigative Obligations Regarding Athlete Support Personnel

[Rz 83] Article 20.3.5 of the 2015 WADA Code final version 4.0 contains a new responsibility for International Federations to ensure that their National Federations require *Athlete Support Personnel* to submit to result management authority in conformity with the Code, in addition to being bound by anti-doping rules (as already required in the 2009 WADA Code). Since this language was added in the 2015 WADA

Code version 3.0, no comments were submitted regarding the amendment.

[Rz 84] The Overview further mentions Articles 20.3.10 and 20.5.9 which create an obligation for International Federations and *NADOs* to automatically investigate *Athlete Support Personnel* when a *Minor* or more than one *Athlete* to whom they provided support is found to have committed an anti-doping rule violation⁹³. Stakeholders appear to support this new obligation in principle, but expressed concern about the logistical and other hurdles that might arise with carrying out this obligation in practice⁹⁴.

D. Liability on Athlete Support Personnel for Personal Use and Possession of Prohibited Substances

[Rz 85] Another rather far-reaching mechanism under which WADA attempts to expand its reach vis-à-vis *Athlete Support Personnel* is the insertion of a new Article 21.2.6 prohibiting the personal *Use* and *Possession* of *Prohibited Substances* by *Athlete Support Personnel* without a valid justification. This prohibition purports to cover conduct that does not represent an anti-doping rule violation under the 2015 WADA Code, but should nevertheless be subject to sports disciplinary rules.

[Rz 86] This provision (Article 21.2.6) was inserted for the first time in 2015 WADA Code version 3.0 and accordingly was not subject to stakeholder comments. It did not change in the final version 4.0 and reads as follows:

Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

[Comment to Article 21.2.6: In those situations where Use or personal Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel without justification is not an anti-doping rule violation under the Code, it should be subject to other sport disciplinary rules. Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope.]

[Rz 87] The other related Articles cited in the Overview (20.3.15 and 20.4.13) place additional responsibilities on International Federations and *National Olympic Committees*, respectively. These additional obligations take the form of inserting disciplinary rules (or requiring the relevant National Federations under their oversight) to prevent *Athlete Support Personnel* who *Use Prohibited Substances* or *Prohibited Methods* from providing support to *Athletes*.

⁹⁰ Legal Opinion, *supra* note 3, at p. 13.

⁹¹ For a discussion of the need for proportionality in doping sanctions, see GABRIELLE KAUFMANN-KOHLER & ANTONIO RIGOZZI, *supra* note 15, paras. 122-123.

⁹² In Appendix 1 of the 2015 WADA Code final version 4.0, the definition of *Athlete Support Personnel* includes «...any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.» and the definition of *Person* includes «a natural *Person* or an organization or other entity.»

⁹³ Overview, *supra* note 4, at p. 4.

⁹⁴ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 20, p. 7, (National Anti-Doping Agency Austria (NADA)/David Müller).

[Rz 88] The new provisions appear to follow the revision trend aimed at deterring various undesirable conducts as disciplinary offences under applicable sports regulations, rather than through introducing new anti-doping rule violations. On the substance, these new provisions are laden with potential issues. The language in the Comment to the new Article 21.2.6 explains that due to their potential to be role models for *Athletes*, coaches and other *Athlete Support Personnel* «should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope». While one can readily agree that, for example, a weightlifting coach who openly uses steroids regularly to boost his own performance would not provide a very convincing spokesperson for avoiding performance-enhancing drugs, every case that this broad provision might encompass is not so cut and dry. For example, it appears doubtful that the best interest of the worldwide fight against doping requires ADOs to ask *Athlete Support Personnel* to provide a valid justification for their personal home use of a skin cream containing a *Prohibited Substance*.

[Rz 89] These new responsibilities should therefore be treated with caution and applied with discernment, both for practical reasons and concerns of legal validity. Otherwise, the new focus on *Athlete Support Personnel* may result in a debate similar to that surrounding the prohibition of recreational drugs. ADOs are limited in resources and an overly intrusive implementation of these provisions is bound to raise a bevy of logistical, privacy and other issues for which it would be difficult to achieve enough noticeable positive strides in the fight against doping to reach a satisfactory balance.

4. Fine-Tuning the Deterrents: Revisions to the Sanctioning Regime

4.1. General Remarks

[Rz 90] Revision Theme One aims to satisfy the competing goals of punishing the so-called «real cheats» more harshly while at the same time offering more flexibility to inadvertent dopers⁹⁵. Given that the aggravating circumstances provision (Article 10.6 2009 WADA Code) was rarely applied, it was decided to create a new category of «intentional» doping encapsulated in Article 10.2 of the 2015 WADA Code final version 4.0 that will entail a four-year initial period of *Ineligibility* for «real cheats». Another aspect of the aggravating circumstances provision that is modified under this revision Theme is the «prompt admission» provision⁹⁶. Modifications made to two anti-doping rule violations (Articles 2.5 and 2.9, *Tampering* and *Complicity*) round out the amendments intended to create harsher penalties for real cheats and are discussed in sections 3.3 and 3.5, respectively.

⁹⁵ Overview, *supra* note 4, at p. 1.

⁹⁶ *Id.*

[Rz 91] The other branch of revision Theme One concerns the so-called «inadvertent dopers» and provides for increased flexibility in «other specific circumstances». According to the Overview, these other circumstances encompass situations where the *Athlete* can establish that he or she was not cheating⁹⁷. The added flexibility cited is grounded in the new provisions regarding *Specified Substances* and *Contaminated Products*, as well as Article 2.5 that defines the anti-doping rule violation for whereabouts failures (discussed in section 3.4, above).

[Rz 92] Modifications to Article 14 regarding public disclosure are mentioned under revision Theme Two in the Overview, which addresses human rights⁹⁸. The modifications made to Article 10.7 regarding periods of *Ineligibility* for multiple violations fall under revision Theme Seven, which endeavors to create a shorter and clearer Code⁹⁹. Finally, the last two revisions discussed in this section, are listed as «Other Miscellaneous Changes» in the Overview. The most notable of these miscellaneous provisions are Article 10.10 on financial consequences and Article 10.12.2 that allows *Athletes* to return to training during a period of *Ineligibility*.

[Rz 93] Generally speaking, every effort to revise the WADA Code to include stricter sanctions resulting in longer initial periods of *Ineligibility* will inevitably raise concerns about the principle of proportionality, fairness, and the fundamental rights of *Athletes*. This concern will likely center upon the proportionality of a four-year period of *Ineligibility* given its similarity to a lifetime ban in many sport disciplines and the question of whether the new sanctioning regime allows sufficient flexibility to address the individual circumstances of a case. The compatibility of the revised sanctioning regime with human rights and international law principles was one of the subjects of the Legal Opinion, and will be discussed in section 4.5, below.

4.2. Harsher Penalties for Intentional Dopers

[Rz 94] Only two provisions related to the sanctioning regime, Articles 10.2 and 10.6.3, are mentioned in the Overview under the portion of revision Theme One that focuses on creating harsher penalties for intentional dopers¹⁰⁰. Article 10.2 of the 2015 WADA Code final version 4.0 defines the basic sanctioning structure for violations of the anti-doping rule violations that involve the presence, *Use*, and *Possession* of *Prohibited Substances* (Articles 2.1, 2.2 and 2.6). Article 10.2 in its final iteration creates a four-year period of *Ineligibility* for all intentional anti-doping rule violations, regardless of the type of substance involved. Article 10.6.3 addresses the consequences of a prompt admission made by an *Athlete*.

⁹⁷ *Id.* at p. 2.

⁹⁸ *Id.*

⁹⁹ *Id.* at p. 6.

¹⁰⁰ *Id.* at p. 1.

[Rz 95] Another part of the picture that is not mentioned in the Overview is the increased sanction length for other anti-doping rule violations. Articles 2.3 (Evading, Refusing or Failing to Submit to *Sample* Collection) and 2.5 (*Tampering*) both now elicit an automatic four-year period of *Ineligibility* under Article 10.3.1 2015 WADA Code final version 4.0, with an exception for non-intentional «failures» to submit to *Sample* collection (Article 2.3), which receive a two-year period of *Ineligibility*.

[Rz 96] The amendments that increase the initial period of *Ineligibility* in the 2015 WADA Code final version 4.0 (Article 10.2) and prompt admissions (Article 10.6.3) will each be discussed in turn.

A. Increasing the Initial Period of Ineligibility for Intentional Doping

[Rz 97] The drive to increase the initial period of *Ineligibility* for «real cheats» for violations concerning presence, *Use*, and *Possession* of a *Prohibited Substance* or *Prohibited Method* is clearly discernible in all 2015 WADA Code draft versions. However, each version employed a different approach to achieving this end. This section will describe the evolution of the sanctioning regime throughout the revision process.

a. Version 1.0 Overview

[Rz 98] In the 2015 WADA Code version 1.0, the structure of the sanctioning regime remained largely the same as in the 2009 WADA Code. The «standard» two-year period of *Ineligibility* was maintained, but certain circumstances were delineated that would entail a mandatory doubling of length to four years (Article 10.6.1). This revision could be seen as an attempt to broaden the application of the aggravating circumstances provision in response to concerns that it was previously «underutilized»¹⁰¹.

[Rz 99] The proposed amendment faced considerable push-back from the stakeholders, in particular with respect to proportionality. A common view was that too many situations could fall within this list while not necessarily sufficiently serious to deserve an automatic four-year period of *Ineligibility*¹⁰². Given the mandatory nature of the wording of the provision, others also commented that it failed to meet the objective of enhancing flexibility¹⁰³.

b. Version 2.0 Overview

[Rz 100] With Article 10.2 of version 2.0, the idea first emerged of linking the length of the initial period of *Ineligibility* to

the intentional or reckless character of the anti-doping rule violation. The initial length of the period of *Ineligibility* was dependent on whether the violation fell under one of four different categories of violations, with a fifth umbrella category for those in which the *Athlete* promptly admitted to the anti-doping rule violation. The categories of violations varied according to both the level of *Fault* of the *Athlete* and the type of substance involved. Harsher base penalties were defined for specific types of substances, such as steroids and diuretics unless the *Athlete* could establish that the violation was neither reckless nor intentional, while a shorter starting length was envisioned for *Specified Substances* and substances of abuse¹⁰⁴ unless intentionality or recklessness was demonstrated by the *ADO*.

[Rz 101] Version 2.0 of the sanctioning regime also received strong criticism from many of the stakeholders. Among the main points of criticism were the failure to explicitly define the terms «reckless» and «intentional»¹⁰⁵, the sheer number of violations that would receive four-year periods of *Ineligibility* for a first time violation¹⁰⁶, the inclusion of diuretics under the category of substances that receive an initial four-year period of *Ineligibility*¹⁰⁷, and general criticism that it was too complex¹⁰⁸. Still others expressed concern that requiring proof that an anti-doping rule violation was intentional or reckless would go beyond the expertise and financial resources of many *NADOs*¹⁰⁹.

c. Versions 3.0 and Final Version 4.0 Overview

[Rz 102] In the third and fourth iteration, simplifications were made to the structure of the sanctioning regime. Like version 2.0, the provision commences with a distinction based on the type of substance, and a description of the associated burdens of proof. For all non-*Specified Substances*, the initial period of *Ineligibility* is set at four years, unless «the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional» (Article 10.2.1.1). *Specified Substances* are subject to a two-year period of *Ineligibility*, unless the relevant *ADO* can «establish that the anti-doping rule violation was intentional» (Article 10.2.1.2). In the event that Article 10.2.1 does not apply, the period of *Ineligibility* is two years.

¹⁰¹ See, e.g., 2015 WADA Code Review, 1st Phase, Comment to Article 10, p. 73, (USADA, Molly Tomlonovic).

¹⁰² See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 3, (Federation of International Cricketers' Associations).

¹⁰³ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 8, (UK Anti-Doping/Graham Arthur); 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 77, (International Team Sports Federations/Jiri Dvorak).

¹⁰⁴ Though substances of abuse are not included in the actual text of Article 10.2 of the 2015 WADA Code version 2.0, it appears that this omission was a typo, as *Specified Substances* are included twice (in Articles 10.2.2 and 10.2.3).

¹⁰⁵ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 3, (UEFA/Richard Grisdale).

¹⁰⁶ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 3, (Professional Players Federation/Simon Taylor).

¹⁰⁷ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 1, (FINA/Cornel Marculescu).

¹⁰⁸ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 2, (IAAF/Huw Roberts).

¹⁰⁹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 12, (International Shooting Sports Federation/Doris Fischl).

[Rz 103] Responding to the comments of the stakeholders, version 3.0 has also added a definition of the term «intentional», in Article 10.2.3, which read as follows:

The Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute an anti-doping rule violation and manifestly disregarded that risk.

[Rz 104] In the final version 4.0, this definition has been reworked by adding additional language intended to further describe the meaning of intentional (shown in bold):

As used in Articles 10.2 and 10.3, the term «intentional» is meant to identify those Athletes who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she 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. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered «intentional» if the Athlete or other Person can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

d. The Definition of «Intentional» in Versions 3.0 and 4.0: Clarification or a Can of Worms?

[Rz 105] A major challenge in designing a sanctioning regime that differentiates between «real» cheaters and «inadvertent» dopers is to develop a satisfactory definition of «cheating». In order to be effective, such definition must meet two conflicting requirements. First, it must be precise enough to prevent true cheaters from being able to argue themselves out of a four-year period of *Ineligibility* on a technicality. Second, it must be flexible enough so that truly inadvertent dopers do not unduly receive a four-year initial period of *Ineligibility*.

[Rz 106] The solution reached in Article 10.2.3 of the 2015 WADA Code final version 4.0 revolves around distinguishing «intentional» from «non-intentional» doping. A difficulty in this approach is that the term «intentional» carries strong and varying connotations across the world's different legal systems. This difficulty is especially apparent in the definition of «intentional» provided in versions 3.0 and 4.0¹¹⁰. In its final

¹¹⁰ For easy reference, the description of intentional in final version 4.0 is as follows: «As used in Articles 10.2 and 10.3, the term «intentional» is meant to identify those Athletes who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she 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. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered «intentional» if the Athlete or other Person can establish that the Prohibited Substance was Used

version, this definition consists of two primary limbs: (i) an initial sentence that associates «intentional» with cheating, and (ii) a core description where intention is expressed in terms of knowledge with respect to the violation. For substances banned *In-Competition* only, the last sentence forges a connection between intention and the purpose of enhancing sports performance.

[Rz 107] To start with the core of the description («the Athlete or other Person engaged in conduct which he or she **knew** constituted an anti-doping rule violation»), the current wording does not allow for a clear answer as to whether the Athlete's intent is linked to the factual circumstances underlying the violation (*i.e.* awareness of the conduct itself), or to the knowledge of the prohibited nature of these circumstances, or both. If «intentional» is to be understood as knowledge of the factual circumstances, the definition could have been drafted to link more clearly the specific state of mind to the conduct rather than to the violation (*e.g.* the Athlete or other Person **knowingly** engaged in conduct which constituted an anti-doping rule violation rather than «the Athlete or other Person engaged in conduct which he or she **knew** constituted an anti-doping rule violation» (*emphasis added*)).

[Rz 108] The scope of «intentional» in final version 4.0 has been defined in a manner sufficiently broad as to encompass the concept known as *dolus eventualis* in criminal law, which could be interpreted as a remainder of the former reference to recklessness in version 2.0. Still, the provision as it is worded does not appear to categorically exclude an Athlete's attempt to rely on a good faith misunderstanding of the requirements of the Code to circumvent a finding that the violation was committed intentionally. In this respect, the initial sentence of the definition that the term intentional is «meant to identify those Athletes who cheat» also rather speaks in favor of a narrow approach to a finding of intention in general and could act as a security to avoid imposing a four-year period of *Ineligibility* in situations where such severity would not appear warranted¹¹¹.

[Rz 109] The reference to cheating and the final interpretational note regarding substances banned *In-Competition* provide some insight into WADA's intended policy towards the treatment of social drugs. The treatment of violations arising from the use of social drugs is a recurring topic in the anti-doping effort due to the frequency with which these violations occur, as well as their often tenuous or in-existent relationship to sports performance enhancement or intention to obtain such effect. The new language will serve as a two-year cap on the period of *Ineligibility* for substances that are only prohibited *In-Competition*, provided the Athlete establishes that the substance was used *Out-of-Competition* and

Out-of-Competition in a context unrelated to sport performance».

¹¹¹ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 12, (International Shooting Sports Federation/Doris Fischl).

in a context unrelated to sports enhancement. Many social drugs (e.g. cannabis and cocaine) fall under this category of substances banned *In-Competition* only. This new language is well-tailored to situations such as those where an *Athlete* used social drugs *Out-of-Competition*, but misjudged the period of time it would take for them to leave their system. It is also drafted broadly enough to capture many other situations of inadvertent ingestion.

[Rz 110] One wonders whether Article 10.2.3 in its final version does not seek to cover too many different aspects of the complex notion of intentionality in a single provision. The initial reference to «cheating» is not a legally established concept and merely reiterates the aim of the WADA Code revision to target reprehensible rather than inadvertent acts. The core description seems inspired by criminal law, but attempts to regulate the knowledge of the objective factual elements of the violation, the problem of errors of law and, finally, the strength of the intention required (*dolus eventualis*) all at the same time. The final interpretational sentence then brings into the picture the question of performance enhancement, which is yet a different (and disputed) aspect of intention and relates to the specific purpose of an intentional conduct¹¹².

[Rz 111] As a final remark, the notion of «intentional» departs from the terms «*Fault* or negligence» that have become of traditional use in anti-doping. This departure is not accompanied by guidelines as to how this new concept is intended to interact with the traditional «*Fault* or negligence» provisions. Accordingly, CAS panels should play a considerable role in clarifying the contours of the new definition.

e. Harsher penalties: Full Steam Ahead or Proceed with Caution?

[Rz 112] The Overview points to a «strong consensus» among stakeholders (especially *Athletes*) as the motivating factor for creating an initial four-year period of *Ineligibility* for intentional cheats¹¹³. This support, though readily apparent¹¹⁴, is more nuanced than it may first appear and should also be considered in light of the many stakeholders that called for greater flexibility and respect for proportionality¹¹⁵.

¹¹² Note the language finally added to final version 4.0 specifically points to *Athletes* rather than *Athletes* and other *Persons*. The omission in the first sentence is likely an oversight. There is no apparent reason to suppose that WADA intended a different treatment of *Athletes* and other *Persons*, especially because the «other *Person*» term reappears in the second sentence of Article 10.2.3.

¹¹³ See *infra* section 4.3.B for a brief discussion of issues surrounding establishing a lack of intent to enhance performance.

¹¹⁴ Overview, *supra* note 4, at p. 1.

¹¹⁵ See, e.g., 2015 WADA Code Review, 1st Phase, General Comments, p. 1, (wyattDesign/Jonathan Wyatt [Athlete]); 2015 WADA Code Review, 3rd Phase, Comments not Entered into WADACONnect, p. 1, (British Olympic Association/Sebastian Coe); 2015 WADA Code Review, 1st Phase, Comments to Article 10, p. 6, (Fédération Internationale d'Escrime (FIE)/George Ruijsch van Dugteren); 2015 WADA Code Review, 1st Phase, Comments to Article 10, p. 10, (Maria Clarke Lawyers/Rebecca Hooper [New

[Rz 113] There is certainly momentum (both publically and in the WADA stakeholder community) to ratchet up the fight against doping in sports. WADA director general, David Howman, pointed to a «shift in society on how important that fight against doping is» when explaining that the receptiveness of the public and legal community to an initial four-year period of *Ineligibility* has noticeably increased¹¹⁶. This shift in public perception is not surprising, given the wide media coverage of the numerous doping scandals that have unfolded in recent history, such as the *Lance Armstrong* affair¹¹⁷.

[Rz 114] However, a closer look at the stakeholder comments to Article 10.2 throughout the revision process reveals that in many cases, the proffered support is guarded. Though support for doubling the initial sanction length in cases of intentional doping is certainly present, it is not without its reservations. Some stakeholders opposed the prospect of a four-year period of *Ineligibility* for a first offense outright¹¹⁸, especially in the context of diuretics or other *Specified Substances*¹¹⁹. Other stakeholders that did, at least in principle, strongly support the notion of a four-year starting point for a period of *Ineligibility* for intentional doping, expressed hesitation at the complexity and vagueness of the provision as drafted¹²⁰, the lack of flexibility,¹²¹ and other problems that might arise from its application in practice¹²².

Zealand)].

¹¹⁶ See, e.g., 2015 WADA Code Review, 1st Phase, General Comments, pp. 3-4, (New Zealand Federation of Athletes/Tim Lythe); 2015 WADA Code Review, 1st Phase, General Comments, p. 21, (Coalition of Major Professional and Participation Sports [Australia] (COMPPS)/Malcolm Speed); 2015 WADA Code Review, 1st Phase, General Comments, p. 24, (Department of Health, Welfare and Sport [Netherlands]/Peter de Kerk); 2015 WADA Code Review, 1st Phase, General Comments, pp. 29-30 (Dopingautoriteit [Netherlands]/Herman Ram).

¹¹⁷ David Howman, Director General of WADA, Interview, LawInSport, min. 5:59, <http://www.lawinsport.com/podcast/item/wada-code-review-interview-with-david-howman-director-general-of-the-world-anti-doping-agency-wada> (last visited 4 November 2013).

¹¹⁸ For a brief summary of the *Lance Armstrong* case, see BBC Sport, *Lance Armstrong stripped of all seven Tour de France wins by UCI*, <http://www.bbc.co.uk/sport/0/cycling/2008520> (last visited 4 November 2013).

¹¹⁹ See, e.g., 2015 WADA Code Review, 3rd Phase, General Comments, p. 5, (International Rugby Players Association/Josh Blackie); 2015 WADA Code Review, 3rd Phase, Comments not Entered into WADACONnect, p. 5, (UNI Sport PRO/Walter Palmer).

¹²⁰ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 1, (FINA/Cornel Marculescu); 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 74, (International Olympic Committee/Christophe de Kepper); 2015 WADA Code Review, 3rd Phase, Comments to Article 10, p. 17, (Professional Players Federation/Simon Taylor).

¹²¹ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 77, (Professional Players Federation/Simon Taylor); See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 2, (IAAF/Huw Roberts, Legal Counsel). Note that the comments made were in reference to the versions 1.0 and 2.0 of the Code, so it is not known if the same reservations would be expressed on versions 3.0 and 4.0 as well.

¹²² See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 75, (Paralympics New Zealand/Fiona Allan).

[Rz 115] One voiced concern that carries over to the 2015 WADA Code final version 4.0 is the treatment of *Specified Substances*. In the revision process, a number of stakeholders supported an initial four-year period of *Ineligibility* specifically in cases concerning non-*Specified Substances*¹²³. The final version acknowledges these comments to the extent that it places the burden on the relevant *ADO* to establish the intention of the *Athlete* or other *Person* in order for a four-year period of *Ineligibility* to apply where a *Specified Substance* is involved. Based on WADA's stated commitment to flexibility for inadvertent dopers, and the frequency with which *Specified Substances* appear in such cases, it seems likely that a four-year period, much like the aggravating circumstances in the 2009 WADA Code, is only envisioned to be imposed in exceptional circumstances. The effective application of the provision, however, will be in the hands of the hearing bodies that will be called to make decisions in these matters and, ultimately, CAS panels.

[Rz 116] The Overview noticeably lacks an explicit demonstration that the longer initial sanctions will render the Code a more effective instrument in the fight against doping. A strong level of public and stakeholder support for longer sanctions may be a comforting factor, but the ultimate question is whether a longer sanction is a proportionate tool, *i.e.* an adequate means of deterring the use of performance enhancing drugs in sports. This question of proportionality should remain the paramount consideration in adjudicating particular cases.

B. Prompt Admissions

[Rz 117] Both the scope and the consequences of an *Athlete's* or other *Person's* prompt admission to an anti-doping rule violation have changed considerably in the 2015 WADA Code as compared to the 2009 WADA Code.

[Rz 118] In the 2009 WADA Code, an *Athlete* could automatically avoid the application of the «aggravating circumstances» provision (Article 10.6) by offering a prompt admission, which would cap the associated period of *Ineligibility* at two years. In the new formulation, the scope of the prompt admission now encompasses all violations that «potentially» fall under Article 10.2.1, or in other words, all intentional violations subject to a four-year period of *Ineligibility*. However, as a clear message that *Athletes* cannot avoid the consequences of intentionally doping simply by offering an admission, the provision has been amended to diminish the extent to which an *Athlete* may benefit from making such prompt admission.

[Rz 119] The provision regarding «prompt admissions» in final version 4.0 reads as follows (with no accompanying Comment):

An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1, by promptly admitting

the asserted anti-doping rule violation after being confronted by an ADO, and also upon the approval and at the discretion of both WADA and the ADO with results management responsibility, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the severity of the violation and the Athlete or other Person's degree of Fault.

[Rz 120] In the 2015 WADA Code version 1.0, the prompt admission provision did not change in substance from its counterpart in the 2009 WADA Code. By contrast, in versions 2.0, 3.0 and 4.0 the language became more restrictive with each iteration. In Version 2.0 the reduction of a period of *Ineligibility* was limited to a minimum of two years and the requirement of an approval both by WADA and the relevant *ADO* was added. Version 3.0 contains added criteria for assessing the extent of the reduction and final version 4.0 clarifies that the approval for any such reduction is at the discretion of WADA and the *ADO*.

[Rz 121] In line with the intention stated in the Overview, the new formulation regarding prompt admissions rather appears to decrease the incentive for «real cheats» to admit their misdeeds in the hope of obtaining a light period of *Ineligibility*. Although few comments were made regarding this provision, one stakeholder pointed to a potential lack of clarity with respect to the circumstances in which this provision might apply¹²⁴. In the 2009 WADA Code, a prompt admission served as an automatic cap of the period of *Ineligibility* at two years, regardless of the attendant circumstances. In this revised provision, not only does the *Athlete* need to obtain approval from both WADA and the *ADO*, the available reduction is also dependent on the «degree of *Fault*» and the «severity» of the violation. Since Article 10.6.3 applies only to potentially intentional anti-doping rule violations, many cases will by definition involve a high degree of *Fault*. The available reduction would seem slight under this aspect of the standard. The criterion of «severity», however, could be relied upon to provide some extra flexibility to hearing panels in particularly sympathetic cases.

4.3. More Flexibility for Inadvertent Dopers

A. General Remarks

[Rz 122] Seeking additional flexibility on sanctions is the second prong in revision Theme One of the Overview. The main changes cited by the Overview under this Theme are the reworking of the treatment of *Specified Substances* and the addition of a provision regarding *Contaminated Products*. In the 2015 WADA Code versions 1.0 and 2.0, a provision

¹²³ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 3, (UEFA/Richard Grisdale).

¹²⁴ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 16, (Norwegian Olympic and Paralympic Committee and Confederation of Sports/Henriette Hillestad Thune); 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 19, (Antidoping Switzerland/Matthias Kamber).

that allowed for special treatment of so-called «substances of abuse» was also contemplated, but subsequently removed.

[Rz 123] The amendments concerning *Specified Substances* (Article 10.5.1.1) and *Contaminated Products* (Article 10.5.1.2) will be discussed in this section, with some subsequent remarks devoted to the proof of *No Significant Fault or Negligence* as a concept common to both provisions. A brief overview of the discarded substances of abuse provision will also be provided. By contrast, the amendments related to the reduction ground of *Substantial Assistance* are treated in section 1.3.A, rather than in the assessment of the sanctioning regime, due to their close connections with intelligence gathering and investigations.

B. Specified Substances

[Rz 124] *Specified Substances* are defined in Article 4.2.2 of the 2015 WADA Code final version 4.0 and described in the Comment thereto as substances that are not necessarily «less important or less dangerous» than non-*Specified Substances*, but are more likely to have been ingested for «purposes other than the enhancement of sports performance».

[Rz 125] The treatment of *Specified Substances* under the 2015 WADA Code has been significantly modified. The 2009 WADA Code provided for a special treatment of these substances intended to provide for a greater degree of flexibility than non-*Specified Substances*. Eligibility for such special treatment revolved around the *Athlete's* ability to establish a lack of intent to enhance performance, in addition to the origin of the substance (see also section 4.3.D, below). The major concerns that stakeholders expressed regarding the *Specified Substances* provision (Article 10.4) in the 2009 WADA Code were the requirement for the *Athlete* to provide corroborating evidence to establish a lack of intent to enhance performance¹²⁵, the ambiguity in determining what constitutes an absence of intent to enhance performance necessary to receive the benefit of the provision (also referred to as the *Foggo/Oliveira* debate after the cases that employ

opposing reasoning)¹²⁶, and the requirement that the *Athlete* establishes how the substance entered his or her system¹²⁷.

[Rz 126] In the 2015 WADA Code final version 4.0, the provision concerning *Specified Substances* requires only that the *Athlete* establish *No Significant Fault or Negligence*, but still includes the requirement of showing how the substance entered the *Athlete's* system. This new formulation definitively addresses the first two points of criticism mentioned.

[Rz 127] In the 2015 WADA Code version 1.0, the *Specified Substance* provision was amended to require «credible» evidence rather than «corroborating» evidence, a requirement that was completely abandoned in version 2.0. Likewise, in the 2015 WADA Code version 1.0, WADA attempted to settle the debate surrounding the second element regarding the interpretation of the intent to enhance performance by including the following Comment to Article 10.4.1 of the 2015 WADA Code version 1.0, which explicitly advised against the *Oliveira* formulation:

Comment to Article 10.4.1: Contrary to the CAS decision in Oliveira v. USADA, CAS 2010/A/2107, where an Athlete or other Person Uses or Possesses a product to enhance sport performance, then, regardless of whether the Athlete or other Person knew that the product contained a Prohibited Substance, Article 10.4.1 does not apply.

The ultimate solution was to remove the element requiring the establishment of «intent to enhance performance» completely. However, as discussed in section 4.2.d, above, the consideration of intention is now a component of the sanctioning regime under Article 10.2 of the 2015 WADA Code final version 4.0 for violations of Article 2.1, 2.2, and 2.6, even (presumably) in the context of *Specified Substances*. It remains unclear as to how the description of «intentional» as set forth in the new Article 10.2.3 will be applied in practice and given its apparently wide berth for varying interpretations it is quite conceivable that remnants of this discussion will

¹²⁶ See, e.g., 2015 WADA Code Review, 1st Phase, Comment to Article 10, p. 37, (Canadian Centre for Ethics in Sport/Elizabeth Hindle); 2015 WADA Code Review, 1st Phase, Comment to Article 10, p. 38, (USADA, and NOR, AUS, CAN, NZE, JAP, SUI, UK NADOs/Molly Tomlonovic). CAS 2010/A2107, *Oliviera v. USADA*, 6 December 2010, paras. 9.13-9.15; CAS A2/2011, *Foggo v. National Rugby League*, 3 May 2011, paras. 46-47. The debate can be summarized as follows: In the case of products containing a *Specified Substance*, the *Foggo* case suggests that the *Athlete's* burden to establish lack of intent to enhance performance goes to whether the *Athlete* intended to enhance performance by taking the product in which the *Specified Substance* was contained (even though the *Athlete* might have been unaware of the presence of the *Specified Substance*). The *Oliveira* case, on the other hand, suggests that the intent to enhance performance should be tied to whether the *Athlete* intended to enhance performance by taking the *Specified Substance*, in particular.

¹²⁷ See, e.g., 2015 WADA Code Review, 1st Phase, Comment to Article 10, p. 1, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman); 2015 WADA Code Review, 1st Phase, Comment to Article 10, pp. 3-4, (World Association of Icehockey Players Union/Valloni Lucien).

¹²⁵ 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 13, (UCI/Philippe Verbiest).

reappear in the context this new Article. CAS panels therefore still have the responsibility to ensure, especially in the context of *Specified Substances*, that intention is interpreted in a manner that yields proportionate and fair results.

The element of the *Specified Substances* that requires an *Athlete* to establish how a substance entered his or her system is discussed in section 4.3.D, below, due to the fact that in the 2015 WADA Code version 3.0, it was incorporated into the definition of *No Significant Fault or Negligence*.

C. Contaminated Products

[Rz 128] Cases that involve *Contaminated Products* typically fall under the category of «inadvertent doping». A common example involves nutritional supplements that an *Athlete* ingested, unaware that they contained a *Prohibited Substance*.

[Rz 129] Recognizing the prevalence of this type of cases and the shortcomings of the 2009 WADA Code in flexibly dealing with them, the 2015 WADA Code incorporates a new Article 10.5.1.2 specifically devoted to *Contaminated Products*. This provision in its final wording almost mirrors the new *Specified Substances* provision, as they both rely on the *Athlete* or other *Person* establishing *No Significant Fault or Negligence* as well as proof of the origin of the *Prohibited Substance*. The *Contaminated Product* provision includes the additional burden on the *Athlete* or other *Person* to establish that the mode of entry was via a *Contaminated Product*. The following Comment was added in final version 4.0 as an interpretative aid:

Comment to Article 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the product which was subsequently determined to be Contaminated on his or her Doping Control form.

[Rz 130] As a complement to this new Article, a definition of *Contaminated Products* was also included in Appendix 1. The definition, which first appeared in version 2.0, grew broader throughout the revision process. Version 2.0 defined a *Contaminated Product* as follows: «A product which an *Athlete* or other *Person* could not have known contained a *Prohibited Substance*». Responding to criticisms for vagueness¹²⁸ and in difficulties establishing this standard in practice¹²⁹, the definition was loosened in version 3.0 and updated to read: «A product which an *Athlete* or other *Person* could not have known, with the exercise of care appropriate in the circumstances, contained a *Prohibited Substance*». In final version 4.0, the definition was again revised to provide even more flexibility: «A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.»

[Rz 131] Also of note, Article 7.9.1 of the 2015 WADA Code contains new language that allows a hearing body to eliminate a mandatory *Provisional Suspension* for situations where the *Athlete* or other *Person* can demonstrate that the case is «likely» to involve a *Contaminated Product*.

[Rz 132] Though many commentators supported including a provision regarding *Contaminated Products*, the various versions of this provision received a rather broad range of criticism. The fact that the provision opens up a route, which did not exist under the 2009 WADA Code, for a greater reduction or elimination of a period of *Ineligibility* for contamination with any *Prohibited Substance* (rather than just *Specified Substances*) was for the most part well-received¹³⁰. There was a recurring concern in the stakeholder comments that the provision would not really offer any further protection to inadvertent dopers, but would instead serve to open the system to abuse¹³¹. The fear was that such abuse might take the form of collusion between cheating *Athletes* and unscrupulous supplement manufacturers that would manufacture products containing a *Prohibited Substance* but not include the substance on the label so that if caught, the *Athlete* would have a solid defense¹³².

[Rz 133] The final definition of *Contaminated Product* is likely intended to be less burdensome for the *Athlete* and present less issues of proof as compared to the earlier versions. Much like the new definition of «intentional» (see section 4.2.d above), the description chosen moves away from terms having an established legal tradition towards tailor-made concepts. The «reasonable Internet search» standard reveals a very candid technology-based «first world» approach, which presumably takes immediate and constant access to the web for granted. It is easy to foresee CAS panels struggling with interpreting this standard in a manner that provides consistent results throughout the world while considering the *Athlete's* personal circumstances.

[Rz 134] CAS panels will also face foreseeable challenges when considering borderline cases. Though seemingly geared towards contaminated supplements, the definition of *Contaminated Product* is nevertheless broad enough to encompass other types of contamination as well, specifically contaminated food or drinks. One may wonder how CAS panels will rule on atypical situations of environmental

¹²⁸ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 51, (Institute of NADOs s/Joseph de Pencier).

¹²⁹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 52, (Canadian Centre for Ethics in Sports/Elizabeth Hindle).

¹³⁰ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, pp. 21-22, (EU Athletes & UNI Global Union/Walter Palmer & Jonas Baer-Hoffman).

¹³¹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 53, (Sixth Floor Wentworth-Selborne Chambers/John Marshall).

¹³² See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 32, (Australian Government/Bill Rowe); 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 54, (Sixth Floor Wentworth-Selborne Chambers/John Marshall).

contamination, such as the famous French kiss in the *Gasquet* matter¹³³.

[Rz 135] Finally, the new provision does not alter the real challenge for a non-cheater in the context of *Contaminated Products*, which is to establish that the product did contain the *Prohibited Substance* after the product has already been consumed. This problem, however, is not new to the 2015 WADA Code, and has been addressed by CAS panels before, most notably in the *Contador* matter¹³⁴.

D. Added Flexibility to the No Significant Fault or Negligence Standard

[Rz 136] Two new features of the 2015 WADA Code appear designed to enhance the flexibility of the *No Significant Fault or Negligence* standard.

[Rz 137] The first feature is an exception for *Minor Athletes* (i.e. under the age of eighteen according to the definition of the WADA Code 2015). These *Athletes* are no longer required to establish how the *Prohibited Substance* entered their system to be eligible for a finding of *No Significant Fault or Negligence*¹³⁵. This amendment cannot but evoke the CAS decision in the *I.v. FIA* matter, where the CAS panel reduced the standard *Ineligibility* period to eighteen months, in spite of the fact that the *Athlete* had been unable to give an explanation with respect to the origin of the *Prohibited Substance*¹³⁶. The amendment, however, goes further than the intentions of the CAS decision, in which the panel insisted on the very limited precedential value of the matter and the exceptional circumstances at stake (i.e. the *Athlete* had been competing only in *Events* for competitors below fifteen and not along with adults)¹³⁷. By contrast, the new exception *de facto* results in creating a special status for *Minors* in general. Since establishing the origin of the *Prohibited Substance* has regularly been confirmed by CAS panels and the Swiss Federal Supreme Court as a necessary factual basis for assessing the *Athlete's* degree of fault¹³⁸, doing away with this

requirement for *Minors* amounts to saying that a *Minor's* fault is less severe as a sole result of his or her age, regardless of the circumstances at stake. While this is certainly a positive development, from a dogmatic point of view one can't help but wonder how a requirement can be removed for minors yet not for others who cannot determine the exact source but can clearly show that it is not doping related (nature of the substance, trace amounts, hair tests, etc).

[Rz 138] The second feature is the absence of restrictive language regarding its application of the *No Significant Fault or Negligence* standard in the context of the *Specified Substances* and *Contaminated Product* provisions. Under the 2009 WADA Code, the *No Significant Fault or Negligence* standard is generally understood as a higher threshold than that of the lack of intent to «enhance the *Athlete's* sport performance»¹³⁹, which is a required element under the 2009 WADA Code version of the *Specified Substances* provision. This is likely due to the fact that in the 2009 WADA Code, the Comment to the *No Significant Fault or Negligence* provision limits its application to «exceptional circumstances», clarifying also that these provisions do not apply in the «vast majority of cases». In the 2015 WADA Code final version 4.0, only Articles 10.4 and 10.5.2 are declared limited to «exceptional» cases, leaving the *No Significant Fault or Negligence* standard presumably open to a broader interpretation in the context of both *Specified Substances* and *Contaminated Products*. This interpretation is supported by the Overview's submission that both the *Specified Substances* and *Contaminated Products* provisions should create solutions better adapted to *Athletes* who are not «real cheats». All these elements should counteract the first impression that submitting *Specified Substances* to the *No Significant Fault or Negligence* standard might actually be detrimental to flexibility in this domain.

[Rz 139] Despite this opportunity to afford the *No Significant Fault or Negligence* standard a broader interpretation, *Athletes* (with the notable exception of *Minors*) under the new definition of *No Significant Fault or Negligence* are still required to establish how the substance entered his or her system. Although perhaps inevitable to offer a factual basis for the assessment of fault or negligence, this element is often a significant hurdle in cases of *Specified Substances* in particular and inadvertent doping in general. Indeed this requirement constituted a major element of the criticism regarding the *Specified Substance* provision in the 2009 WADA Code. Many stakeholders commented favorably that version 2.0 of the *Specified Substance* provision did not include a

¹³³ CAS 2009/A/1926 & 1930, *ITF v. Gasquet*, 17 December 2009. In this case, the CAS panel accepted the *Athlete's* explanation that the presence of cocaine in his anti-doping *Sample* was due to contamination from the lips of a woman that he had kissed the evening prior to the anti-doping test. The panel in this case attributed *No Fault or Negligence* to the *Athlete*.

¹³⁴ See the discussion on cases where a party are faced with a «a serious difficulty in discharging its burden of proof» (Beweisnotstand) and the associated obligation of cooperation that arises on behalf of the contesting party in CAS 2011/A/2384+2386, *UCI v. Contador & RFEC*, 6 February 2012, paras. 254-258.

¹³⁵ This same exception results from the definition of *No Significant Fault or Negligence* and applies in to the definition of *No Fault or Negligence*, as well.

¹³⁶ CAS 2010/A/2268, *I.v. FIA*, 15 September 2011.

¹³⁷ *Id.* at para. 144.

¹³⁸ *Id.* at paras. 121 *et seq.* See also, Decision of the Swiss Federal Supreme Court, 4P.148/2006, *WADA & UCI v. Danilo Hondo et al.*, 10 January 2007, para 7.3.1: «On ne voit d'ailleurs pas très bien comment un coureur cycliste pourrait démontrer son absence de négligence ou de négligence

significative s'il n'est pas en mesure d'établir de quelle manière la substance interdite s'est retrouvée dans son organisme.»

¹³⁹ See, e.g., CAS 2012/A/2747, *WADA v. deGoede*, 15 April 2013, para. 7.12 («In particular, the conditions for qualifying for a reduction of the standard sanction in art. 10.4 WADC were intended to be more lenient than the ones in art. 10.5.2 WADC»).

requirement for the *Athlete* to show the origin of the substance¹⁴⁰. Many noted that in cases of truly inadvertent doping, the *Athlete* himself often does not know with certainty how the substance entered his or her system¹⁴¹. As one commentator suggested, by requiring this element to be established, inadvertent dopers are incentivized to create elaborate stories as to how the substance entered or otherwise face an automatic two-year period of *Ineligibility*¹⁴². The WADA Code drafters, however, clearly sided with those commentators who viewed this element as an important piece of the provision¹⁴³, and re-inserted the requirement into the definition of *No Significant Fault or Negligence* in version 3.0, which remained in place in final version 4.0.

E. Substances of Abuse: Discarded but Not Forgotten

[Rz 140] Versions 1.0 and 2.0 of the 2015 WADA Code included a provision concerning «substances of abuse» that was eliminated entirely in version 3.0, and did not return in final version 4.0. In Article 10.4.3 2015 WADA Code version 2.0, if the *Athlete* established on a balance of probability a lack of intent to enhance performance, then he or she would be subject to a period of *Ineligibility* ranging from a reprimand to a maximum of one year, based upon whether the case «involves a *Specified Substance* and other circumstances of the case». The *ADO* with results management responsibility had the option to offer the *Athlete* rehabilitation (at their own expense) rather than a period of *Ineligibility*.

[Rz 141] The comments on this formulation largely reflected a prevailing sentiment that these types of substances do merit a special treatment, with many expressing doubt that they even appropriately fall within WADA's purview of regulation at all¹⁴⁴. The aspect of the provision that suggested rehabilitation at the expense of the *Athlete* was widely criticized. Many commentators suggested that requiring the *Athlete* to foot the bill for the rehabilitation would result in discriminatory treatment among *Athletes* with different financial means¹⁴⁵. Also, there were concerns that the meaning of rehabilitation would likely be interpreted quite differently across different countries. Other stakeholders questioned the appropriateness

for a sports organization to require rehabilitation in lieu of a sports sanction¹⁴⁶.

[Rz 142] With the removal of this provision regarding substances of abuse, the anti-doping community is left without clear direction as to WADA's intentions in this area. WADA's decision to elevate the reporting limits required for positive tests for cannabinoids is certainly a welcome move¹⁴⁷, but does not replace a cohesive policy approach towards social drugs. As discussed in section 4.2.d, above, the sanctioning regime of many of the substances that would likely be considered as substances of abuse (e.g. cannabis, cocaine, and heroin) has been addressed only very partially by amendments to Article 10.2.3 of the 2015 WADA Code. In this amendment, if an *Athlete* faces an *Adverse Analytical Finding* for a substance that is prohibited *In-Competition*, he or she can avoid a four-year period of *Ineligibility* for an intentional violation by establishing that the substance was *Used Out-of-Competition* and «in a context unrelated to sport performance». This amendment to Article 10.2.3 shows a willingness to treat these substances more leniently, but will likely not satisfy those stakeholders that would like to see social drugs removed entirely from the *Prohibited List*.

4.4. Fine-Tuning the Sanctioning Regime

[Rz 143] In addition to the amendments under revision Theme One in the Overview, various significant updates and amendments have been made to other provisions in the sanctioning regime. The revised status, time, and mode of sanction publication are mentioned under revision Theme Two¹⁴⁸, which touches upon issues of proportionality and human rights. The simplifications regarding the calculation of the period of *Ineligibility* for multiple violations (Article 10.7) are listed under revision Theme Seven, «Making the Code Clearer and Shorter»¹⁴⁹. Finally, under «Other Miscellaneous Changes», the Overview describes significant changes that were made to the provisions concerning financial consequences (Article 10.10) and a new exception that allows *Athletes* subject to a period of *Ineligibility* in specific sports to return to training (Article 10.12.2)¹⁵⁰. Each of these amendments will be briefly summarized and discussed below.

A. Automatic Publication of Sanctions

[Rz 144] One core aspect of the World Anti-Doping Program

¹⁴⁰ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 46, (Drug Free Sport New Zealand/Graeme Steel).

¹⁴¹ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 27, (New Zealand Olympic Committee/Kereyn Smith).

¹⁴² See, e.g., 2015 WADA Code Review, 1st Phase, Comment to Article 10, p. 43, (International Paralympic Committee/Vanessa Webb).

¹⁴³ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 61, (UK Anti-Doping/Graham Arthur).

¹⁴⁴ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, pp. 19-20, (SportAccord).

¹⁴⁵ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 33, (Australian Government, Department of Regional Australia, Local Government, Arts and Sport/Bill Rowe).

¹⁴⁶ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 43, (Irish Sports Council/Una May).

¹⁴⁷ WADA Laboratory Committee, *Decision limits for the confirmatory quantification threshold substances of 11 May 2013*, Technical Document TD2013DL version 2.0.

¹⁴⁸ Specifically, the Overview refers to Articles 14.3.2 & 14.3.6, as well as the definition of the term *Athlete* referred to in Appendix 1 of the 2015 WADA Code final version 4.0. Overview, *supra* note 4, at p. 2.

¹⁴⁹ *Id.* at p. 6.

¹⁵⁰ *Id.* at p. 8.

is that anti-doping decisions, or at least a minimum list of information specified in the Code must be *Publicly Reported*¹⁵¹. In practice, some ADOs publish only the information requested by WADA, while others give public access to the full decisions on their websites. Public reporting of anti-doping decisions has been a controversial topic for a number of years under the 2009 WADA Code. Article 10.13 of the 2015 WADA Code has undergone two significant changes that touch upon this debated issue.

[Rz 145] The first change relates to the status of the publication of sanctions. Automatic public disclosure is now explicitly included in the sanctioning regime in Article 10.13 of the 2015 WADA Code final version 4.0 as follows: «A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3». The revised Code thereby explicitly acknowledges a point made by various stakeholders and commentators, namely that publication of a disciplinary decision represents a true sanction. However, Article 10.13 does not address the issues that arise as a result of the automatic character of the publication. It is generally accepted that public disclosure of a disciplinary sanction encroaches upon an *Athlete's* personality rights. Accordingly, hearing panels will have to ensure that its automatic publication is accounted for when evaluating the proportionality of the sanction. This aspect is particularly pertinent keeping in mind that no disciplinary sanction may be imposed without fault.

[Rz 146] The second significant change to the public disclosure requirement encapsulated in Article 10.13 relates to the time and mode of publication. Under the 2015 WADA Code, publication will only be required within twenty days after a final appellate decision has been made or such appeal has been waived (which includes the waiver of a hearing in accordance with Article 8 or the failure to otherwise timely challenge the assertion of an anti-doping rule violation). This amendment responds to criticism directed against the former wording of the provision, which requested ADOs to publish anti-doping decision within twenty days after the first instance decision, *i.e.* at a time where an appeal before CAS may be pending or about to be filed.

[Rz 147] Another criticism was directed at the form of the publication under the 2009 WADA Code, which provides that the information required by the Code should be published for at least one year on the Internet. The proportionality of this requirement appeared questionable, especially based on data protection considerations. Article 14.3.4 of the 2015 WADA Code final version 4.0 now provides that the publication must be made by «leaving the information up for the longer of one

month or the duration of any period of *Ineligibility*». Finally, the publication is no longer mandatory for a *Minor* and any optional public disclosure in such cases «shall be proportionate to the facts and circumstances of the case» (Article 14.3.6).

B. Multiple Violations

[Rz 148] The Overview announces a simplification of Article 10.7, which describes how to calculate a period of *Ineligibility* for multiple anti-doping rule violations in a ten-year period¹⁵². Article 10.7 of the 2009 WADA Code includes a table that sets forth periods of *Ineligibility* applicable to a second anti-doping rule violation. In this table, the length of the period of *Ineligibility* for a second violation is determined based on the combination of the category of violation involved both in the first and the second violations. In the 2015 WADA Code, this table has been removed and a written formula presented instead. This formula in Article 10.7 of the final version 4.0 appears as follows:

For an Athlete or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:

(a) six months;

(b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or

(c) two times the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of Ineligibility established above may then be further reduced by the application of Article 10.6.

[Rz 149] While it is difficult to predict the consequences of the application of this new formula in the abstract, it is notable that it has suppressed the special regime for specified substances.

C. Financial Consequences

[Rz 150] Article 10.10 is listed in the Overview among the significant «Other Miscellaneous Changes» to the 2015 WADA Code¹⁵³. The new wording of the Article 10.10 in final version 4.0 (10.12 in the 2009 WADA Code, «Imposition of Financial Sanctions») is as follows:

Anti-Doping Organizations may, in their own rules, provide for appropriate recovery of costs on account of anti-doping rule violations. However, Anti-Doping Organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Recovery

¹⁵¹ According to Article 14.3.2 of the 2015 WADA Code final version 4.0, the requirement of public disclosure includes the following elements: «the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed».

¹⁵² Overview, *supra* note 4, at p. 7.

¹⁵³ Overview, *supra* note 4, at p. 8.

of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under the Code.

[Rz 151] Although significantly reworded in the 2015 WADA Code final version 4.0 of this provision conveys essentially the same message as Article 10.12 of the 2009 WADA Code. As set forth in the Overview, «Athletes should not be allowed to pay their way out of any period of *Ineligibility*»¹⁵⁴. As compared to the 2009 WADA Code, the new provision adds the clarification that ADOs may also seek recovery of costs, as well as the explicit requirement that recovery of costs or financial sanctions may only be applied where they are proportionate.

[Rz 152] While adding the explicit requirement of proportionality is a helpful reminder to hearing bodies, this requirement does not go beyond what is already implied under the 2009 version of this provision. Further, the amendment does not address the issues at the core of the ongoing debate regarding financial sanctions. In particular, the concept of imposing additional financial consequences along with a period of *Ineligibility* supposes a situation in which even the maximum period of *Ineligibility* available under the Code is not considered sufficient by the relevant hearing body (since the provision explicitly prohibits the reduction of the otherwise applicable *Ineligibility* period against imposition of a financial sanction). In all other situations, assuming a proportionate period of *Ineligibility* has already been determined, then any additional sanction would skew the balance of proportionality. Furthermore, the idea of additional financial sanctions is difficult to reconcile with the basic idea that the WADA Code is designed to function as a coherent whole and also undermines the concept of equal sanctions for *Athletes* in all sports. Finally, it potentially exposes *Athletes* to the dilemma of either accepting an unfair financial sanction or challenging the sanction before CAS with the risks of lengthy proceedings and yet further costs. In such circumstances, the principle of proportionality should guide ADOs and lead them to exercise caution with respect to the imposition of extra financial sanctions or recovery of costs in order to avoid excessively harsh consequences on *Athletes*.

[Rz 153] The new Article 10.9 of the 2015 WADA Code (which addresses the issue of the repayment of CAS cost awards) is also within the realm of financial consequences, albeit not addressed in the Overview. Versions 1.0, 2.0, and 3.0 of this provision experimented with different formulations designed to create an obligation to settle CAS awards on costs before being eligible to compete again. However, the mandatory language that was used in versions 1.0 and 2.0 was heavily criticized both in the stakeholder comments and in the Legal

Opinion. Version 3.0 took a less heavy-handed approach and instead described the payment of CAS cost awards as a prerequisite to returning to *Competition* as a «general principle». The final wording of Article 10.9 has retreated even further away from a mandatory obligation and merely presents a list of priorities for repaying financial obligations as follows:

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of the Anti-Doping Organization that conducted results management in the case.

D. Return for Training

[Rz 154] The final amendment to the sanctioning regime in Article 10 described in the Overview is Article 10.12.2 that provides an exception to the general prohibition against participating in organized training during a period of *Ineligibility*. This new Article 10.12.2 appears in the 2015 WADA Code final version 4.0 as follows:

As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.

[Rz 155] According to the Overview and the accompanying Comment to this provision, its underlying purpose is to allow *Athletes* in certain sports the opportunity to be fully ready to compete at the end of a period of *Ineligibility*.¹⁵⁵ This provision recognizes that in order to be prepared to compete when they regain eligibility, certain types of *Athletes* (e.g. *Athletes* who compete in many *Team Sports*, gymnasts and ski jumpers) require access to team training or specialized fitness facilities prior to the end of a period of *Ineligibility*.

4.5. The Compatibility of the Sanctioning Regime with Recognized Principles of International Law and Human Rights

[Rz 156] As with each draft of the Code, WADA has sought a legal opinion regarding the compatibility of the 2015 WADA Code with human rights. The Legal Opinion both addresses and favorably assesses the compatibility of the revised sanctioning regime in the 2015 WADA Code version 3.0¹⁵⁶ with human rights and recognized international law principles. Its inquiry focuses on whether the sanctioning regime is proportional, non-automatic, and aligned with the principle of equal treatment among *Athletes*. With respect to the increa-

¹⁵⁴ *Id.*

¹⁵⁵ Overview, *supra* note 4, at p. 8.

¹⁵⁶ The final version 4.0 was released following the publication of the Legal Opinion, and thus was not specifically addressed.

sed sanctions, the Legal Opinion concludes that while there is «no doubt» that doubling the initial period of *Ineligibility* in certain circumstances from two years to four years is «significant», such increase nevertheless remains «moderate»¹⁵⁷.

[Rz 157] Concerns about proportionality relating to different aspects of the sanctioning regime were a recurring theme in the stakeholder comments. One concern was that the impact of a four-year period of *Ineligibility* on an *Athlete* differed drastically depending on the career length in a given sport¹⁵⁸. Others raised the obvious concern that a four-year period of *Ineligibility* would be tantamount to a lifetime ban in certain sports and circumstances¹⁵⁹. Some stakeholders expressed particular concern about the proportionality implications of increasing the period of *Ineligibility* from two years to four years rather than providing a two-to-four year range¹⁶⁰. Some thought that a range of applicable periods of *Ineligibility* would be especially appropriate for the anti-doping rule violations that leaned more towards reckless behavior than intentional behavior¹⁶¹. Others also expressed concern about the prospect of a four-year period of *Ineligibility* in the context of some *Specified Substances* (such as diuretics and masking agents)¹⁶² or in the case of lower-level *Athletes*¹⁶³. Though most of the stakeholders that mentioned the principle of proportionality in the comments did so in a critical light, it is worth noting that there were stakeholders that did, at least impliedly, support the notion that a four-year period of *Ineligibility* for serious violations is proportionate, but provided little to no accompanying reasoning¹⁶⁴.

[Rz 158] In the authors' view, the proportionality of the sanctioning regime will depend upon its application in practice. If the sanctioning regime proves effective at distinguishing «real cheaters» from «inadvertent dopers» and is flexible enough to account for the circumstances of individual cases,

the new initial four-year period of *Ineligibility* might not raise real issues of proportionality. Such issues will arise, however, if difficulties of proof or overly restrictive interpretations of the provisions result in a number of «inadvertent dopers» receiving career-ending bans or if the application of a four-year period of *Ineligibility* is effectively automatic. In other words, CAS will play a key role in ensuring that the new regime is aligned with human rights and other related international law principles.

III. Procedural Issues: Fairness

5. Improved Collaboration and Role Clarification among *Anti-Doping Organizations*

5.1. General Remarks

[Rz 159] Revision Theme Six of the Overview stresses the importance of good collaboration among International Federations and *NADOs* in order to improve the effectiveness of anti-doping activities. WADA lists some examples of changes adopted with a view to clarifying and balancing the responsibilities of these two categories of *ADOs*. These changes relate to different stages of *Doping Control* and show that coordinated action is both essential and a delicate endeavor at all stages of the *Doping Control* process¹⁶⁵. The present section also discusses further changes relevant to this topic listed as «Other Miscellaneous Changes» in the Overview.

[Rz 160] The revised definition of *Athlete* deserves mentioning as it has a general impact on the allocation of competences among *ADOs*. In terms of the scope of anti-doping activities, the situation already prevailing under the 2009 WADA Code has not been altered: the rule remains that International Federations define who is to be considered as an *International-Level Athlete*, whereas *NADOs* identify the individuals that qualify as *National-Level Athlete*.

[Rz 161] Discussing the possible conflicts of jurisdiction that may arise as a result of such «split» system of definition would stretch the ambit of the present article. Suffice it to say here that the situation remains ambiguous. Final version 4.0 does, however, bring clarification on two issues. First, *NADOs* are now explicitly authorized to declare certain anti-doping rules applicable even to individuals who engage in fitness activities but do not compete at all. Second, the new regime clarifies to what extent such national rules (*i.e.* those applicable to lower level athletes or fitness club participants) may depart from the Code requirements and which requirements must apply in any event¹⁶⁶. Broadly speaking, the intent seems to

¹⁵⁷ Legal Opinion, *supra* note 3, at p. 7.

¹⁵⁸ See, *e.g.*, 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 78, (FIFA and UEFA/Jiri Dvorak).

¹⁵⁹ See, *e.g.*, 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 122, (Canadian Olympic Committee/Jolan Storch).

¹⁶⁰ See, *e.g.*, 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 78, (Australian Government/Bill Rowe).

¹⁶¹ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 13 (UCI/Philippe Verbiest). Note that in WADA Code 2015 version 3.0, the term «recklessness» was removed, however the definition of intention in final version 4.0 encompasses situations where the *Athlete* acted despite being aware that there was a significant risk that his or her behavior might constitute an anti-doping rule violation. In the view of the authors, this could be considered a comparable concept to recklessness.

¹⁶² See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 10, p. 17, (Professional Players Federation/Simon Taylor).

¹⁶³ See, *e.g.*, 2015 WADA Code Review, 3rd Phase, Comment to Article 10, pp. 18-19, (Ministry of Culture, Denmark/Bente Skovgaard Kristensen).

¹⁶⁴ See, *e.g.*, 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 21, (UK Anti-Doping/Graham Arthur); 2015 WADA Code Review, 2nd Phase, Comment to Article 10, p. 81, (National Anti-Doping Agency (NADA Austria)/David Müller).

¹⁶⁵ Overview, *supra* note 4, at pp. 5-6.

¹⁶⁶ Thus, a *NADO* may, according to the definition of *Athlete* in Appendix 1 of the 2015 WADA Code final version 4.0 elect «to conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited*

be that a *NADO* may choose not to apply all requirements of the Code, but once a particular requirement is declared applicable to a category of *Athletes*, the *Consequences* that the Code attaches to this requirement may not be amended. The Comment specifies that *Major Event* organizers may also choose to apply anti-doping rules in competitions organized for master level athletes, but this provision is not contained in the actual text of the definition.

[Rz 162] In order to give *ADOs* adequate freedom to comply with their anti-doping duties, Articles 20.4.3 and 22.6 of the 2015 WADA Code final version 4.0 stress the need for *National Olympic Committees*, and for governments to respect the autonomy of the *NADO* in their country and not to interfere with its operational decisions and activities. Articles 23.5.1 and 23.5.2 further make monitoring of the *ADOs* compliance with the Code more flexible.

[Rz 163] The fight against doping usually makes headlines for its sanctioning aspects, but the WADA Code also involves a component of education. The 2015 WADA Code emphasizes the idea that education should be prevention-oriented, with a focus on young people (Article 18 of the WADA Code 2015 final version 4.0). Under Article 20.3.12, International Federations are required to promote anti-doping education, including requiring National Federations to conduct anti-doping education in coordination with the relevant *NADO*.

5.2. Responsibilities for Testing

[Rz 164] As under the 2009 WADA Code, the general rule remains in the 2015 WADA Code that only one *ADO* is responsible for *Testing* during *Events*. For *International Events*, this responsibility belongs to the international body ruling over the *Event*. For *National Events*, this responsibility is incumbent upon the *NADO* of the relevant country.

[Rz 165] A significant novelty introduced only in the final version 4.0 redefines the ambit of the rules on *Testing* during *Events* (Article 5.3.1). These rules are now explicitly limited to *Testing at the Event Venues*, whereas all former versions, like the 2009 WADA Code, relied solely on the *Event Period* as a criterion. Nevertheless, at the request of the ruling body for the *Event*, other *ADOs* wishing to test outside the *Event Venues* will still have to coordinate their *Testing* with the ruling body.

[Rz 166] For *Testing at Event Venues*, other *ADOs*, as before,

require authorization from the ruling body or, if no agreement can be found, from WADA. However, WADA's decision is now explicitly declared final and not subject to appeal. Final version 4.0 further clarifies that any such *Testing* specially authorized is, by default, considered *Out-of-Competition* and that the result management responsibility belongs to the *ADO* that initiated *Testing* (Article 5.3.2).

[Rz 167] The provision on *Event Testing* has always been demonstrative of the difficulties in regulating authority and responsibility among *ADOs*. The new focus on the distinction between *Testing* «outside *Event Venues*» and *Testing* «at *Event Venues*» represents a welcome simplification of the system. The prescription that all *Testing* conducted at *Event Venues* by an *ADO* other than the ruling body shall be deemed *Out-of-Competition* (unless provided otherwise in the authorization to test) also eliminates all debate around the nature of such *Testing*. A possible undesirable consequence, however, is that *Athletes* who test positive at an *Event* as a result of such *Testing* should in theory not be exposed to the automatic disqualification of Article 9, even if the *Sample* collection objectively fell within the definition of *In-Competition* period.

[Rz 168] A further change in the 2015 WADA Code final version 4.0 regards the right of *NADOs* when they receive *Testing* tasks through a delegation or a contract from an International Federation. In such situation, *NADOs* are allowed to collect additional *Samples* or direct the laboratory to perform additional analyses (Article 5.2.6). If the *NADO* collects additional *Samples*, it is considered to have conducted the *Sample* collection and is thus responsible for results management. By contrast, if the *NADO* merely orders additional analyses to be performed, the responsibilities for results management remain with the *ADO* that delegated the *Testing* (Article 7.1). One question that this amendment raises is how it is going to interact with Articles 6.4 and 6.5. (See section 2.4.B). In particular, it is not clear to what extent «additional analysis» differs from «further analysis» in Article 6.5. Similarly, the question remains which *ADO* should have the authority to define the analysis menu in such situations, since Article 6.4.1 only refers to the right of *ADOs* to request a variation of the menus for «their *Samples*», without further precision.

[Rz 169] The Overview does not mention the new authority that WADA has attributed itself under Article 20.7.8 of the 2015 WADA Code final version 4.0 to conduct *Testing* on its own initiative in exceptional circumstances. Final version 4.0 adds that such *Testing* would have to occur «at the direction of the WADA Director General». The Comment explains that this provision is fundamentally a last resort solution, in case problems have been brought to the attention of an *ADO* without satisfactory outcome. Even though Article 5.2.4 contains a reference to the authority of WADA under Article 20 when enumerating the *ADOs* who have *Testing* authority over an *Athlete*, Article 5.2.4 may not in itself be considered sufficiently predictable for *Athletes* to agree to *Testing* by

Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1 or Article 2.5 anti-doping rule violation is committed by any *Athlete* who competes below the international or national level and over whom an *ADO* has authority, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 [Administration and Attempted Administration] and Article 2.9 [Complicity] and for purposes of anti-doping information and education, any *Person* who competes in sport under the authority of any Signatory, government, or other sports organization accepting the *Code* is an *Athlete*».

WADA. ADOs will thus have to ensure that they implement these provisions so as to make WADA's authority to test binding on *Athletes*.

5.3. Results Management

[Rz 170] The basic principle underlying results management in the 2015 WADA Code final version 4.0 is unchanged, in that the responsibility to conduct results management for a potential violation belongs to the ADO that initiated *Sample* collection, if such collection is involved. If no collection is involved, Article 7.1 of the final version 4.0 clarifies the description of responsibility, by modifying the language of the 2009 WADA Code from the ADO that «discovered the anti-doping rule violation» (see Article 15.3 under the 2009 WADA Code) to the ADO that «first provides notice to an *Athlete* or other *Person* of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation» (Article 7.1 of the 2015 WADA Code final version 4.0). If there is a dispute among ADOs over the results management responsibility in a particular matter, the conflict must be submitted to WADA for decision. The 2015 WADA Code newly provides that any ADO involved may within seven days refer a results management decision of WADA to a sole CAS arbitrator in an expedited appeal proceedings. In contrast, such a decision is declared final under the 2009 WADA Code.

[Rz 171] Whereabouts failures (Article 2.4 of the 2015 WADA Code) may include a combination of filings failures and/or missed tests reported by various ADOs. Article 7.1.2 of the 2015 WADA Code final version 4.0 now clarifies that in all cases the authority to conduct results management belongs to the ADO with whom the *Athlete* files his or her whereabouts information.

[Rz 172] The overall impression when reviewing the relevant provisions of the WADA Code is that *Athletes* and other *Persons* subject to *Doping Control* seem to have little or no say when it comes to the allocation of responsibilities among ADOs, particularly for ensuring that such responsibilities are complied with. For example, unlike the ADOs involved, Article 7.1 of the 2015 WADA Code final version 4.0 does not give the *Athlete* the right to appeal the decision of WADA with respect to the responsibility to conduct results management.

5.4. Granting Therapeutic Use Exemptions

[Rz 173] As under the 2009 WADA Code, *International-Level Athletes* request their Therapeutic Use Exemption («TUE») from their International Federation, while *National-Level Athletes* request these TUEs from their NADO.

[Rz 174] The revised Article 4.4 of final version 4.0 purports to make the TUE process less burdensome by relieving *Athletes* who become *International-Level* from the requirement to apply for a new TUE if they already have the benefit of a TUE granted by their NADO. Under Article 4.4.3.1, International Federations shall recognize national-level TUEs of *Athletes*

who become *International-Level*, provided such TUE meets the requirements of the International Standard for Therapeutic Use Exemptions («ISTUE»). If the International Federation refuses to recognize the TUE, this decision must be notified with reasons to the *Athlete* and the NADO. Both the *Athlete* and/or the NADO may refer the matter within 21 days to WADA for review. In this case, the TUE granted remains valid for national-level *Competitions* and *Out-of-Competition Testing* pending determination by WADA. If the matter is not referred to WADA for review the TUE becomes invalid for any purpose when the 21-day time limit expires. Conversely, if an *International-Level Athlete* is granted a TUE by his or her International Federation, such grant must be notified to the NADO. If the NADO does not refer the matter to WADA within 21 days, the TUE granted by the International Federation becomes valid for national-level *Competitions* as well.

[Rz 175] Among the various other amendments, the right for *Major Event Organizations* to request specific TUEs for participation in their *Events* is confirmed, it being understood that the grant or refusal of such TUE may not affect other existing TUEs. ADOs may introduce retroactive TUE applications if they choose to collect *Samples* from *Athletes* who are neither *International-Level* nor *National-Level*. WADA reserves its right to review any TUE decision upon request or on its own initiative. Finally, Article 4.4.7 aims to clarify the appeal to CAS in TUE matters.

[Rz 176] The amendments in TUE matters do improve the balance between International Federations and NADOs by imposing international recognition of TUEs granted by NADOs, providing these are compliant with the ISTUE. However, the overall process still indicates that a greater value is attributed to TUEs granted by International Federation than by NADOs¹⁶⁷. Hence, recognition of a national-level TUE still requires an application to the International Federation, with the result that *Athletes* are left in a state of uncertainty. In addition, if an *Athlete* does not appeal against his or her International Federation's refusal to recognize the TUE within 21 days, the TUE ceases to be in force also for the national level. This exposes *Athletes* who suddenly rise to the *International-Level* to the risk of irreparably losing their TUE and being barred from participating in *National Events*, unless they stop their medical treatment¹⁶⁸. This system of the WADA Code seems to rest on the assumption that NADOs *a priori* apply a lower degree of diligence or are less competent than International Federations¹⁶⁹. Unfortunately, recommendations made

¹⁶⁷ See the suggestion of a single entry point for TUEs, in: 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 30, (SportAccord).

¹⁶⁸ 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 45 *et seq.*, (Canadian Center for Ethics/Elizabeth Hindle).

¹⁶⁹ See the critical views, in: 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 35, (Council of Europe); 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 36, (Antidoping Switzerland/Matthias Kamber); 2015 WADA Code Review, 3rd Phase, Comment to Article 4, p. 38, (Drug Free Sport New Zealand/Graeme Steel); 2015 WADA Code Review,

during the consultation process for an international independent TUE Committee who would grant TUEs in a centralized manner have not been accepted¹⁷⁰. Without prejudging on the practical possibility of introducing a central system of this kind, this suggestion would at least have deserved a serious discussion.

6. Fair Hearings

[Rz 177] An essential aspect of the fairness of any anti-doping program is ensuring that those accused of anti-doping rule violations are afforded the right to due process. Under the WADA Code system, this aspect is primarily addressed in Article 8.1 under the heading «Fair Hearings». While Article 13 (Appeals) deals with access to justice before judicial authorities after an initial disciplinary decision has been made, Article 8.1 aims to regulate the hearing process that leads to this initial anti-doping decision, a process that is frequently conducted by the ADOs internally.

6.1. Overview of the Revision of Article 8.1

[Rz 178] In the 2009 WADA Code, the procedural characteristics required of the hearing process are presented in a bullet point list in Article 8.1. In the 2015 WADA Code final version 4.0, this list is replaced by a condensed statement, which reads as follows:

For any Person who is asserted to have committed an anti-doping rule violation, each Anti-Doping Organization with responsibility for results management shall provide, at a minimum, a fair hearing within a reasonable time by a fair and impartial hearing panel. A timely reasoned decision specifically including an explanation of the reason(s) for any period of Ineligibility shall be Publicly Disclosed as provided in Article 14.3.

Comment to Article 8.1: This Article requires that at some point in the results management process, the Athlete or other Person shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organization's own rules for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.

[Rz 179] The provision and its Comments underwent various

modifications during the consultation process to reach this final wording.

[Rz 180] Initially, in the draft version 2.0, the Comment to Article 8.1 read as follows: «This Article contains basic principles relative to ensuring a fair hearing **as set forth** in Article 6.1 of the European Convention on Human Rights [«ECHR»] and comparable principles generally accepted in international law» (*emphasis added*). The language in version 2.0 appeared to create a direct link between the rights encompassed under the term «fair hearing» in the context of anti-doping proceedings and those described in Article 6.1 of the ECHR.

[Rz 181] The new structure of Article 8.1 that first appeared in version 2.0 was heavily criticized by the stakeholders in the consultation process. Some expressed concern that ADOs might use the new formulation as an excuse to forgo the safeguards that were previously listed¹⁷¹. Many others raised concerns about ambiguities that would arise when guaranteeing the rights «as set forth in Article 6.1» in the context of doping disputes. Some commented that the word «fair» should be replaced by «independent», which is the terminology used in the ECHR, while others noted that the term «independent» would raise serious concern in the context of hearings at the ADO level, given that the hearings at this level are largely conducted within the organization and not by an independent body¹⁷². One stakeholder pointed out that Article 6.1 guarantees a «public court and a public hearing while the Code imposes CAS (the hearings of which are not public)» and noted that the term «tribunal» should be more accurately replaced with the term «hearing body»¹⁷³. Others welcomed the prospect of a public hearing requirement to improve transparency in the results management process¹⁷⁴. Finally, some stakeholders questioned whether the new provision would render the presumption of innocence applicable, and if so, questioned how this presumption would correspond with the principle of *Strict Liability*¹⁷⁵.

[Rz 182] The 2015 WADA Code version 3.0 addressed a number of these comments, but left others unanswered. The language of the Article itself changed only slightly. The version 3.0 provision included the phrase «at a minimum» before the requirement to provide a fair hearing, the term «tribunal» was changed to «hearing panel», and it was clarified that the

¹⁷¹ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 1, (International Cricket Council/Lorinda Rugless).

¹⁷² See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 3, (Spanish Antidoping Agency/Victoria Ley).

¹⁷³ 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 5, (UCI/Philippe Verbiest).

¹⁷⁴ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 2, (Norwegian Olympic and Paralympic Committee and Confederation of Sports/Henriette Hillestad Thune).

¹⁷⁵ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 3, (Swedish Sports Confederation/Hakan Nyberg).

³rd Phase, Comment to Article 4, p. 42, (Irish Sports Council/Una May).

¹⁷⁰ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 4, p. 30, (International Cricket Council/Lorinda Rugless); 2015 WADA Code Review, 1st Phase, Comment to Article 4, p. 30, (ITF/Stuart Miller).

reasoned decision must be provided «timely». The wording of the Comment, however, was more extensively revised. First, the Comment added a sentence stating that Article 8.1 guarantees only the **opportunity** for a «timely, fair and impartial hearing», at some point in the «results management process». Second, the language of the Comment was modified with a less direct reference to Article 6.1 of the ECHR and principles of international law. Instead of explicitly linking the concept of a «fair hearing» to Article 6.1 of the ECHR and international law as was done in version 2.0, version 3.0 simply notes that «[t]hese principles **are also found** in Article 6.1 of the [ECHR] and are principles generally accepted in international law» (*emphasis added*).

[Rz 183] The only revision to this provision in final version 4.0 was to clarify the requirement of publicly reporting the «timely reasoned decision». In final version 4.0, the generic term «public reported» was replaced with the defined term of «*Publicly Disclosed* as provided in Article 14.3».

6.2. The New Wording of Article 8.1: Better Protection or Greater Confusion?

[Rz 184] The insertion of an explicit reference to Article 6.1 of the ECHR in the WADA Code has a definite symbolic power. Indeed, the role of the ECHR in doping disputes is among the most controversial topics in anti-doping. All in all, however, the formulation of this Article finally retained in final version 4.0 is unlikely to have any concrete effect in practice, in particular for the two reasons that follow.

[Rz 185] First, this new provision reignites the debate around the applicability of Article 6.1 of the ECHR to doping disputes. The Legal Opinion supports the notion that the term «fair hearing» in Article 8.1 of the 2015 WADA Code should be understood as falling under the scope of application of Article 6.1 of the ECHR¹⁷⁶ and thus encompass all safeguards required in a matter of a civil nature. Among these safeguards, the Legal Opinion specifically recalls: independence and impartiality of both the tribunal and its members, «the guarantee of equal means for all parties, public nature and transparency of the proceedings; reasonable length of the proceedings; the possibility to appeal ... and prompt and complete enforcement of the tribunal's decision»¹⁷⁷. This understanding would substantially change anti-doping proceedings at the initial hearing level. Such initial proceedings are typically run by the ADOs themselves, often through their own internal hearing bodies. While some countries may have created hearing bodies that have the status of public authorities for national-level matters, hearing bodies of International Federations are regarded (at least under Swiss law) as mere bodies of the private sports organization that established them. These bodies are by

nature not independent, nor are their proceedings typically public nor readily publicized.

[Rz 186] In the authors' view, the new Article 8.1 misses the point when it tries to incorporate Article 6.1 of the ECHR into the initial hearing process. Without doubt, *Athletes* and other *Persons* accused of committing an anti-doping rule violation are entitled to benefit from all civil components of the rights enshrined in Article 6.1 of the ECHR at some point of the *Doping Control* process. This requirement, however, supposes the intervention of an actual judicial body and includes all legal remedies. Bodies carrying out the initial hearing process are not required to – indeed in most situations are not legally in a position to – comply with all requirements of Article 6.1 of the ECHR on their own.

[Rz 187] Second, and in any event, the formulation of the Article retained in final version 4.0 finally retained is so vague and non-compelling in its wording that it hardly represents more than a confirmation of the generally accepted procedural safeguards that apply for example in disciplinary proceedings before hearing bodies of Swiss associations. From this perspective, the reference to the concepts of a «timely, fair and impartial» hearing process amounts to no more than requiring ADOs to arrange for initial anti-doping proceedings that respect basic notions of due process.

[Rz 188] In effect, the former list of minimal standards contained in Article 8 of the 2009 WADA Code had the advantage of being clearer and more concrete, a non-negligible factor for a document that needs to be implemented by various sports organizations throughout the world within a variety of legal cultures. Hopefully, the former list will continue to exert an influence on the requirements for due process in the initial hearing process.

7. Judicial Review before the Court of Arbitration for Sport

7.1. General Remarks

[Rz 189] The 2015 WADA Code final version 4.0 contains several new references and directives to CAS. Article 3.2.1 of the 2015 WADA Code instructs CAS to appoint a scientific expert for cases that involve challenges to WADA-approved analytical methods or decision limits (see section 2.4.A above). Article 7.1 provides that conflicts among ADOs concerning results management must be heard at CAS in an expedited manner before a single arbitrator (see section 5.3 above). These amendments raise interesting questions concerning the legal interface between WADA and CAS. Indeed, certain provisions seek to limit the discretion of CAS panels or even to provide instructions on the conduct of CAS proceedings.

[Rz 190] The present section discusses three CAS-related amendments in more detail. The first amendment (Article 8.5) allows all parties to make an agreement to bypass the

¹⁷⁶ Legal Opinion, *supra* note 3, at p. 11.

¹⁷⁷ *Id.* at pp. 10-11.

initial hearing process and bring a doping case directly to CAS. The second amendment (Article 13.2.4) was added to the WADA Code specifically to override the revision of the CAS Code that became effective on January 1, 2010 to exclude the possibility of bringing counterclaims or cross appeals. The final amendments (to Articles 13.1.1 and 13.1.2) address the *de novo* nature of appeals to CAS.

7.2. Single Hearing Before CAS

[Rz 191] The 2015 WADA Code has added a new provision (Article 8.5) to allow for a single hearing before CAS at the first instance with the consent of the *Athlete*, the *ADO* with results management responsibility, WADA, as well as the applicable International Federation and *NADO*. The amendment was inserted in version 1.0; and the only substantive change made throughout the revision process was to widen the pool of *Athletes* to which it applies. In version 1.0, only those in «high priority *Athlete* pools» could make use of this provision. The language was amended in version 2.0 to allow all *International-* and *National-Level Athletes* access as well.

[Rz 192] The justification for this provision as set forth in the new Comment to Article 8.5 is to cut down on unnecessary expenses related to hearings¹⁷⁸. The stakeholders had a mixed reaction to this provision. Some expressed concern that this provision will only add stress to the already backlogged and overworked CAS¹⁷⁹. Others welcomed the prospect of a streamlined process for the parties¹⁸⁰, though reservations were also expressed about the potential costs of such a hearing at the CAS level¹⁸¹.

[Rz 193] Indeed, the new provision is questionable in at least two respects. First, one may wonder whether the WADA Code drafters properly considered all consequences of «institutionalizing» the possibility of an anti-doping dispute being brought before CAS without passing through the filter of a prior decision process. Beyond the practical risk of overloading CAS, the procedural consequence is that the matters brought before CAS under Article 8.5 would be regarded as «ordinary» arbitration proceedings, which are governed under the CAS Code by rules that have not been designed for

rapid dispute resolution, at least not as much as the appeal proceedings which are specifically tailored for disciplinary cases.

[Rz 194] Second, the potential costs involved poses the question of the *Athlete's* right to effective access to justice (see section 6 above, regarding the ECHR). Given that (i) according to R65 of the 2013 CAS Code¹⁸², only «[a]ppeals against decisions issued by international federations in disciplinary matters» are free of cost, and (ii) a single hearing before CAS would have to be conducted in ordinary arbitration proceedings, parties wishing to make use of this provision would have to factor the extra cost of paying for the CAS hearing, including the (typically significant) advance on costs into their decision. Hence, there is a clear risk that the possibility of expediting the hearing process will be a luxury that only wealthy athletes can afford. A way to avoid that risk would be for the result management authority to first issue a decision setting out the charges and the sanction sought, which would constitute a formal decision appealable to CAS and thus fall under the category of cases in R65 of the CAS Code that are free of cost.

7.3. Cross Appeals and Other Subsequent Appeals

[Rz 195] Article 13.2.4 (with the heading «Cross Appeals and other Subsequent Appeals Allowed») is another attempt to depart from the rules of the CAS Code. Since January 1, 2010 a respondent is no longer entitled to bring a counterclaim in appeal arbitration proceedings before CAS. In effect, this means that a party may no longer file a so-called «cross appeal» following the expiry of its time limit to appeal.

[Rz 196] The practical effect of this provision is that an *Athlete* is put in a difficult position when deciding whether to lodge an appeal against a decision. In anti-doping arbitrations, the *Athlete's* time limit to appeal expires before the time limit for WADA to appeal. It may also elapse before the relevant International Federation's time limit, depending on the point in time when such International Federation receives notice of the decision¹⁸³. Thus, *Athletes* who are not entirely satisfied with a sanction but decide that they would rather live with it rather than going through the hardships of additional proceedings might consider filing «preemptively» an appeal for fear that they would lose the possibility to bring their own claims (for example, to shorten or remove the sanction entirely) should another party later decide to appeal¹⁸⁴.

[Rz 197] During the Code revision process, the WADA Code

¹⁷⁸ Comment to Article 8.5 of the 2015 WADA Code final version 4.0 provides in part: «In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case *de novo* before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the *Athlete* or *Anti-Doping Organizations* to incur the extra expense of two hearings.»

¹⁷⁹ See, e.g. 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 9, (International Shooting Sport Federation/Doris Fischl); 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 10, (International Triathlon Union/Leslie Buchanan).

¹⁸⁰ See, e.g. 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 11, (Ministry of Culture, Denmark/Bente Skovgaard Kristensen).

¹⁸¹ 2015 WADA Code Review, 3rd Phase, Comment to Article 8, p. 10, (UCI/Philippe Verbiest).

¹⁸² The term «2013 CAS Code» refers to the version that came into effect on March 1, 2013.

¹⁸³ Each International Federation has its own time limits for appeals and Article 13.2.3 of the 2015 WADA Code final version 4.0 allows WADA «[t]wenty-one (21) days after the last day on which any other party in the case could have appealed».

¹⁸⁴ ANTONIO RIGOZZI, The recent revision of the Code of sports-related arbitration (CAS Code), in: Jusletter 13 September 2010, paras. 40–42.

drafters sought to remedy this peculiarity. In the 2015 WADA Code version 1.0, WADA added a provision that allowed an *Athlete* or other *Person* a second opportunity to appeal, should another party place an appeal after the *Athlete's* initial time limit had expired. In version 2.0, this provision was removed and a new provision was inserted that served essentially the same purpose, but described the right as a cross appeal rather than a «second appeal opportunity». This provision was not changed in version 3.0. In final version 4.0, the provision was amended to include «subsequent appeals» in addition to cross appeals, likely having regard to the frequent multipartite character of doping cases. In addition, the language was clarified to provide that the cross or subsequent appeal must be brought in a party's answer.

[Rz 198] The Comment to this new provision makes it clear that the provision was added in direct response to the perceived lacuna in the CAS rules and out of the concern to provide parties to an anti-doping arbitration the opportunity for a full hearing¹⁸⁵.

[Rz 199] The main question that the new Article 13.2.4 raises relates to its interaction with the 2013 CAS Code. In other words, is CAS legally bound to apply this provision, and if not, would CAS panels nevertheless apply it voluntarily even though the 2013 CAS Code specifically does not grant this right¹⁸⁶? This question points to the more general issue of whether parties may submit to the arbitration rules of an institution while simultaneously departing from certain provisions of these rules. According to R27 of the 2013 CAS Code, its rules apply «whenever parties have agreed to refer a sports-related dispute to CAS». There are no provisions in the 2013 CAS Code, however, that place any express limits on the parties' autonomy to modify these procedural rules. Further, in arbitration, in general, parties are afforded a great deal of procedural autonomy. As one commentator explains, «[t]he only exception to the parties» ultimate procedural autonomy is where the parties» agreement on arbitral procedures violates mandatory rules of procedural fairness and equality, denying one party the opportunity to be heard»¹⁸⁷. A second question is which set of rules should prevail if the departure from the arbitration rules is merely agreed upon by reference to sports regulations. Finally, the question is whether the solution should be different if the parties' agreement attempts to expand (not contract) the procedural rights of the parties.

[Rz 200] Only future CAS awards will procure a definite

answer to these questions. While there are potentially some aspects of the CAS Code that would be treated as a mandatory precursor of requesting arbitration at CAS, the authors fails to see how one can reasonably consider the possibility to bring cross appeals as such.

7.4. *De Novo* Hearings

[Rz 201] Two other new provisions of the 2015 WADA Code deal with the scope of CAS panels' power of review and the principle of *de novo* hearings at CAS.

[Rz 202] Article 13.1.1 «Scope of Review Not Limited» reads as follows:

«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».

[Rz 203] Article 13.1.2 «CAS Shall not Defer to the Findings Being Appealed» reads as follows:

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

[Rz 204] The history of the revision process shows a gradual attenuation of these provisions. Article 13.1.1 of the 2015 WADA Code version 1.0 set forth from the outset that the scope of review of CAS panels in appeal proceedings is not limited to what was considered by or brought before the initial hearing body. In Article 13.1.2, CAS was instructed that it «shall not give deference to the findings made, or discretion exercised, by the body whose decision is being appealed». A Comment was also added that the CAS panel's findings in the *Jessica Hardy* award regarding *de novo* trials was rejected. While this formulation did receive some support in the stakeholders' comments¹⁸⁸, it was also criticized for overstepping into an area that should be handled by CAS itself, as well as for overly restrictive language. One stakeholder made the point that it was inappropriate to forbid CAS from deferring to lower decisions, even when they might be perfectly acceptable¹⁸⁹.

[Rz 205] In the 2015 WADA Code version 2.0, the reference to the *Jessica Hardy* case was removed, but otherwise both provisions remained unchanged. The stakeholder comments remained fairly uniformly negative in regards to Article 13.1.2's attempt to outright forbid CAS from deferring to lower decisions at its discretion¹⁹⁰. Some stakeholders restated

¹⁸⁵ The text of the Comment to Article 13.2.4 of the 2015 WADA Code final version 4.0 reads as follows: «This provision is necessary because since 2011, CAS rules no longer permit an *Athlete* the right to cross appeal when an *Anti-Doping Organization* appeals a decision after the *Athlete's* time for appeal has expired. This provision permits a full hearing for all parties.»

¹⁸⁶ This concern was also voiced by a stakeholder in: 2015 WADA Code Review, 3rd Phase, Comment to Article 13, p. 3, (UCI/Philippe Verbiest).

¹⁸⁷ GARY BORN, *International Commercial Arbitration*, p. 1756 (Kluwer Law International; Aspen Publishers, 2009).

¹⁸⁸ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 13, p. 3, (Canadian Centre for Ethics in Sport/Elizabeth Hindle).

¹⁸⁹ See, e.g., 2015 WADA Code Review, 2nd Phase, Comment to Article 13, p. 3, (UCI/Philippe Verbiest).

¹⁹⁰ See, e.g., 2015 WADA Code Review, 3rd Phase, Comment to Article 13, p. 2, (Institute of NADOs/Joseph de Pencier); 2015 WADA Code Review, 3rd Phase, Comment to Article 13, p. 2, (USADA/Molly Tomlinovic).

their general concern about WADA's attempted foray into the domain of CAS by explicitly overriding CAS' own procedural rules¹⁹¹.

[Rz 206] In version 3.0, the title of the provision remained «CAS Shall Not Defer to the Findings Being Appealed», however the text was adjusted to read that «CAS need not give deference» to the decisions under appeal. In the final version 4.0, only minor changes were made to the syntax.

[Rz 207] These two amendments are an illustration to the difficulties in reaching legally sound solutions on highly political issues.

[Rz 208] The new Article 13.1.1 has the potential to cover two sets of issues. The reference to all the «issues relevant» to the matter goes to the scope of the subject matter before the CAS panel and might serve to prevent future arguments by *Athletes* that a CAS panel should not accept to go into the merits of a case when the initial hearing body merely declined its jurisdiction, without assessing the matter. The reference to the «scope of review» merely appears to reinforce the well-established rule of the CAS Code that CAS panels conduct a full review of the matter on the facts and on the law.

[Rz 209] As can be deduced from the reference to the *Hardy* award, Article 13.1.2 seems to be directed at avoiding CAS panels deferring to the proportionality assessment of a federation's initial hearing body when determining the severity of the sanction, unless the sanction was «grossly» disproportionate. In its final wording («need not»), this provision is unlikely to exert much constraint on CAS panels. In any event, the significance of the new provision in this respect is likely to remain limited, since in the meantime CAS panels have considerably attenuated the findings of the *Hardy* award, by clarifying that there is no true deference beyond the traditional self-restraint of a judicial body reviewing a well-reasoned decision rendered by a body endowed with a special technical expertise¹⁹².

[Rz 210] One question that is likely to arise in future CAS proceedings is the relationship of the new Articles 13.1.1 and 13.1.2 with a CAS panel's discretion to exclude evidence provided for in the 2013 CAS Code. Indeed, as of March 1, 2013, language has been added to Article R57 of the CAS Code as follows: «The Panel has discretion to exclude evidence presented by the parties if it was available to them or could reasonably have been discovered by them before the challenged decision was rendered». This provision has been questioned for its relationship with the cornerstone principle

of a CAS panel's *de novo* review and for its compliance with effective access to justice¹⁹³.

[Rz 211] It should also be noted that the amendments to the WADA Code were introduced in the revision process before the 2013 CAS Code came into force, so that it is unclear to what extent they can be interpreted as curtailing the discretion of CAS panels to exclude evidence in doping matters. However, even if Articles 13.1.1 and 13.1.2 of the 2015 WADA Code were not sufficient to ensure a *de novo* review in all circumstances, there are other compelling reasons that might cause CAS panels to hesitate before accepting restrictions to *de novo* nature of appeal proceedings. The fact that CAS affords the parties a *de novo* review is one of the characteristics that the Swiss Federal Supreme Court has relied upon, along with its independence from International Federations, in affirming CAS' legal status as an independent «genuine» arbitral court¹⁹⁴. Such *de novo* review by a judicial body is also a requirement for an effective access to justice and valid waiver to the protection of state courts to be recognized under Article 6.1 of the ECHR.

Conclusion

[Rz 212] WADA has been generous with figures designed to demonstrate the impact of the revision process on the fight against doping. Thus, the Overview announces that were 2,269 amendments made to 2009 WADA Code with over fifty different working drafts considered¹⁹⁵. As impressive as these numbers may be, only a detailed assessment of the actual solutions adopted as an outcome of the revision process can give an appropriate view of the success of the enterprise.

[Rz 213] As mentioned in the Introduction, the goal of this article was to assess to what extent the revision lives up to its promises of a smarter, fairer and clearer Code. Though this article only captured the main changes, nevertheless, some general comments can be made about the revision.

A Smarter Code?

[Rz 214] WADA's ambition to increase the effectiveness of *Doping Control* is apparent in many aspects of the Code revision. The emphasis put on intelligence gathering and investigations, better role allocation among ADOs, as well as enhanced cooperation between ADOs and public authorities

¹⁹¹ 2015 WADA Code Review, 3rd Phase, Comment to Article 13, p. 1, (Norwegian Olympic and Paralympic Committee and Confederation of Sports/Henriette Hillestad Thune); 2015 WADA Code Review, 3rd Phase, Comment to Article 13, p. 1, (Antidoping Switzerland/Matthias Kamber).

¹⁹² CAS 2012/A/2804, *Kutrovsky v. ITF*, 3 October 2012, para. 9.2.

¹⁹³ See ANTONIO RIGOZZI, ERIKA HASLER & BRIANNA QUINN, The 2011, 2012 and 2013 revisions to the Code of Sports-related Arbitration, in: JUSLETTER 3 JUNE 2013, PARAS. 71-73.

¹⁹⁴ See, e.g., Decisions of the Swiss Federal Supreme Court, 4P.267/2002 to 4P.270/2002, *Lazutina et al. v. IOC*, 27 May 2003, reported in: The Court of Arbitration for Sport – 1984-2004, cit., pp. 522 et seq. at p. 531 («As a body which reviews the facts and the law with full powers of investigation and complete freedom to issue a new decision in place of the body that gave the previous ruling is more akin to a judicial authority independent of the parties»).

¹⁹⁵ Overview, *supra* note 4, at p. 1.

show a real commitment towards a system characterized by greater «professionalism». These amendments point in the right direction, to the extent that they tend to move the target of anti-doping activities away from being able to publicly demonstrate a compliance with the requirements of the Code towards genuinely identifying and addressing the real problems with the appropriate instruments. The future will show whether ADOs will show both willingness and ability to take this direction.

[Rz 215] The drawback to this evolution is that each amendment that makes the fight against doping more effective tends to make it more intrusive. Unquestionably, the fight against doping will continue to have to deal with questions of privacy, data protection and scientific integrity of its processes. The conflicts arising therefrom can only be resolved through weighing the interests at stake, and, ultimately through the test of proportionality.

A Clearer Code?

[Rz 216] The 2015 revision process unquestionably removed a number of uncertainties, redundancies and unnecessary complications that the 2009 WADA Code suffered from. It is equally true, however, that a number of incoherencies were not addressed, that some amendments are likely to trigger considerable difficulties in their implementation, and that various provisions continue to raise real questions of interpretation.

[Rz 217] The best illustration that culminates all these shortcomings is the revision of Article 23.2.2, which addresses the WADA Code *Signatories'* obligations regarding the treatment of the «Comments» that accompany certain provisions of the Code. Apart from creating further terminological inconsistencies, the Code revision has not altered the legal effect of these Comments, which remain a purely interpretative aid. The only difference is that ADOs are no longer required to reproduce the text of the Comments in their anti-doping rules, but may limit themselves to including a sentence to acknowledge these Comments and their status under the WADA Code. This means that the actual text of the Comments may no longer appear in the anti-doping regulations *Athletes* or other *Persons* submit to. The effect of this amendment is difficult to predict and will depend on the reaction of CAS panels. These panels will have to choose between two attitudes: either to consider that the new solution diminishes the legal value of the Comments or to officially validate the reduction in the *Athlete's* protection, in that *Athletes* would be deemed to be knowledgeable of Comments that do not appear in the anti-doping regulations they agreed to.

A Fairer Code?

[Rz 218] The most obvious expression of the ambition to create a fairer Code is to be found in the modification of the sanctioning regime, announced as a decisive step towards targeting and imposing harsh punishments for real cheats

while offering more flexibility to adjust sanctions for inadvertent anti-doping rule violations. One will have to await the concrete application of the revised Code by CAS panels to assess whether the ambition is truly achieved and whether the new rules provide noticeable improvement compared to the system defined by the 2009 WADA Code.

[Rz 219] The distinctive feature of this second Code revision is that it was placed under the symbolic dominion of «human rights». As for previous Code editions, a legal opinion was obtained to ensure the Code's compliance with recognized principles of international law and human rights. More importantly, for the first time, statements have been inserted into the introductory portions of the Code to convey the need to align anti-doping activities with human rights. A similar statement is included in the 2015 International Standards¹⁹⁶. Furthermore, the fair hearing provision has been added a reference to the due process requirements of the ECHR.

[Rz 220] The application of human rights principles is a debated topic in anti-doping. The commitment of the WADA Code drafters to voluntarily align the WADA Code with the tenets of human rights law is certainly a welcome move. The amendments provide an important message to stakeholders that the rights of those accused of anti-doping rule violations are paramount and should not be disregarded. They are also useful in the sense that they can provide a basis for CAS panels to depart from the strict language of the Code in circumstances where it is necessary to do so in order to ensure compliance with procedural safeguards or other basic rights. On the whole, however, the references to human rights and the ECHR remain either purely aspirational or too vague to provide concrete guidance to ADOs to design their disciplinary process. Hearing bodies faced with doping matters need to keep in mind that their true priority is to grant adequate protection to the *Athletes* or other *Persons*, regardless of the debate surrounding the legal sources of such protection.

Annex

Annex: 2015 WADA Code Revision Process Summary

This article has been prepared as part of an ongoing Swiss National Science Foundation (SNSF) research project for a Commentary of the WADA Code.

ANTONIO RIGOZZI is the head of the SNSF research project at the University of Neuchâtel, Switzerland, where he is a professor of law, in particular in the fields of doping and international arbitration. He is also a partner at Lévy Kaufmann-Kohler, a

¹⁹⁶ «Like the Code, the International Standard for Testing and Investigations has been drafted giving due consideration to the principles of respect for human rights, proportionality, and other applicable legal principles. It shall be interpreted and applied in that light».

Geneva law firm with a special expertise in international arbitration, including sports arbitration.

MARJOLAINE VIRET is an attorney-at-law who specializes in sports and health law, with experience in sports arbitration and legal advice on doping matters. She currently participates in the SNSF research project as a doctoral researcher.

EMILY WISNOSKY is an attorney-at-law and licensed civil engineer. She currently participates in the SNSF research project as a doctoral researcher.

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2015 WADA Code Revision Process Summary*

Article Number	2015 WADA Code version 1.0	2015 WADA Code version 2.0	2015 WADA Code version 3.0	2015 WADA Code version 4.0
Intro - "The Code" (p.1) <i>(Note – only selected passages from the introduction and Part One are shown)</i>	The Code shall be applied in a manner that respects the principles of proportionality and human rights.	The Code shall be applied in a manner that respects has been drafted giving consideration to the principles of proportionality and human rights and is presumed to be in accord with those principles.	The Code has been drafted giving consideration to the principles of proportionality and human rights and is presumed to be in accord with these principles.	The Code has been drafted giving consideration to the principles of proportionality and human rights.
Part one – Doping Control (p.4)	All provisions of the Code (including comments) are mandatory in substance and must be followed as applicable by each Anti-Doping Organization and Athlete or other Person.	All provisions of the Code (including comments) are mandatory in substance and must be followed as applicable by each Anti-Doping Organization and Athlete or other Person.	All provisions of the Code (including comments) are mandatory in substance and must be followed as applicable by each Anti-Doping Organization and Athlete or other Person.	All provisions of the Code are mandatory in substance and must be followed as applicable by each Anti-Doping Organization and Athlete or other Person.
Comment to Part one – Doping Control	[Comment: By their participation in sport, Athletes are bound by the competitive rules of their sport. In the same manner, Athletes and Athlete Support Personnel should be bound by anti-doping rules based on Article 2 of the Code by virtue of their agreements for membership, accreditation, or participation in sports organizations or sports Events subject to the Code. Each Signatory, however, shall take the necessary steps to ensure that all Athletes and Athlete Support Personnel within its authority are bound by the relevant Anti-Doping Organization's anti-doping rules.]	[Comment: By their participation in sport, Athletes are bound by the competitive rules of their sport. In the same manner, Athletes and Athlete Support Personnel should be bound by anti-doping rules based on Article 2 of the Code by virtue of their agreements for membership, accreditation, or participation in sports organizations or sports Events subject to the Code. Each Signatory, however, shall take the necessary steps to ensure that all Athletes and Athlete Support Personnel within its authority are bound by the relevant Anti-Doping Organization's anti-doping rules.]	[Comment: By their participation in sport, Athletes are bound by the competitive rules of their sport. In the same manner, Athletes and Athlete Support Personnel should be bound by anti-doping rules based on Article 2 of the Code by virtue of their agreements for membership, accreditation, or participation in sports organizations or sports Events subject to the Code. Each Signatory, however, shall take the necessary steps to ensure that all Athletes and Athlete Support Personnel within its authority are bound by the relevant Anti-Doping Organization's anti-doping rules.]	
Part one – Doping Control (p.5)	These sport-specific rules and procedures aimed at enforcing anti-doping rules in a global and harmonized way are distinct in nature from and are, therefore, not intended to be subject to or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware and respect the distinct nature of the anti-doping rules in the Code and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.	These sport-specific rules and procedures aimed at enforcing anti-doping rules in a global and harmonized way are distinct in nature from criminal and civil proceedings. They are, therefore, not intended to be subject to or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels	These sport-specific rules and procedures aimed at enforcing anti-doping rules in a global and harmonized way are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware and respect the distinct nature of the anti-doping rules in the Code and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.	These sport-specific rules and procedures aimed at enforcing anti-doping rules in a global and harmonized way are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware and respect the distinct nature of the anti-doping rules in the Code and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.
1	Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8.2.10 of the Code.	Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of the Code.	Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of the Code.	Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of the Code.
2	[Comment "a" to Article 2: The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will	The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the	The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the	The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the

*NOTE

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	<p>proceed based on the assertion that one or more of these specific rules has been violated.]</p> <p>Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.</p> <p>The following constitute anti-doping rule violations:</p>	<p>assertion that one or more of these specific rules has been violated.</p> <p>Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.</p> <p>The following constitute anti-doping rule violations:</p>	<p>assertion that one or more of these specific rules has been violated. Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List. The following constitute anti-doping rule violations:</p>	<p>assertion that one or more of these specific rules has been violated Athletes or other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List. The following constitute anti-doping rule violations:</p>
2.1	2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.	2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.	2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.	2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.
2.1.1	2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.	2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.	2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.	2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.
Comment to 2.1.1	<p>[Comment to Article 2.1.1: For purposes of anti-doping rule violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), the Code adopts the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, an Athlete is responsible, and an anti-doping rule violation occurs, whenever a Prohibited Substance is found in an Athlete's Sample. The violation occurs whether or not the Athlete intentionally or unintentionally Used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-Competition test, then the results of that Competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the Athlete then has the possibility to avoid or reduce sanctions if the Athlete can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his or her sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).This Article and Article 2.2 shift the burden to the Athlete to establish No Fault or Negligence in order to avoid the finding of an anti-doping rule violation. This principle has been consistently upheld in the decisions of CAS and provides a fair balance between effective anti-doping enforcement for the benefit of "clean" Athletes while also protecting those Athletes who are truly innocent. This rule has been referred to in various CAS decisions as "Strict Liability".]</p> <p>The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or</p>	<p>[Comment to Article 2.1.1: This Article and Article 2.2 shift the burden to the Athlete to establish No Fault or Negligence in order to avoid the finding of anAn anti-doping rule violation. This principle has been consistently upheld in the decisions of CAS and provides a fair balance between effective anti-doping enforcement for the benefit of "clean" Athletes while also protecting those Athletes who are truly innocent is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]</p>	<p>[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]</p>	<p>[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]</p>

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	Negligence on the Athlete's part. It is important to emphasize that while the determination of whether the anti-doping rule violation has occurred is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in the Code has been consistently upheld in the decisions of CAS.]			
2.1.2	2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.	2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.	2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample.	2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; or, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the Presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.
Comment to 2.1.2	[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]	[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]	[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]	[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]
2.1.3	2.1.3.1.2 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.	2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.	2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.	2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.
2.1.4	2.1.4.2.1.3 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.	2.1.3.2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.	2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.	2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.
2.2	2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.	2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.	2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.	2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.
Comment to 2.2	[Comment "b" to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2 (Methods of Establishing Facts and Presumptions), unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]	[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2 (Methods of Establishing Facts and Presumptions), unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]	[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2 (Methods of Establishing Facts and Presumptions), 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]	[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

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2.2.1	2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used . Accordingly, it is not necessary that intent, fault Fault , negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping violation for Use of a Prohibited Substance or a Prohibited Method.	2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping violation for Use of a Prohibited Substance or a Prohibited Method.	2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.	2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.
2.2.2	2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.	2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.	2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.	2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.
Comment to 2.2.2	[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the strict liability Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.)]	[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 (Presence of a Prohibited Substance) regardless of when that substance might have been administered.)]	[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 (Presence of a Prohibited Substance) regardless of when that substance might have been administered.)]	[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered.)]
2.3	Refusing Evading Sample Collection. Evading Sample collection or refusing or failing without compelling justification to submit to Sample collection after notification as authorized in applicable anti-doping rules, or otherwise evading Sample collection.	2.3 Evading or Refusing Sample Collection. Evading or refusing Sample collection or refusing or failing without compelling justification to submit to Sample collection after notification as authorized in applicable anti-doping rules.	2.3 Evading or , Refusing or Failing to Submit to Sample Collection. Evading or refusing Sample collection, or refusing or failing without compelling justification to submit to Sample collection after notification as authorized in applicable anti-doping rules.	2.3 Evading, Refusing or Failing to Submit to Sample Collection. Evading Sample collection, or refusing or failing without compelling justification refusing or failing to submit to Sample collection after notification as authorized in applicable anti-doping rules.
Comment to 2.3	[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.]	[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]	[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was hiding from deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while ""evading"" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]	[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]
2.4	2.4 Filing Failures and Missed Tests . Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing, including failure to file required whereabouts information and missed tests	2.4 Filing Failures and Missed Tests. Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing, including failure to file required whereabouts information and missed tests	2.4 Filing Whereabouts Failures and Missed Tests . Any combination of three Missed Tests and/or Filing Failures, as defined in the International Standard for Testing and Investigations , within a twelve-month period, shall	2.4 Whereabouts Failures. Any combination of three Missed Tests and/or Filing Failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an

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	which are declared based on rules which comply with the International Standard for Testing. Any combination of three missed tests and/or filing failures within an eighteen twelve -month period as determined by Anti-Doping Organizations with jurisdiction over the Athlete shall constitute an anti-doping rule violation.	which are declared based on rules which comply with Any combination of three Missed Tests and/or Filing Failures, as defined in the International Standard for Testing. Any combination of three missed tests and/or filing failures, within a twelve-month period as determined by Anti-Doping Organizations with jurisdiction over the Athlete, shall constitute an anti-doping rule violation. The Athlete's International Federation or National Anti-Doping Organization have authority to determine Filing Failures. Any Anti-doping Organization with Testing authority over the Athlete has authority to determine that one of its attempted tests has been missed.	constitute an anti-doping rule violation. The Athlete's International Federation or National Anti-Doping Organization have authority to determine Filing Failures. Any Anti-doping Organization with Testing authority over the Athlete has authority to determine that one of its attempted tests has been missed. by an Athlete in a Registered Testing Pool.	Athlete in a Registered Testing Pool.
Comment to 2.4 (versions 1.0 and 2.0 only)	[Comment to Article 2.4: Athletes in the High Priority Athlete Pool of an International Federation or National Anti-Doping Organization are required by the Code to provide whereabouts information. As provided in the International Standard for Testing, High Priority Athlete Pools are expected to be proportionate as necessary to conduct an effective Testing program using the whereabouts information provided. Separate whereabouts filing failures and missed tests declared under the rules of the Athlete's International Federation or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5. The International Standard for Testing gives discretion to Anti-Doping Organizations to define in their own rules whether Athletes who are not in the High Priority Athlete Pool will be required to provide some level of whereabouts information.]	[Comment to Article 2.4: Athletes in the High Priority Athlete Registered Testing Pool of an International Federation or National Anti-Doping Organization are required by the Code to provide whereabouts information. As provided as set out in the International Standard for Testing, High Priority Athlete Pools are expected to WADC 2015 – Draft - Version 1.02.0 9 be proportionate as necessary to conduct an effective Testing program using the whereabouts information provided. Separate whereabouts filing failures and missed tests Filing Failures and Missed Tests declared under the rules of the Athlete's International Federation or National Anti-Doping Organization (in the case of Filing Failures) or by any other Anti-Doping Organization with Testing authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing over the Athlete (in the case of Missed Tests) shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures a Missed Test or a Filing Failure may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5. The International Standard for Testing gives discretion to Anti-Doping Organizations to define in their own rules whether Athletes who are not in the High Priority Athlete Pool will be required to provide some level of whereabouts information.]	[Comment to Article 2.4: Athletes in the Registered Testing Pool of an International Federation or National Anti-Doping Organization are required by the Code to provide whereabouts information as set out in the International Standard for Testing. Separate Filing Failures and Missed Tests declared under the rules of the Athlete's International Federation or National Anti-Doping Organization (in the case of Filing Failures) or by any Anti-Doping Organization with Testing authority over the Athlete (in the case of Missed Tests) shall be combined in applying this Article. In appropriate circumstances, a Missed Test or a Filing Failure may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]	
2.5	2.5 Tampering or Attempted Tampering with any part of Doping Control.	2.5 Tampering or Attempted Tampering with any part of Doping Control. [Comment to Article 2.5: This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods (for.	2.5 Tampering or Attempted Tampering with any part of Doping Control. 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, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organization or intimidating or attempting to intimidate a potential witness.	2.5 Tampering or Attempted Tampering with any part of Doping Control. 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, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organization or intimidating or attempting to intimidate a potential witness.
Comment to 2.5	[Comment to Article 2.5: This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For (for example, altering identification numbers on a Doping Control form during Testing, breaking the B Bottle at the time of B Sample analysis or providing fraudulent information to an Anti-Doping Organization).] Offensive conduct towards a Doping Control Official or other Person involved in Doping Control which does not otherwise	[Comment to Article 2.5: For example, this Article prohibits altering identification numbers on a Doping Control form during Testing or, breaking the B bottle at the time of B Sample analysis, providing fraudulent information to an Anti-Doping Organization).], or interfering with a Doping Control official. Offensive conduct towards a Doping Control Official or other Person involved in Doping Control which does not otherwise constitute Tampering should shall be addressed in	[Comment to Article 2.5: For example, this Article prohibits would also prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, providing fraudulent information to an Anti-Doping Organization, or interfering with a Doping Control official or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise	[Comment to Article 2.5: For example, this Article would also prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. 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

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	constitute Tampering should be addressed in the disciplinary rules of sport organizations.]	the disciplinary rules of sport organizations.]	constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]	rules of sport organizations.]
2.6	2.6 Possession of Prohibited Substances and Prohibited Methods a Prohibited Substance or a Prohibited Method.	2.6 Possession of a Prohibited Substance or a Prohibited Method.	2.6 Possession of a Prohibited Substance or a Prohibited Method.	2.6 Possession of a Prohibited Substance or a Prohibited Method.
2.6.1	2.6.1 Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is pursuant to a therapeutic use exemption granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.	2.6.1 Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is pursuant to consistent with a therapeutic use exemption granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.	2.6.1 Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a therapeutic use exemption granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.	2.6.1 Possession by an Athlete In-Competition of any Prohibited Method Substance or any Prohibited Substance Method , or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a therapeutic use exemption (" TUE ") granted in accordance with Article 4.4 or other acceptable justification.
2.6.2	2.6.2 Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a therapeutic use exemption granted to an Athlete in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.	2.6.2 Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to consistent with a therapeutic use exemption granted to an Athlete in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.	2.6.2 Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is consistent with a therapeutic use exemption granted to an Athlete in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.	2.6.2 Possession by an Athlete Support Personnel In-Competition of any Prohibited Method Substance or any Prohibited Substance Method , or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is consistent with a therapeutic use exemption TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.
Comment to 2.6.1 and 2.6.2	[Comment to Article 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]	[Comment to Article 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]	[Comment to Article 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]	[Comment to Article 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]
Comment to 2.6.2	[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]	[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]	[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]	[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]
2.7	2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.	2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method	2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method	2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.
2.8	2.8 Administration or Attempted administration Administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substance, or administration Administration or Attempted administration Administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition, or assisting .	2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substance, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition.	2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substance, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition.	2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Method Substance or Prohibited Substance Method , or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition.
2.9	2.9 Complicity in an Anti-Doping Rule Violation. Assisting , encouraging, aiding, abetting, conspiring , covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.	2.9 Complicity in an Anti-Doping Rule Violation. Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation by another Person .	2.9 Complicity in an Anti-Doping Rule Violation. Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation by another Person.	2.9 Complicity in an Anti-Doping Rule Violation . Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation or any , Attempted anti-doping rule violation or violation of Article 10.12.1 by another Person.

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2.10	<p>2.10 Prohibited Association</p> <p>Association by an Athlete in a professional or sport-related capacity with any Athlete Support Personnel who is serving a period of Ineligibility or who has been found in a criminal or disciplinary proceeding to have been involved with doping where the Athlete knew or should have known of the Athlete Support Personnel's disqualifying status.</p>	<p>2.10 Prohibited Association.</p> <p>Association by an Athlete in a professional or sport-related capacity with any Athlete Support Personnel who:</p> <p>(i) is serving a period of Ineligibility; or who</p> <p>(ii) has been found in a criminal or, disciplinary or professional proceeding within the previous eight years to have been involved with doping where the Athlete knew or should have known in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person.</p> <p>In order for this provision to apply, it is necessary that the Athlete has previously been advised in writing by an Anti-Doping Organization with jurisdiction over the Athlete, or by WADA, of the Athlete Support Personnel's disqualifying status.</p>	<p>2.10 Prohibited Association.</p> <p>Association by an Athlete or other Person subject to the authority of an Anti-Doping Organization in a professional or sport-related capacity with any Athlete Support Personnel who:</p>	<p>2.10 Prohibited Association.</p> <p>Association by an Athlete or other Person subject to the authority of an Anti-Doping Organization in a professional or sport-related capacity with any Athlete Support Personnel who:</p>
2.10.1			(i) 2.10.1 is serving a period of Ineligibility; or	2.10.1 if subject to the authority of an Anti-Doping Organization, is serving a period of Ineligibility; or
2.10.2			(ii) has been 2.10.2 where Ineligibility has not been addressed in a results management process pursuant to the Code has been convicted or found in a criminal, disciplinary or professional proceeding within the previous eight years to have been involved engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. (the prohibited status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed); or	2.10.2 if not subject to the authority of an Anti-Doping Organization and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person (the prohibited. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed); or
2.10.3			2.10.3 is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.	2.10.3 is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.
2.10, cont'd.			<p>In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by an Anti-Doping Organization with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Personnel's disqualifying status. and the potential Consequence of prohibited association and that the Athlete or other Person cannot reasonably avoid the association. The Anti-Doping Organization shall also use reasonable efforts to advise the Athlete Support Personnel who is the subject of the notice to the Athlete or other Person that the Athlete Support Personnel may, within 15 days, come forward to the Anti-Doping Organization to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her.</p> <p>The burden shall be on the Athlete or other Person to establish that any association with Athlete Support Personnel described in Articles 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.</p> <p>Anti-Doping Organizations that are aware of Athlete Support Personnel who meet the criteria described in Articles 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.</p>	<p>In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by an Anti-Doping Organization with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Personnel's disqualifying status and the potential Consequence of prohibited association and that the Athlete or other Person cannot can reasonably avoid the association. The Anti-Doping Organization shall also use reasonable efforts to advise the Athlete Support Personnel who is the subject of the notice to the Athlete or other Person that the Athlete Support Personnel may, within 15 days, come forward to the Anti-Doping Organization to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the Athlete Support Personnel's disqualifying conduct occurred prior to the effective date provided in Article 25.) The burden shall be on the Athlete or other Person to establish that any association with Athlete Support Personnel described in Articles 2.10.1 or 2.10.2 is not in a professional or sport-related capacity. Anti-Doping Organizations that are aware of Athlete Support Personnel who meet the criteria described in Articles 2.10.1,</p>

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				2.10.2, or 2.10.3 shall submit that information to WADA.
Comment to 2.10	[Comment to Article 2.10: For example, Athletes should not be working with coaches or trainers who are Ineligible on account of doping. Similarly, they should not be associated with physicians or other Persons who have been identified as involved with doping in criminal or professional disciplinary proceedings.]	[Comment to Article 2.10: For example, Athletes should not be working with coaches or trainers who are Ineligible on account of an anti-doping rule violation. Similarly, they should not be associated with physicians or other Persons who have been identified as involved with doping in criminal or professional disciplinary proceedings criminally convicted or professionally disciplined in relation to doping.]	[Comment to Article 2.10: For example, Athletes should and other Persons must not be working with coaches or , trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation. Similarly, they should not be associated with physicians or other Persons or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Personnel to serve as an agent or representative. Prohibited association need not involve any form of compensation.]	[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Personnel to serve as an agent or representative. Prohibited association need not involve any form of compensation.]
<i>Comment to 2 (2009 version only)</i>	[Comment to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, a sport organization may adopt its own rules which prohibit such conduct.]			
3	ARTICLE 3 PROOF OF DOPING	ARTICLE 3 PROOF OF DOPING	ARTICLE 3 PROOF OF DOPING	ARTICLE 3 PROOF OF DOPING
3.1	3.1 Burdens and Standards of Proof. The Anti-Doping Organization shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Anti-Doping Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which 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. Where the Code places the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6 where the Athlete or other Person must satisfy a higher burden of proof.	3.1 Burdens and Standards of Proof. The Anti-Doping Organization shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Anti-Doping Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which 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. Where the Code places the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6 where the Athlete or other Person must satisfy a higher burden of proof.	3.1 Burdens and Standards of Proof. The Anti-Doping Organization shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Anti-Doping Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which 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. Where the Code places the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.	3.1 Burdens and Standards of Proof. The Anti-Doping Organization shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Anti-Doping Organization has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which 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. Where the Code places the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.
Comment to 3.1	[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]	[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]	[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]	[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]
3.2	3.2 Methods of Establishing Facts and Presumptions. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:	3.2 Methods of Establishing Facts and Presumptions. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:	3.2 Methods of Establishing Facts and Presumptions. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:	3.2 Methods of Establishing Facts and Presumptions. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:
Comment to 3.2	[Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Athlete's	[Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use) based on the Athlete's admissions, the credible testimony of third	[Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use) based on the Athlete's admissions, the credible testimony of third	[Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary

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	admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2 , or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as the Athlete Biological Passport.]	Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2 , or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]	Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]	evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]
3.2.1			3.2.1 Analytical methods or decision limits approved by WADA, after providing an opportunity for public comment and which have been the subject of peer review are presumed to be scientifically valid. In any case before CAS where the scientific validity of a method or decision limit approved by WADA has been challenged, the CAS panel shall inform WADA of the challenge and shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. WADA, at its option, shall have the right to intervene as a party or otherwise provide evidence in such proceeding.	3.2.1 Analytical methods or decision limits approved by WADA, after providing an opportunity for public comment after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. In any case before CAS where the Any Athlete or other Person seeking to rebut this presumption of scientific validity of a method or decision limit approved by WADA has been challenged, the CAS panel shall inform WADA of the challenge and shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. WADA, at its option, shall Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.
3.2.2	3.2.1 WADA-accredited laboratories, and other laboratories approved by WADA , are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.	3.2.1 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.	3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.	3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.
Comment to 3.2.2	[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]	[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]	[Comment to Article 3.2.13.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]	[Comment to Article 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]
3.2.3	3.2.2 Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Athlete or other Person establishes that a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused the Adverse Analytical Finding or other anti-doping rule violation occurred, then the	3.2.2 Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Athlete or other Person establishes that a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused the an anti-doping rule violation based on an Adverse Analytical Finding or other	3.2.23.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or otherwise which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Athlete or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an	3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or otherwise Anti-Doping Organization rules which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Athlete or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping

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	Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.	anti-doping rule violation occurred , then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.	Adverse Analytical Finding or other anti-doping rule violation, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.	rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then the Anti-Doping Organization shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.
3.2.4	3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.	3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.	3.2.33.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.	3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.
3.2.5	3.2.4 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation based on the Athlete's or other Person's refusal, 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 from the hearing panel or the Anti-Doping Organization asserting the anti-doping rule violation.	3.2.4 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation based on the Athlete's or other Person's refusal, 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 from the hearing panel or the Anti-Doping Organization asserting the anti-doping rule violation.	3.2.43.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation based on the Athlete's or other Person's refusal, 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 from the hearing panel or the Anti-Doping Organization asserting the anti-doping rule violation.	3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation based on the Athlete's or other Person's refusal, 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 from the hearing panel or the Anti-Doping Organization asserting the anti-doping rule violation.
<i>Comment to 3.2.4 (2009 version only)</i>	[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognized in numerous CAS decisions.]			
4	ARTICLE 4 THE PROHIBITED LIST	ARTICLE 4 THE PROHIBITED LIST	ARTICLE 4 THE PROHIBITED LIST	ARTICLE 4 THE PROHIBITED LIST
4.1	4.1 Publication and Revision of the Prohibited List. WADA shall, as often as necessary and no less often than annually, publish the Prohibited List as an International Standard. The proposed content of the Prohibited List and all revisions shall be provided in writing promptly to all Signatories and governments for comment and consultation. Each annual version of the Prohibited List and all revisions shall be distributed promptly by WADA to each Signatory, WADA-accredited laboratory, and government, and shall be published on WADA's Web site, and each Signatory shall take appropriate steps to distribute the Prohibited List to its members and constituents. The rules of each Anti-Doping Organization shall specify that, unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Organization's rules three (3) months after publication of the Prohibited List by WADA without requiring any further action by the Anti-Doping Organization.	4.1 Publication and Revision of the Prohibited List. WADA shall, as often as necessary and no less often than annually, publish the Prohibited List as an International Standard. The proposed content of the Prohibited List and all revisions shall be provided in writing promptly to all Signatories and governments for comment and consultation. Each annual version of the Prohibited List and all revisions shall be distributed promptly by WADA to each Signatory, WADA-accredited or approved laboratory, and government, and shall be published on WADA's Web site website, and each Signatory shall take appropriate steps to distribute the Prohibited List to its members and constituents. The rules of each Anti-Doping Organization shall specify that, unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Organization's rules three (3) months after publication of the Prohibited List by WADA without requiring any further action by the Anti-Doping Organization.	4.1 Publication and Revision of the Prohibited List. WADA shall, as often as necessary and no less often than annually, publish the Prohibited List as an International Standard. The proposed content of the Prohibited List and all revisions shall be provided in writing promptly to all Signatories and governments for comment and consultation. Each annual version of the Prohibited List and all revisions shall be distributed promptly by WADA to each Signatory, WADA-accredited or approved laboratory, and government, and shall be published on WADA's website, and each Signatory shall take appropriate steps to distribute the Prohibited List to its members and constituents. The rules of each Anti-Doping Organization shall specify that, unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Organization's rules three (3) months after publication of the Prohibited List by WADA without requiring any further action by the Anti-Doping Organization.	4.1 Publication and Revision of the Prohibited List. WADA shall, as often as necessary and no less often than annually, publish the Prohibited List as an International Standard. The proposed content of the Prohibited List and all revisions shall be provided in writing promptly to all Signatories and governments for comment and consultation. Each annual version of the Prohibited List and all revisions shall be distributed promptly by WADA to each Signatory, WADA-accredited or approved laboratory, and government, and shall be published on WADA's website, and each Signatory shall take appropriate steps to distribute the Prohibited List to its members and constituents. The rules of each Anti-Doping Organization shall specify that, unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Organization's rules three months after publication of the Prohibited List by WADA without requiring any further action by the Anti-Doping Organization.
Comment to 4.1	[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the most current Prohibited List published on its Web site. The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the	[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the most current Prohibited List published on its Web site website. The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the	[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the most current Prohibited List published on its website. The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the	[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the most current Prohibited List published on its website. The Prohibited List is an integral part of the International Convention against Doping in Sport. WADA will inform the Director-General of UNESCO of any change to the

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	Prohibited List.]	Prohibited List.]	Prohibited List.]	Prohibited List.]
4.2	4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List.	4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List.	4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List.	4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List.
4.2.1	4.2.1 Prohibited Substances and Prohibited Methods. The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. 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 Prohibited Substances and Prohibited Methods. The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. 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 Prohibited Substances and Prohibited Methods. The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. 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 Prohibited Substances and Prohibited Methods. The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. 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.
Comment to 4.2.1	[Comment to Article 4.2.1: There will be one Prohibited List. The substances which are prohibited at all times would include masking agents and those substances which, when Used in training, may have long-term performance enhancing effects such as anabolics. All substances and methods on the Prohibited List are prohibited In-Competition. Out-of-Competition Use (Article 2.2) of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites is reported for a Sample collected In-Competition (Article 2.1). There will be only one document called the "Prohibited List." WADA may add additional substances or methods to the Prohibited List for particular sports (e.g., the inclusion of beta-blockers for shooting) but, and this will also be reflected on the single Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (e.g., eliminating anabolics from the Prohibited List for "mind sports"). The premise of this decision approach is that there are certain basic doping agents which anyone who chooses to call himself or herself an Athlete should not take.]	[Comment to Article 4.2.1: Out-of-Competition Use (Article 2.2) of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition (Article 2.1). WADA may add additional substances or methods to the Prohibited List for particular sports (e.g., the inclusion of beta-blockers for shooting), and this will also be reflected on the Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (e.g., eliminating anabolics from the Prohibited List for "mind sports"). The premise of this approach is that there are certain basic doping agents which anyone who chooses to call himself or herself an Athlete should not take.]	[Comment to Article 4.2.1: Out-of-Competition Use (Article 2.2) of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition (Article 2.1).]	[Comment to Article 4.2.1: Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]
4.2.2	4.2.2 Specified Substances. For purposes of the application of Article 10 (Sanctions on Individuals), all Prohibited Substances shall be " Specified Substances specified substances" except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. Prohibited Methods shall not be Specified Substances specified substances.	4.2.2 Specified Substances. For purposes of the application of Article 10 (Sanctions on Individuals), all Prohibited Substances shall be "specified substances" except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. Prohibited Methods shall not be specified substances.	4.2.2 Specified Substances. For purposes of the application of Article 10 (Sanctions on Individuals); all Prohibited Substances shall be " specified substances " Specified Substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods shall not be specified substances.	4.2.2 Specified Substances. For purposes of the application of Article 10:10 , all Prohibited Substances shall be Specified Substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.
Comment to 4.2.2	[Comment to Article 4.2.2: In drafting the Code there was considerable debate among stakeholders over the appropriate balance between inflexible sanctions which promote harmonization in the application of the rules and more flexible sanctions which better take into consideration the circumstances of each individual case. This balance continued to be discussed in various CAS decisions interpreting the Code. After three years experience with the	[Comment to Article 4.2.2: The specified substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete inadvertently or for a purpose other than the enhancement of sport performance.]	[Comment to Article 4.2.2: The specified substances Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.]	[Comment to Article 4.2.2: The Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.]

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	Code, the strong consensus of stakeholders is that while the occurrence of an anti-doping rule violation under Articles 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) and 2.2 (Use of a Prohibited Substance or Prohibited Method) should still be based on the principle of strict liability, the Code sanctions should be made more flexible where the Athlete or other Person can clearly demonstrate that he or she did not intend to enhance sport performance. The change to Article 4.2 and related changes to Article 10 provide this additional flexibility for violations involving many Prohibited Substances. The rules set forth in Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances) would remain the only basis for eliminating or reducing a sanction involving anabolic steroids and hormones, as well as the stimulants and the hormone antagonists and modulators so identified on the Prohibited List, or Prohibited Methods.]The specified substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete inadvertently or for a purpose other than the enhancement of sport performance.]			
4.2.3	4.2.3 New Classes of Prohibited Substances. In the event WADA expands the Prohibited List by adding a new class of Prohibited Substances in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances specified substances under Article 4.2.2.	4.2.3 New Classes of Prohibited Substances. In the event WADA expands the Prohibited List by adding a new class of Prohibited Substances in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all Prohibited Substances within the new class of Prohibited Substances shall be considered specified substances under Article 4.2.2.	4.2.3 New Classes of Prohibited Substances. In the event WADA expands the Prohibited List by adding a new class of Prohibited Substances in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all Prohibited Substances within the new class of Prohibited Substances shall be considered specified substances Specified Substances under Article 4.2.2.	4.2.3 New Classes of Prohibited Substances. In the event WADA expands the Prohibited List by adding a new class of Prohibited Substances in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances under Article 4.2.2.
4.3	4.3 Criteria for Including Substances and Methods on the Prohibited List.	4.3 Criteria for Including Substances and Methods on the Prohibited List.	4.3 Criteria for Including Substances and Methods on the Prohibited List. 4.3.1 WADA shall consider the following criteria in deciding whether to include a substance or method on the Prohibited List:	4.3 Criteria for Including Substances and Methods on the Prohibited List. WADA shall consider the following criteria in deciding whether to include a substance or method on the Prohibited List:
4.3.1	4.3.1 WADA shall consider the following criteria in deciding whether to include a substance or method on the Prohibited List.4.3.1 A substance or method shall be considered for inclusion on the Prohibited List if WADAit determines in its sole discretion that the substance or method meets any two of the following threealone or in combination with other substances or methods has the potential to enhance or enhances sport performance and the substance or method meets, in addition, one of the following two criteria:	4.3.1 WADA shall consider a substance or method for inclusion on the Prohibited List if it determines in its sole discretion that the substance or method alone or in combination with other substances or methods has the potential to enhance or enhances sport performance and the substance or method meets, in addition, one of the following two criteria:	4.3.1 A substance or method shall be considered for inclusion on the Prohibited List if it determinesWADA, in its sole discretion, determines that the substance or method alone or in combination with other substances or methods has the potential to enhance or enhances sport performance and the substance or method meets, in addition, onemeets any two of the following twothree criteria:	4.3.1 A substance or method shall be considered for inclusion on the Prohibited List if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:
4.3.1.1	[See 4.3.1.2, below]	[See 4.3.1.2, below]	4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the Athlete; 4.3.1.2 WADA's determination that the Use of the substance or method violates the spirit of sport described in the Introduction to the Code. [Comment to Article 4.3.1: It is understood that for many substances, especially new designer drugs, there may not be studies which establish the potential of the substance to enhance performance or to be a health risk. In such cases,	4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;

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			the decision whether the substance is put on, or left off, the Prohibited List, is left to the expertise and judgment of WADA. This judgment is exercised by WADA in its sole discretion and, as provided in Article 4.3.3, it is not subject to challenge. WADA will consider whether the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance when Used either In-Competition or Out-of-Competition (including, for example, training and injury recover).	
Comment to 4.3.1.1	<p>[Comment to Article 4.3.1: It is understood that for many substances, especially new designer drugs, there may not be studies which establish the potential of the substance to enhance performance or to be a health risk. In such cases, the decision whether the substance is put on, or left off, the Prohibited List, is left to the expertise and judgment of WADA. This judgment is exercised by WADA in its sole discretion and, as provided in Article 4.3.3, it is not subject to challenge. It is each Athlete's responsibility to avoid substances on the Prohibited List.</p> <p>WADA will consider whether the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance:[Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances when Used either In-Competition or Out-of-Competition (including, for example, training and injury recover). A substance which is added to the Prohibited List because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]</p>	<p>[Comment to Article 4.3.1: It is understood that for many substances, especially new designer drugs, there may not be studies which establish the potential of the substance to enhance performance or to be a health risk. In such cases, the decision whether the substance is put on, or left off, the Prohibited List, is left to the expertise and judgment of WADA. This judgment is exercised by WADA in its sole discretion and, as provided in Article 4.3.3, it is not subject to challenge. It is each Athlete's responsibility to avoid substances on the Prohibited List. WADA will consider whether the substance or method, alone or in combination with other substances or methods, has the potential to enhance performance when Used either In-Competition or Out-of-Competition (including, for example, training and injury recover). A substance which is added to the Prohibited List because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]</p>	<p>[Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances. A substance which is added to the Prohibited List because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]</p>	<p>[Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances. A substance which is added to the Prohibited List because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]</p>
4.3.1.2	4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the Athlete;	4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the Athlete;	4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the Athlete; or	4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the Athlete; or
4.3.1.3	4.3.1.2 WADA's determination that the Use of the substance or method violates the spirit of sport described in the Introduction to the Code.	4.3.1.2 WADA's determination that the Use of the substance or method violates the spirit of sport described in the Introduction to the Code.	4.3.1.3 WADA's determination that the Use of the substance or method violates the spirit of sport described in the introduction to the Code.	4.3.1.3 WADA's determination that the Use of the substance or method violates the spirit of sport described in the introduction to the Code.
4.3.2	4.3.2 A substance or method shall also be included on the Prohibited List if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the Use of other Prohibited Substances or Prohibited Methods.	4.3.2 A substance or method shall also be included on the Prohibited List if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the Use of other Prohibited Substances or Prohibited Methods.	4.3.2 A substance or method shall also be included on the Prohibited List if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the Use of other Prohibited Substances or Prohibited Methods.	4.3.2 A substance or method shall also be included on the Prohibited List if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the Use of other Prohibited Substances or Prohibited Methods.
Comment to 4.3.2	<p>[Comment to Article 4.3.2: A substance shall be considered for inclusion on the Prohibited List if the substance is a masking agent or meets two of the following three criteria: (1) it has the potential to enhance or enhances sport performance; (2) it represents a potential or actual health risk; or (3) it is contrary to the spirit of sport. None of the</p>		<p>[Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the Prohibited List.]</p>	<p>[Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the Prohibited List.]</p>

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	<p>three criteria alone is a sufficient basis for adding a substance to the Prohibited List. Using the potential to enhance performance as the sole criterion would include, for example, physical and mental training, red meat, carbohydrate loading and training at altitude. Risk of harm would include smoking. Requiring all three criteria would also be unsatisfactory. For example, the Use of genetic transfer technology to dramatically enhance sport performance should be prohibited as contrary to the spirit of sport even if it is not harmful. Similarly, the potentially unhealthy abuse of certain substances without therapeutic justification based on the mistaken belief they enhance performance is certainly contrary to the spirit of sport regardless of whether the expectation of performance enhancement is realistic. As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the Prohibited List.]</p>			
4.3.3	<p>4.3.3 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.</p>	<p>4.3.3 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.</p>	<p>4.3.3 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.</p>	<p>4.3.3 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List, and the classification of the substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.</p>
Comment to 4.3.3 (versions 1.0 and 2.0 only)	<p>[Comment to Article 4.3.3: The question of whether a substance or method meets the criteria in Article 4.3 (Criteria for Including Substances and Methods on the Prohibited List) in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing in that particular sport. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample and the Athlete is unable to establish No Fault or Negligence. Similarly, it cannot be argued that a substance listed in the class of substances (e.g., anabolic agents) does not belong in that class.]</p>	<p>[Comment to Article 4.3.3: The question of whether a substance or method meets the criteria in Article 4.3 in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample and the Athlete is unable to establish No Fault or Negligence. Similarly, it cannot be argued that a substance listed in the class of substances (e.g., anabolic agents) does not belong in that class.]</p>	<p>[Comment to Article 4.3.3: The question of whether a substance or method meets the criteria in Article 4.3 in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample and the Athlete is unable to establish No Fault or Negligence. Similarly, it cannot be argued that a substance listed in the class of substances (e.g., anabolic agents) does not belong in that class.]</p>	
4.4	<p>4.4 Therapeutic Use. WADA has adopted an International Standard for the process of granting therapeutic use exemptions.</p>	<p>4.4 Therapeutic Use Exemptions.</p>	<p>4.4 Therapeutic Use Exemptions.</p>	<p>4.4 Therapeutic Use Exemptions ("TUEs").</p>
4.4.1	<p>4.4.1 Each International Federation shall ensure, for International-Level Athletes or any other Athlete who is entered in an International Event specified by the International Federation as requiring an International Federation therapeutic use exemption, that a process is in place whereby Athletes with documented medical conditions requiring the Use of a Prohibited Substance or a Prohibited Method may request a therapeutic use exemption. Athletes who have been identified as included in their International Federation's Registered Testing Pool may only obtain therapeutic use exemptions in accordance with the rules of their International Federation. Each International Federation</p>	<p>4.4.1 Each International Federation shall ensure, for International-Level Athletes or any other Athlete who is entered in an International Event specified by the International Federation as requiring an International Federation therapeutic use exemption, that a process is in place whereby Athletes with documented medical conditions requiring the Use of a Prohibited Substance or a Prohibited Method may request a therapeutic use exemption. Each International Federation shall publish a list of those International Events for which a therapeutic use exemption from the International Federation is required, or a list of which National Anti-Doping Organizations' therapeutic use</p>	<p>4.4.1 The International Standard for Therapeutic Use Exemptions sets out the circumstances in which an Athlete may be permitted to Use a substance or method for therapeutic reasons, notwithstanding that it is a Prohibited Substance or a Prohibited Method (a "therapeutic use exemption" or "TUE") and the procedures for considering a TUE. 4.4.24.4.1 The presence of a Prohibited Substance (Article 2.1), or its Metabolites or Markers, and/or the Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of a Prohibited Substance or Prohibited Method (Article 2.6) or Administration or</p>	<p>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 shall not be considered an anti-doping rule violation if it is consistent with the provisions of a therapeutic use exemption ("TUE") TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.</p>

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	<p>shall publish a list of those International Events for which a therapeutic use exemption from the International Federation is required, or a list of which National Anti-Doping Organizations' therapeutic use exemptions will be recognized. Each National Anti-Doping Organization shall ensure, that a therapeutic use exemption process is in place for all National-Level Athletes within its jurisdiction that have not been included in an International Federation Registered Testing Pool, that a process is in place whereby Athletes with documented medical conditions requiring the Use of a Prohibited Substance or a Prohibited Method may request</p> <p>a. Each Major Event Organization shall ensure that a therapeutic use exemption process is in place for all Athletes entering its Events. All therapeutic use exemption. Such requests shall be evaluated in accordance with the International Standard for Therapeutic Use Exemptions. All therapeutic use exemptions granted by International Federations and National Anti-Doping Organizations shall promptly report to WADA through ADAMS the granting of any Major Event Organizations and therapeutic use exemptions granted by National Anti-Doping Organizations to Athletes who are included in National Anti-Doping Organizations' High Priority Athlete Pools or are National-Level Athletes shall be promptly reported to WADA through ADAMS, or any other system approved by WADA.</p>	<p>exemptions will be recognized. Each National Anti-Doping Organization shall ensure that a therapeutic use exemption process is in place for all National-Level Athletes within its jurisdiction. Each Major Event Organization shall ensure that a therapeutic use exemption process is in place for all Athletes entering its Events. All therapeutic use exemption requests shall be evaluated in accordance with the International Standard for Therapeutic Use Exemptions. All therapeutic use exemptions granted by International Federations and Major Event Organizations and therapeutic use exemptions granted by National Anti-Doping Organizations to Athletes who are included in National Anti-Doping Organizations' High Priority Athlete Pools or are National-Level Athletes shall be promptly reported to WADA through ADAMS, or any other system approved by WADA.</p> <p>[Comment to Article 4.4.1: Consistent with the pyramid approach to the application of the Code described in the definition of Athlete, National Anti-Doping Organizations may determine what</p> <p>4.4.1 The International Standard for Therapeutic Use Exemptions sets out the circumstances in which an Athlete may be permitted to Use a substance or method for therapeutic reasons, notwithstanding that it is a Prohibited Substance or a Prohibited Method (a "therapeutic use exemption process, if any, will apply to Athletes participating in sport at levels below the national level.]" or "TUE") and the procedures for considering a TUE.</p>	<p>Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) shall not be considered an anti-doping rule violation if it is consistent with the provisions of a therapeutic use exemption ("TUE") granted in accordance with the International Standard for Therapeutic Use Exemptions.</p>	
<p>Comment to 4.4.1 (version 1.0 only)</p>	<p>[Comment to Article 4.4.1: Consistent with the pyramid approach to the application of the Code described in the definition of Athlete, National Anti-Doping Organizations may determine what therapeutic use exemption except as regards national-level Athletes who are not included in the National Anti-Doping Organization's Registered Testing Pool.process, if any, will apply to Athletes participating in sport at levels below the national level.]</p>	<p>[Comment to Article 4.4.1: Consistent with the pyramid approach to the application of the Code described in the definition of Athlete, National Anti-Doping Organizations may determine what therapeutic use exemption process, if any, will apply to Athletes participating in sport at levels below the national level.]</p>		
<p>4.4.2 (versions 1.0 and 2.0 only)</p>	<p>4.4.2 Major Event Organizations control the therapeutic use exemptions which will be recognized at their Events. International Federations control the therapeutic use exemptions which will be recognized for Athletes in the International Federation High Priority Athlete Pool and for Athletes participating in International Federation Events so designated by the International Federation. National Anti-Doping Organizations control the therapeutic use exemptions which will be recognized for all other Athletes within their jurisdiction.</p>	<p>4.4.2 Major Event Organizations control the therapeutic use exemptions which will be recognized at their Events. International Federations control the therapeutic use exemptions which will be recognized for Athletes in the International Federation High Priority Athlete Pool and for Athletes participating in International Federation Events so designated by the International Federation. National Anti-Doping Organizations control the therapeutic use exemptions which will be recognized for all other Athletes within their jurisdiction. The presence of a Prohibited Substance (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of a Prohibited Substance or Prohibited Method (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) shall not be considered an anti-doping rule violation if it is consistent with the provisions of a therapeutic use exemption granted in accordance with the International Standard for Therapeutic Use Exemptions.</p>	<p>[See 4.4.1, above. 4.4.2 was combined with 4.4.1 in version 3.0]</p>	
<p>4.4.3</p>	<p>4.4.3 WADA, on its own initiative, may review at any time</p>	<p>4.4.3 WADA, on its own initiative, may review at any time</p>		

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<p>(versions 1.0 and 2.0 only)</p>	<p>the granting of a therapeutic use exemption to any International-Level Athlete or national-level Athlete who is included in his any International Federation or her National Anti-Doping Organization's Registered Testing High Priority Athlete Pool. Further, upon the request of any such Athlete who has been denied a therapeutic use exemption, or the request of any Anti-Doping Organization that disagrees with the therapeutic use exemption decision of another Anti-Doping Organization with respect to such Athlete, WADA may review such denial decision. If WADA determines that such granting or denial of a therapeutic use exemption did not comply with the International Standard for Therapeutic Use Exemptions, WADA may reverse the decision. The decisions of Anti-Doping Organizations made within their jurisdiction shall remain in effect until reversed by WADA or reversed on appeal as provided in Article 13.4.</p>	<p>the granting of a therapeutic use exemption to any Athlete who is included in any International Federation or National Anti-Doping Organization High Priority Athlete Pool. Further, upon the request of any such Athlete who has been denied a therapeutic use exemption, or the request of any Anti-Doping Organization that disagrees with the therapeutic use exemption decision of another Anti-Doping Organization with respect to such Athlete, WADA may review such decision. If WADA determines that such granting or denial of a therapeutic use exemption did not comply with the International Standard for Therapeutic Use Exemptions, WADA may reverse the decision. The decisions of Anti-Doping Organizations made within their jurisdiction shall remain in effect until reversed by WADA or reversed on appeal as provided in Article 13.4.</p>		
<p>4.4.2</p>			<p>4.4.2 An Athlete who is not an International-Level Athlete should apply to his or her National Anti-Doping Organization for a TUE. If the National Anti-Doping Organization denies the application, the Athlete may appeal exclusively to the national-level appeal body described in Articles 13.2.2 and 13.2.3.</p>	<p>4.4.2 An Athlete who is not an International-Level Athlete should apply to his or her National Anti-Doping Organization for a TUE. If the National Anti-Doping Organization denies the application, the Athlete may appeal exclusively to the national-level appeal body described in Articles 13.2.2 and 13.2.3.</p>
<p>4.4.3</p>	<p>4.4.3 WADA, on its own initiative, may review at any time the granting of a therapeutic use exemption to any International-Level Athlete or national-level Athlete who is included in his any International Federation or her National Anti-Doping Organization's Registered Testing High Priority Athlete Pool. Further, upon the request of any such Athlete who has been denied a therapeutic use exemption, or the request of any Anti-Doping Organization that disagrees with the therapeutic use exemption decision of another Anti-Doping Organization with respect to such Athlete, WADA may review such denial decision. If WADA determines that such granting or denial of a therapeutic use exemption did not comply with the International Standard for Therapeutic Use Exemptions, WADA may reverse the decision. The decisions of Anti-Doping Organizations made within their jurisdiction shall remain in effect until reversed by WADA or reversed on appeal as provided in Article 13.4.</p>	<p>4.4.3 Anti-Doping Organizations are authorized to decide on the granting of therapeutic use exemptions, [...] as follows:</p>	<p>4.4.3 Anti-Doping Organizations are authorized to decide on the granting of therapeutic use exemptions as follows: An Athlete who is an International-Level Athlete should apply to his or her International Federation.</p>	<p>4.4.3 An Athlete who is an International-Level Athlete should apply to his or her International Federation.</p>
<p>4.4.4 (version 1.0 only)</p>	<p>4.4.4 If, contrary to the requirement of this Article, an International Federation or Major Event Organization does not have a process in place where Athletes may request therapeutic use exemptions, an International-Level Athlete may request WADA to review the application as if it had been denied.</p>	<p>4.4.4 If, contrary to the requirement of this Article, an International Federation or Major Event Organization does not have a process in place where Athletes may request [therapeutic use exemptions] an International-Level Athlete may request WADA to review the application as if it had been denied.</p>		
<p>4.4.3.1</p>		<p>4.4.3.1 If the Athlete competes only at the national level or below, he or she should apply to his or her National Anti-Doping Organization for a TUE.</p>	<p>4.4.3.1 If the Athlete competes only at the national level or below, he or she should apply to his or her National Anti-Doping Organization for a TUE. Where the Athlete already has a TUE granted by his or her National Anti-Doping Organization for the substance or method in question, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International Federation must recognize it. If the International Federation considers that the TUE does not meet those criteria and so</p>	<p>4.4.3.1 Where the Athlete already has a TUE granted by his or her National Anti-Doping Organization for the substance or method in question, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International Federation must recognize it. If the International Federation considers that the TUE does not meet those criteria and so refuses to recognize it, it must notify the Athlete and his/her National Anti-Doping Organization promptly, with reasons. The</p>

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			refuses to recognize it, it must notify the Athlete and his/her National Anti-Doping Organization promptly, with reasons. The Athlete and/or the National Anti-Doping Organization shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organization remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.	Athlete and/or the National Anti-Doping Organization shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organization remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.
4.4.3.2		<p>4.4.3.2 If an Athlete is or becomes an International-Level Athlete, he or she should apply to his or her International Federation for a TUE, even if he or she already holds a TUE for the same substance or method granted by his or her National Anti-Doping Organization.</p> <p>An International Federation is encouraged to recognize the TUE granted by the National Anti-Doping Organization, unless it is not satisfied that the relevant conditions for such grant have been met. If the International Federation denies the Athlete's TUE application, that denial automatically reverses the TUE granted by the National Anti-Doping Organization for National Events. However, if the Athlete seeks review by WADA or if the Athlete or the National Anti-Doping Organization subsequently appeals against the International Federation's decision, the Athlete may still rely on his TUE for purposes of National Events pending determination of the review and appeal.</p>	<p>4.4.3.2 If an Athlete is or becomes an International-Level Athlete, he or she should apply to his or her International Federation for a TUE, even if he or she already holds a TUE for the same substance or method granted by his or her National Anti-Doping Organization. the Athlete does not already have a TUE granted by his or her National Anti-Doping Organization for the substance or method in question, the Athlete must apply directly to his or her International Federation for a TUE as soon as the need arises. If the International Federation (or the National Anti-Doping Organization, where it has agreed to consider the application on behalf of the International Federation) denies the Athlete's application, it must notify the Athlete promptly, with reasons. If the International Federation grants the Athlete's application, it must notify not only the Athlete but also his or her National Anti-Doping Organization, and if the National Anti-Doping Organization considers that the TUE does not meet the criteria set out in the International Standard for Testing and Investigations, it has 21 days from such notification to refer the matter to WADA for review. If the National Anti-Doping Organization refers the matter to WADA for review, the TUE granted by the International Federation remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the National Anti-Doping Organization does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the 21-day review deadline expires.</p>	<p>4.4.3.2 If the Athlete does not already have a TUE granted by his or her National Anti-Doping Organization for the substance or method in question, the Athlete must apply directly to his or her International Federation for a TUE as soon as the need arises. If the International Federation (or the National Anti-Doping Organization, where it has agreed to consider the application on behalf of the International Federation) denies the Athlete's application, it must notify the Athlete promptly, with reasons. If the International Federation grants the Athlete's application, it must notify not only the Athlete but also his or her National Anti-Doping Organization, and if the National Anti-Doping Organization considers that the TUE does not meet the criteria set out in the International Standard for Testing and Investigations, it has 21 days from such notification to refer the matter to WADA for review. If the National Anti-Doping Organization refers the matter to WADA for review, the TUE granted by the International Federation remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the National Anti-Doping Organization does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the 21-day review deadline expires.</p>
<p>Comment to 4.4.3 (and 4.4.3.3 version 2.0)</p>		<p>4.4.3.3 If the Athlete wishes to Use a Prohibited Substance or a Prohibited Method in connection with an Event organized by a Major Event Organization, he or she may be required to apply to the Major Event Organization for a TUE for that Event, even if he or she already holds a TUE for the same substance or method granted by a National Anti-Doping Organization or an International Federation. The Major Event Organization is encouraged to recognize for purposes of its Event a TUE granted by the National Anti-Doping Organization or International Federation, provided it is satisfied that the relevant conditions for such grant have been met. If the Major Event Organization denies the Athlete's application for a TUE for its Event, that will not affect the validity of the TUE granted by his or her National Anti-Doping Organization or International Federation in relation to participation in the sport outside of that Event.]</p>	<p>[Comment to Article 4.4.3: If the International Federation is encouraged to recognize the TUE granted by the National Anti-Doping Organization, unless it is not satisfied that the relevant conditions for such grant have been met. If the International Federation denies the Athlete's TUE application, that denial automatically reverses the TUE granted by the National Anti-Doping Organization for National Events. However, if the Athlete seeks review by WADA or if the Athlete or the National Anti-Doping Organization subsequently appeals against the International Federation's decision, the Athlete may still rely on his TUE for purposes of National Events pending determination of the review and appeal.</p> <p>4.4.3.3 If the Athlete wishes to Use a Prohibited Substance or a Prohibited Method in connection with an Event organized by a Major Event Organization, he or she may be required to apply to the Major Event Organization for a TUE</p>	<p>[Comment to Article 4.4.3: If the International Federation refuses to recognize a TUE granted by a National Anti-Doping Organization only because tests medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation. If an International Federation chooses to test an Athlete who is not an International-Level Athlete, it must recognize a TUE granted to that Athlete by his or her National Anti-Doping Organization.]</p>

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			<p>for that Event, even if he or she already holds a TUE for the same substance or method granted by a National Anti-Doping Organization or an International Federation. The Major Event Organization is encouraged to recognize for purposes of its Event a TUE granted by the National Anti-Doping Organization or International Federation, provided it is satisfied that the relevant conditions for such grant have been met. If the Major Event Organization denies the Athlete's application for a TUE for its Event, that will not affect the validity of the TUE granted by his or her National Anti-Doping Organization or International Federation in relation to participation in the sport outside of that Event.]</p> <p>4.4.4 The granting or denial of a therapeutic use exemption may be reviewed by WADA as set forth in The International Standard for Therapeutic Use Exemptions and may be appealed as set forth in Article 13.4.refuses to recognize a TUE granted by a National Anti-Doping Organization only because tests or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation. If an International Federation chooses to test an Athlete who is not an International-Level Athlete, it must recognize a TUE granted to that Athlete by his or her National Anti-Doping Organization.]</p>	
4.4.4 (version 2.0 only)		4.4.4 The granting or denial of a therapeutic use exemption issued pursuant to themay be reviewed by WADA as set forth in The International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.and may be appealed as set forth in Article 13.4.	[Incorporated with Comment to 4.4.3 , see above]	
4.4.4			4.4.4 A Major Event Organization may require Athletes to apply to it for a TUE if they wish to Use a Prohibited Substance or a Prohibited Method in connection with the Event. In that case:	4.4.4 A Major Event Organization may require Athletes to apply to it for a TUE if they wish to Use a Prohibited Substance or a Prohibited Method in connection with the Event. In that case:
4.4.4.1			4.4.4.1 The Major Event Organization must ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. If the TUE is granted, it is effective for its Event only.	4.4.4.1 The Major Event Organization must ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. If the TUE is granted, it is effective for its Event only.
4.4.4.2			4.4.4.2 Where the Athlete already has a TUE granted by his or her National Anti-Doping Organization or International Federation, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the Major Event Organization must recognize it. If the Major Event Organization decides the TUE does not meet those criteria and so refuses to recognize it, it must notify the Athlete promptly, explaining its reasons.	4.4.4.2 Where the Athlete already has a TUE granted by his or her National Anti-Doping Organization or International Federation, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the Major Event Organization must recognize it. If the Major Event Organization decides the TUE does not meet those criteria and so refuses to recognize it, it must notify the Athlete promptly, explaining its reasons.
4.4.4.3			4.4.4.3 A decision by a Major Event Organization not to recognize or not to grant a TUE may be appealed by the Athlete exclusively to an independent body established or appointed by the Major Event Organization for that purpose. If the Athlete does not appeal (or the appeal is unsuccessful), he or she may not Use the substance or method in question in connection with the Event, but any	4.4.4.3 A decision by a Major Event Organization not to recognize or not to grant a TUE may be appealed by the Athlete exclusively to an independent body established or appointed by the Major Event Organization for that purpose. If the Athlete does not appeal (or the appeal is unsuccessful), he or she may not Use the substance or method in question in connection with the Event, but any

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			TUE granted by his or her National Anti-Doping Organization or International Federation for that substance or method remains valid outside of that Event.	TUE granted by his or her National Anti-Doping Organization or International Federation for that substance or method remains valid outside of that Event.
Comment to 4.4.4.3			[Comment to Article 4.4.4.3: For example, the CAS Ad Hoc Division or a similar body may act as the independent appeal body for particular Events, or WADA may agree to perform that function. If it is not performing that function, WADA still has the right (but not the obligation) to review the TUE decisions made in connection with the Event at any time, in accordance with Article 4.4.6].	[Comment to Article 4.4.4.3: For example, the CAS Ad Hoc Division or a similar body may act as the independent appeal body for particular Events, or WADA may agree to perform that function. If it is not performing that function, WADA still has retains the right (but not the obligation) to review the TUE decisions made in connection with the Event at any time, in accordance with Article 4.4.6].
4.4.5	4.4.5 Presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances and Prohibited Methods (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable therapeutic use exemption issued pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.	4.4.5 Presence of a Prohibited Substance (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances and Prohibited Methods (Article 2.6) or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable	4.4.5 If an Anti-Doping Organization chooses to collect a Sample from a Person who is not an International-Level or National-Level Athlete, and that Person is Using a Prohibited Substance or Prohibited Method for therapeutic reasons, the Anti-Doping Organization may permit him or her to apply for a retroactive TUE.	4.4.5 If an Anti-Doping Organization chooses to collect a Sample from a Person who is not an International-Level or National-Level Athlete, and that Person is Using a Prohibited Substance or Prohibited Method for therapeutic reasons, the Anti-Doping Organization may permit him or her to apply for a retroactive TUE.
4.4.6			4.4.6 WADA must review an International Federation's decision not to recognize a TUE granted by the National Anti-Doping Organization that is referred to it by the Athlete or the Athlete's National Anti-Doping Organization. In addition, WADA must review an International Federation's decision to grant a TUE that is referred to it by the Athlete's National Anti-Doping Organization. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.	4.4.6 WADA must review an International Federation's decision not to recognize a TUE granted by the National Anti-Doping Organization that is referred to it by the Athlete or the Athlete's National Anti-Doping Organization. In addition, WADA must review an International Federation's decision to grant a TUE that is referred to it by the Athlete's National Anti-Doping Organization. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.
Comment to 4.4.6			[Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed].	[Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed].
4.4.7			4.4.7 Any TUE decision by an International Federation (or by a National Anti-Doping Organization on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organization, exclusively to CAS.	4.4.7 Any TUE decision by an International Federation (or by a National Anti-Doping Organization where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organization, exclusively to CAS.
Comment to 4.4.7			[Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any	[Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any

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			event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]	event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]
4.4.8			4.4.8 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organization and/or the International Federation affected, exclusively to CAS.	4.4.8 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organization and/or the International Federation affected, exclusively to CAS.
4.4.9			4.4.9 A failure to take action within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.	4.4.9 A failure to take action within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.
4.5	4.5 Monitoring Program. WADA, in consultation with Signatories and governments, shall establish a monitoring program regarding substances which are not on the Prohibited List, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any Testing, the substances that will be monitored. Laboratories will report the instances of reported Use or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the Samples were collected In-Competition or Out-of-Competition. Such reports shall not contain additional information regarding specific Samples. WADA shall make available to International Federations and National Anti-Doping Organizations, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual Athletes is maintained with respect to such reports. The reported Use or detected presence of a monitored substance shall not constitute an anti-doping rule violation.	4.5 Monitoring Program. WADA, in consultation with Signatories and governments, shall establish a monitoring program regarding substances which are not on the Prohibited List, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any Testing, the substances that will be monitored. Laboratories will report the instances of reported Use or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the Samples were collected In-Competition or Out-of-Competition. Such reports shall not contain additional information regarding specific Samples. WADA shall make available to International Federations and National Anti-Doping Organizations, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual Athletes is maintained with respect to such reports. The reported Use or detected presence of a monitored substance shall not constitute an anti-doping rule violation.	4.5 Monitoring Program. WADA, in consultation with Signatories and governments, shall establish a monitoring program regarding substances which are not on the Prohibited List, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any Testing, the substances that will be monitored. Laboratories will report the instances of reported Use or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the Samples were collected In-Competition or Out-of-Competition. Such reports shall not contain additional information regarding specific Samples. WADA shall make available to International Federations and National Anti-Doping Organizations, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual Athletes is maintained with respect to such reports. The reported Use or detected presence of a monitored substance shall not constitute an anti-doping rule violation.	4.5 Monitoring Program. WADA, in consultation with Signatories and governments, shall establish a monitoring program regarding substances which are not on the Prohibited List, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any Testing, the substances that will be monitored. Laboratories will report the instances of reported Use or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the Samples were collected In-Competition or Out-of-Competition. Such reports shall not contain additional information regarding specific Samples. WADA shall make available to International Federations and National Anti-Doping Organizations, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual Athletes is maintained with respect to such reports. The reported Use or detected presence of a monitored substance shall not constitute an anti-doping rule violation.
5	ARTICLE 5 TESTING	ARTICLE 5 TESTING	ARTICLE 5 TESTING AND INVESTIGATIONS	ARTICLE 5 TESTING AND INVESTIGATIONS
5.1	5.1 Test Distribution Planning. Testing shall only be undertaken for anti-doping purposes. Subject to the jurisdictional limitations for In-Competition Testing in Article 15.1, each National Anti-Doping Organization shall have Testing jurisdiction over all Athletes who are present in that National Anti-Doping Organization's country or who are nationals, residents, license-holders or members of sport organizations of that country. Each International Federation shall have Testing jurisdiction over all Athletes who are members of their member National Federations or who participate in their Events. All Athletes must comply with any request for Testing by any Anti-Doping Organization with Testing jurisdiction. In coordination with other Anti-Doping Organizations conducting Testing on the same Athletes, and consistent with the International Standard for Testing, each Anti-Doping Organization shall:	5.1 Test Distribution Planning. Purpose of Testing. Testing shall only be undertaken for anti-doping purposes. Any Athlete may be required to provide a Sample at any time and at any place by any Anti-Doping Organization with Testing authority over him or her.	5.1 Purpose of Testing and Investigations. Testing and investigations shall only be undertaken for anti-doping purposes.	5.1 Purpose of Testing and Investigations. Testing and investigations shall only be undertaken for anti-doping purposes.
5.1.1	5.1.1 Plan and conduct an effective and appropriate number of In-Competition and Out-of-Competition tests on Athletes over whom they have jurisdiction, including but not limited to	5.1.1 Plan and conduct an effective and appropriate number of In-Competition and Out-of-Competition tests on Athletes over whom they have jurisdiction, including but not limited to	5.1.1 Testing shall be undertaken to obtain analytical evidence as to the Athlete's compliance (or non-compliance) with the strict Code prohibition on the Use of a Prohibited	5.1.1 Testing shall be undertaken to obtain analytical evidence as to the Athlete's compliance (or non-compliance) with the strict Code prohibition on the presence/Use of a

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	Athletes in their respective Registered Testing High Priority Athlete Pools.	Athletes in their respective High Priority Athlete Pools	Substance or Prohibited Method.	Prohibited Substance or Prohibited Method.
5.1.2	5.1.2 Each International Federation shall establish a Registered Testing High Priority Athlete Pool for International-Level Athletes in its sport, and each National Anti-Doping Organization shall establish a national Registered Testing High Priority Athlete Pool for Athletes who are present in that National Anti-Doping Organization's country or who are nationals, residents, license-holders or members of sport organizations of that country. In accordance with Article 14.3, 14.4, any Athlete included in a Registered Testing High Priority Athlete Pool shall be subject to the whereabouts requirements set out in the International Standard for Testing.	5.1.2 Each International Federation shall establish a High Priority Athlete Pool for International-Level Athletes in its sport, and each National Anti-Doping Organization shall establish a national High Priority Athlete Pool for Athletes who are present in that National Anti-Doping Organization's country or who are nationals, residents, license-holders or members of sport organizations of that country. In accordance with Article 14.4, any Athlete included in a High Priority Athlete Pool shall be subject to the whereabouts requirements set out in the International Standard for Testing.	5.1.2 Investigations shall be undertaken: (a) in relation to Atypical Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively, gathering evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and (b) in relation to other indications of possible anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.	5.1.2 Investigations shall be undertaken: (a) in relation to Atypical Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and (b) in relation to other indications of possible potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.
5.1.3 (version 1.0 only)	5.1.3 The size and scope of both International and National High Priority Athlete Pools must be commensurate with the size and scope of those Testing programs that they seek to support. The composition of High Priority Athlete Pools therefore must adhere to the principle of proportionality.	5.1.3 The size and scope of both International and National High Priority Athlete Pools must be commensurate with the size and scope of those Testing programs that they seek to support. The composition of High Priority Athlete Pools therefore must adhere to the principle of proportionality.		
Comment to 5.1.3 (version 1.0 only)	[Comment to Article 5.1.3: WADA will publish Guidelines and/or Models Of Best Practice to illustrate appropriate relationships between High Priority Athlete Pools and Testing programs.]	[Comment to Article 5.1.3: WADA will publish Guidelines and/or Models Of Best Practice to illustrate appropriate relationships between High Priority Athlete Pools and Testing programs.]		
5.1.4 (version 1.0 only)	5.1.4 Except in exceptional circumstances all Out-of-Competition Testing shall be No Advance Notice.	5.1.4 Except in exceptional circumstances all Out-of-Competition Testing shall be No Advance Notice.		
5.1.5 (version 1.0 only)	5.1.5 Where feasible, all In-Competition Testing shall be No Advance Notice.	5.1.5 Where feasible, all In-Competition Testing shall be No Advance Notice.		
5.1.6 (version 1.0 only)	5.1.35.1.6 Make Target Testing a priority. 5.1.4 Conduct Testing on Athletes serving a period of Ineligibility or a Provisional Suspension.	5.1.6 Make Target Testing a priority.		
Comment to 5.1.6 (version 1.0 only)T	[Comment to Article 5.1.35.1.6: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purpose other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing.]	[Comment to Article 5.1.6: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purpose other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing.]		
5.1.7 (version 1.0)	5.1.7 Conduct Testing on Athletes serving a period of Ineligibility or a Provisional Suspension.	5.1.7 Conduct Testing on Athletes serving a period of Ineligibility or a Provisional Suspension.		

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only)				
5.2		<p>5.2 Testing Authority.</p> <p>Subject to the jurisdictional limitations for In-Competition Testing set out in Article 5.3:</p>	<p>5.2 Scope of Testing.</p> <p>Testing shall only be undertaken for anti-doping purposes. Any Athlete may be required to provide a Sample at any time and at any place by any Anti-Doping Organization with Testing authority over him or her.</p> <p>5.2 Testing Authority. Subject to the jurisdictional limitations for In-Competition Event Testing set out in Article 5.3:</p>	<p>5.2 Scope of Testing.</p> <p>Any Athlete may be required to provide a Sample at any time and at any place by any Anti-Doping Organization with Testing authority over him or her. Subject to the jurisdictional limitations for Event Testing set out in Article 5.3:</p>
5.2.1		<p>5.2.1 Testing shall only be undertaken for anti-doping purposes. Subject to the jurisdictional limitations for In-Competition Testing in Article 15.1, each National Anti-Doping Organization shall have In-Competition and Out-of-Competition Testing jurisdiction authority over all Athletes who are present in that National Anti-Doping Organization's country or who are nationals, residents, license-holders or members of sport organizations of that country. Each International Federation shall have Testing jurisdiction over all Athletes who are members of their member National Federations or who participate in their Events. All Athletes must comply with any request for Testing by any Anti-Doping Organization with Testing jurisdiction. In coordination with other Anti-Doping Organizations conducting Testing on the same Athletes, and consistent with the International Standard for Testing, each Anti-Doping Organization shall:</p>	<p>5.2.1 Each National Anti-Doping Organization shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are present in that National Anti-Doping Organization's country or who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that National Anti-Doping Organization's country.</p>	<p>5.2.1 Each National Anti-Doping Organization shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that National Anti-Doping Organization's country.</p>
5.2.2		<p>5.2.2 Each International Federation shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are members of its member National Federations or who participate in its Events.</p>	<p>5.2.2 Each International Federation shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are members of subject to its rules, including those who participate in International Events or who participate in Events governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations or who participate in its Events, or their members.</p>	<p>5.2.2 5.2.2 Each International Federation shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are subject to its rules, including those who participate in International Events or who participate in Events governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.</p>
5.2.3		<p>5.2.3 Each Major Event Organization, including the International Olympic Committee and the International Paralympic Committee, shall have In-Competition and Out-of-Competition Testing authority over all Athletes selected to participate in its Events.</p>	<p>5.2.3 Each Major Event Organization, including the International Olympic Committee and the International Paralympic Committee, shall have In-Competition Testing authority for its Events and Out-of-Competition Testing authority over all Athletes selected to participate entered in one of its Events future Events or who have otherwise been made subject to the Testing authority of the Major Event Organization for a future Event.</p>	<p>5.2.3 Each Major Event Organization, including the International Olympic Committee and the International Paralympic Committee, shall have In-Competition Testing authority for its Events and Out-of-Competition Testing authority over all Athletes entered in one of its future Events or who have otherwise been made subject to the Testing authority of the Major Event Organization for a future Event.</p>
5.2.4		<p>5.2.4 WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.</p>	<p>5.2.4 5.2.4 WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.</p>	<p>5.2.4 WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.</p>
5.2.5			<p>5.2.5 Anti-Doping Organizations shall have authority to test any Athlete who has not retired and is serving a period of Ineligibility.</p>	<p>5.2.5 Anti-Doping Organizations shall may Test any Athlete over whom they have Testing authority to test any Athlete who has not retired and is, including Athletes serving a period of Ineligibility.</p>
5.2.6			<p>5.2.6 If an International Federation or Major Event Organization delegates or contracts Testing to a National Anti-Doping Organization (directly or through a National</p>	<p>5.2.6 5.2.6 If an International Federation or Major Event Organization delegates or contracts any part of Testing to a National Anti-Doping Organization (directly or through a</p>

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			Federation) then that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense. If additional Samples are collected or additional types of analysis are performed, the International Federation or Major Event Organization shall be notified.	National Federation) then, that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense. If additional Samples are collected or additional types of analysis are performed, the International Federation or Major Event Organization shall be notified.
Comment to 5.2		[Comment to Article 5.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories.]	[Comment to Article 5.2: Additional authority to conduct Testing may be authorized conferred by means of bilateral or multilateral agreements among Signatories. Before Testing an Athlete between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Athlete may be engaged in doping.]	[Comment to Article 5.2: Additional authority to conduct Testing may be conferred by means of bilateral or multilateral agreements among Signatories. Before Unless the Athlete has identified a 60-minute Testing window during the following-described time period, or otherwise consented to Testing during that period, before Testing an Athlete between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether an Anti-Doping Organization had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]
5.3		5.3 Event Testing.	5.3 Event Testing.	5.3 Event Testing.
5.3.1		5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing during an Event Period. At International Events, the collection of Samples shall be initiated and directed by the international organization which is the ruling body for the Event (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At National Events, the collection of Samples shall be initiated and directed by the National Anti-Doping Organization of that country.	5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing during an Event Period. At International Events, the collection of Samples shall be initiated and directed by the international organization which is the ruling body for the Event (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At National Events, the collection of Samples shall be initiated and directed by the National Anti-Doping Organization of that country.	5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by the international organization which is the ruling body for the Event (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At National Events, the collection of Samples shall be initiated and directed by the National Anti-Doping Organization of that country. At the request of the ruling body for an Event, any Testing during the Event Period outside of the Event Venues shall be coordinated with that ruling body.
5.3.1.1 (version 3.0 only)			5.3.1.1 Where an international organization designates an Event Period longer than thirty-five days, other Anti-Doping Organizations shall not be excluded from conducting Out-of-Competition Testing outside the Event venue during the Event Period.	5.3.1.1 Where an international organization designates an Event Period longer than thirty-five days, other Anti-Doping Organizations shall not be excluded from conducting Out-of-Competition
Comment to 5.3.1				[Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own Testing outside of the Event venue Venues during the Event Period. and thus want to coordinate that Testing with National Anti-Doping Organization Testing.]
5.3.2		5.3.2 If an Anti-Doping Organization which is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may,	5.3.2 If an Anti-Doping Organization which is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may,	5.3.2 If an Anti-Doping Organization which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct, and to coordinate, any additional such Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the

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		in accordance with procedures published by WADA, ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event.	in accordance with procedures published by WADA, ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event. WADA's decision shall be final and not subject to appeal.	Anti-Doping Organization may, in accordance with procedures published by WADA, ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.
		[Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]	[Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]	[Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]
5.4		5.4 Test Distribution Planning.	5.4 Test Distribution Planning.	5.4 Test Distribution Planning.
5.4.1		5.4.1 Each Anti-Doping Organization with Testing authority shall develop an effective, intelligent and proportionate Test Distribution Plan that complies with the requirements of the International Standard for Testing. All of its Testing shall be conducted in accordance with that Test Distribution Plan.	5.4.1 WADA, in consultation with International Federations and other Anti-Doping Organizations, will adopt a Technical Document under the International Standard for Testing and Investigations that establishes by means of a risk assessment which Prohibited Substances and/or Prohibited Methods are most likely to be abused in particular sports and sport disciplines.	5.4.1 WADA, in consultation with International Federations and other Anti-Doping Organizations, will adopt a Technical Document under the International Standard for Testing and Investigations that establishes by means of a risk assessment which Prohibited Substances and/or Prohibited Methods are most likely to be abused in particular sports and sport disciplines.
5.4.2			5.4.2 5.4.1 Each Anti-Doping Organization Starting with that risk assessment, each Anti-Doping Organization with Testing authority shall develop and implement an effective, intelligent and proportionate Test Distribution Plan that complies, prioritizes appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing. All of its Testing shall be conducted in accordance with that Test Distribution Plan. and Investigations. Each Anti-Doping Organization shall provide WADA upon request with a copy of its current Test Distribution Plan.	5.4.2 Starting with that risk assessment, each Anti-Doping Organization with Testing authority shall develop and implement an effective, intelligent and proportionate Test Distribution Plan that prioritizes appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. Each Anti-Doping Organization shall provide WADA upon request with a copy of its current Test Distribution Plan.
5.4.3			5.4.3 5.4.2 Where reasonably feasible, In-Competition and Out-of-Competition Testing shall be coordinated through ADAMS or other system approved by WADA in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing of individual Athletes.	5.4.3 Where reasonably feasible, Testing shall be coordinated through ADAMS or other system approved by WADA in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.
5.5	5.2 Standards for Testing. Anti-Doping Organizations with Testing jurisdiction shall conduct such Testing in conformity with the International	5.5 Standards for Testing. All Testing shall be conducted in conformity with the International Standard for Testing.	5.5 Standards for Testing. All Testing shall be conducted in conformity with the International Standard for Testing and Investigations.	5.5 Standards for Testing Requirements. All Testing shall be conducted in conformity with the International Standard for Testing and Investigations.

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	Standard for Testing.			
5.6		<p>5.2 Standards for Testing</p> <p>5.6 Athlete Whereabouts Information.</p> <p>Anti-Doping Organizations with Testing jurisdiction shall conduct all Testing in conformity with the International Standard for Testing.</p> <p>Athletes who have been included in a Registered Testing Pool by their International Federation or National Anti-Doping Organization shall provide whereabouts information in the manner specified in the International Standard for Testing. The International Federations and National Anti-Doping Organizations shall coordinate the identification of such Athletes and the collecting of current location information. This information will be accessible, through ADAMS or any other system approved by WADA, to WADA and to other Anti-Doping Organizations having authority to test the Athlete as provided in Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Testing, providing information relevant to the Athlete Biological Passport or other analytical results, or to support an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard on the Protection of Privacy and Personal Information.</p>	<p>5.6 Athlete Whereabouts Information.</p> <p>Athletes who have been included in a Registered Testing Pool by their International Federation and/or National Anti-Doping Organization shall provide whereabouts information in the manner specified in the International Standard for Testing and Investigations. The International Federations and National Anti-Doping Organizations shall coordinate the identification of such Athletes and the collecting of current location information. This information their whereabouts information. Each International Federation and National Anti-Doping Organization shall make available through ADAMS or other system approved by WADA, a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool. The whereabouts information they provide while in the Registered Testing Pool will be accessible, through ADAMS or any other system approved by WADA, to WADA and to other Anti-Doping Organizations having authority to test the Athlete as provided in Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Testing Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard on the Protection of Privacy and Personal Information.</p>	<p>5.6 Athlete Whereabouts Information.</p> <p>Athletes who have been included in a Registered Testing Pool by their International Federation and/or National Anti-Doping Organization shall provide whereabouts information in the manner specified in the International Standard for Testing and Investigations. The International Federations and National Anti-Doping Organizations shall coordinate the identification of such Athletes and the collecting of their whereabouts information. Each International Federation and National Anti-Doping Organization shall make available through ADAMS or other system approved by WADA, a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool. The whereabouts information they provide while in the Registered Testing Pool will be accessible, through ADAMS or other system approved by WADA, to WADA and to other Anti-Doping Organizations having authority to test the Athlete as provided in Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard on the Protection of Privacy and Personal Information.</p>
5.7	<p>5.3 Retired Athletes Returning to Competition.</p> <p>Each Anti-Doping Organization shall establish a rule addressing eligibility requirements for Athletes who are were not Ineligible and retired retired from sport while included in a Registered Testing High Priority Athlete Pool and then seek to return to active participation in sport shall not participate in International-Level or national-level Events (as defined by their respective International Federation and National Anti-Doping Organization) until they have made themselves available for Testing by giving six months written notice to their International Federation and National Anti-Doping Organization of their intention to return.</p>	<p>5.7 5.3 Retired Athletes Returning to Competition. This Article applies to Athletes who were not Ineligible and retired from sport while included in a High Priority Athlete Pool and Registered Testing Pool or otherwise identified by their International Federation or National Anti-Doping Organization to be subject to this Article 5.7. Where such Athletes then seek to return to active participation in sport, they shall not participate in International-Level Events or national-level National Events (as defined by their respective International Federation and National Anti-Doping Organization, respectively) until they have made themselves available for Testing by giving six months written notice to their International Federation and National Anti-Doping Organization of their intention to return.</p>	<p>5.7 Retired Athletes Returning to Competition.</p> <p>This Article applies to Athletes who were not Ineligible and retired from sport while included</p>	<p>5.7 Retired Athletes Returning to Competition.</p>
5.7.1			<p>5.7.1 If an International- or National-Level Athlete in a Registered Testing Pool or otherwise identified by their International Federation or National Anti-Doping Organization to be subject to this Article 5.7. Where such Athletes then seek retires and then wishes to return to active participation in sport, they the Athlete shall not participate in International Events or National Events (as defined by their until the Athlete has made himself or herself available for Testing, by giving six months prior written notice to his or her International Federation and National Anti-Doping Organization. WADA, in consultation with the relevant</p>	<p>5.7.1 If an International- or National-Level Athlete in a Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete shall not participate compete in International Events or National Events until the Athlete has made himself or herself available for Testing, by giving six months prior written notice to his or her International Federation and National Anti-Doping Organization. WADA, in consultation with the relevant International Federation and National Anti-Doping Organization, may grant an exemption to the six-month written notice rule where the strict application of that rule</p>

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			International Federation and National Anti-Doping Organization, respectively) until they have made themselves may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13.	would be manifestly unfair to an Athlete. This decision may be appealed under Article 13.
5.7.1.1			5.7.1.1 Any competitive results obtained in violation of Article 5.7.1 shall be Disqualified.	5.7.1.1 Any competitive results obtained in violation of Article 5.7.1 shall be Disqualified.
5.7.2			5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility and then wishes to return to active participation in sport, the Athlete shall not participate in International Events or National Events until the Athlete has made himself or herself available for Testing by giving six months prior written notice to their (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to his or her International Federation and National Anti-Doping Organization of their intention to return.	5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility and then wishes to return to active participation competition in sport, the Athlete shall not participate compete in International Events or National Events until the Athlete has made himself or herself available for Testing by giving six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to his or her International Federation and National Anti-Doping Organization.
5.8			5.8 Investigations and Intelligence-Gathering Anti-Doping Organizations shall ensure they are able to do each of the following, as applicable and in accordance with the International Standards for Testing and Investigation:	5.8 Investigations and Intelligence-Gathering Anti-Doping Organizations shall ensure they are able to do each of the following, as applicable and in accordance with the International Standards Standard for Testing and Investigation Investigations:
5.8.1			5.8.1 Obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate Test Distribution Plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s);	5.8.1 Obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate Test Distribution Plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and
5.8.2			5.8.2 Investigate Atypical Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively; and	5.8.2 Investigate Atypical Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively; and
5.8.3			5.8.3 Investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with Articles 7.6 and 7.7, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding.	5.8.3 Investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with Articles 7.6 and 7.7, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding.
6	ARTICLE 6 ANALYSIS OF SAMPLES Samples shall be analyzed in accordance with the following principles:	ARTICLE 6 ANALYSIS OF SAMPLES Samples shall be analyzed in accordance with the following principles:	ARTICLE 6 ANALYSIS OF SAMPLES Samples shall be analyzed in accordance with the following principles:	ARTICLE 6 ANALYSIS OF SAMPLES Samples shall be analyzed in accordance with the following principles:
6.1	6.1 Use of Approved Laboratories. For purposes of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), Samples shall be analyzed only in WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the Sample analysis shall be determined exclusively by the Anti-Doping Organization responsible for results management.	6.1 Use of Approved Laboratories. For purposes of Article 2.1 (Presence of a Prohibited Substance), Samples shall be analyzed only in WADA-accredited laboratories or as laboratories otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the Sample analysis shall be determined exclusively by the Anti-Doping Organization responsible for results management.	6.1 Use of Accredited and Approved Laboratories. For purposes of Article 2.1 (Presence of a Prohibited Substance), 2.1, Samples shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method or WADA-approved by WADA) laboratory used for the Sample analysis shall be determined exclusively by the Anti-Doping Organization responsible for results management.	6.1 Use of Accredited and Approved Laboratories. For purposes of Article 2.1, Samples shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by the Anti-Doping Organization responsible for results management.
Comment to	[Comment to Article 6.1: Violations of Article 2.1 (Presence	[Comment to Article 6.1: For cost and geographic access	[Comment to Article 6.1: For cost and geographic access	[Comment to Article 6.1: For cost and geographic access

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6.1	of a Prohibited Substance or its Metabolites or Markers) may be established only by Sample analysis performed by a WADA- approved accredited laboratory or another laboratory specifically authorized approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]	reasons, WADA may approve specific laboratories which are not fully WADA-accredited to perform particular tests-- for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and forensic standards required by WADA. Violations of Article 2.1 (Presence of a Prohibited Substance) may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]	reasons, WADA may approve specific laboratories which are not fully WADA-accredited to perform particular tests-- for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and forensic custodial standards required by WADA. Violations of Article 2.1 (Presence of a Prohibited Substance) may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]	reasons, WADA may approve specific laboratories which are not WADA-accredited to perform particular tests- analysis- for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]
6.2	6.2 Purpose of Collection and Analysis of Samples. Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to Article 4.5 (Monitoring Program), or to assist an Anti-Doping Organization in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purposes purpose.	6.2 Purpose of Analysis of Samples. Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to Article 4.5 (Monitoring Program), or to assist an Anti-Doping Organization in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose.	6.2 Purpose of Analysis of Samples. Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to Article 4.5 (Monitoring Program), 4.5, or to assist an Anti-Doping Organization in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis.	6.2 Purpose of Analysis of Samples. Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to Article 4.5, or to assist an Anti-Doping Organization in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis.
Comment to 6.2	[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use or Attempted Use of a Prohibited Substance), or both. Samples may be collected and stored for future analysis.]	[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use or Attempted Use of a Prohibited Substance), or both. Samples may be collected and stored for future analysis.]	[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use or Attempted Use of a Prohibited Substance), or both. Samples may be collected and stored for future analysis 2.2, or both.]	[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]
6.3	6.3 Research on Samples. No Sample may be used for any purpose other than as described in Article 6.2 without the Athlete's written consent. Samples used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.	6.3 Research on Samples. No Sample may be used for any purpose other than as described in Article 6.2 without the Athlete's written consent. Samples used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.	6.3 Research on Samples. No Sample may be used for any purpose other than as described in Article 6.2 research without the Athlete's written consent. Samples used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.	6.3 Research on Samples. No Sample may be used for research without the Athlete's written consent. Samples used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.
Comment to 6.3			[Comment to Article 6.3: As is the case in most medical contexts, use of anonymized Samples for quality assurance, quality improvement, or to establish reference populations is not considered research.]	[Comment to Article 6.3: As is the case in most medical contexts, use of anonymized Samples for quality assurance, quality improvement, or to establish reference populations is not considered research.]
6.4	6.4 Standards for Sample Analysis and Reporting. Laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratories. Unless otherwise instructed by WADA, laboratories shall analyze all Samples for the full list of Prohibited Substances and Prohibited Methods (as appropriate to In-Competition and Out-of-Competition Testing), using all analytical methods available to the laboratory. Less than full-menu Testing on every Sample will be authorized by WADA for specific sports	6.4 Standards for Sample Analysis and Reporting. Laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratories. Unless otherwise instructed by WADA Anti-Doping Organizations may collaborate with WADA in establishing Sample analysis menus appropriate to their particular sports, sport disciplines, and circumstances. WADA may approve Sample analysis menus for less than the full list of Prohibited Substances. Absent WADA approval, laboratories shall analyze all Samples for the full list of Prohibited Substances and Prohibited Methods (as appropriate to In-Competition and Out-of-Competition Testing), using all analytical methods available to the	6.4 Standards for Sample Analysis and Reporting. Laboratories shall analyze Doping Control Samples and report results in conformity with the International Standard for Laboratories. Anti-Doping Organizations may collaborate with WADA in establishing To ensure effective Testing, the Technical Document referenced at Article 5.4.1 will establish risk assessment-based Sample analysis menus appropriate to their for particular sports, and sport disciplines, and circumstances. WADA may approve Sample analysis menus for less than the full list of Prohibited Substances. Absent WADA approval, laboratories shall analyze all Samples for the full list of Prohibited Substances and Prohibited Methods (as appropriate to In-Competition and	6.4 Standards for Sample Analysis and Reporting. Laboratories shall analyze Samples and report results in conformity with the International Standard for Laboratories. To ensure effective Testing, the Technical Document referenced at Article 5.4.1 will establish risk assessment-based Sample analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze Samples in conformity with those menus, except as follows:

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		laboratory. Less than full-menu Testing on every Sample will be authorized by WADA for specific sports	Out-of-Competition Testing), using all analytical methods available to the laboratory. Samples in conformity with those menus, except as follows:	
6.4.1			6.4.1 Anti-Doping Organizations may request that laboratories analyze their Samples using more extensive menus than those described in the Technical Document.	6.4.1 Anti-Doping Organizations may request that laboratories analyze their Samples using more extensive menus than those described in the Technical Document.
6.4.2			6.4.2 Anti-Doping Organizations may request that laboratories analyze their Samples using less extensive menus than those described in the Technical Document only if they have satisfied WADA that, because of the particular circumstances of their country or sport, as set out in their Test Distribution Plan, less extensive analysis would be appropriate.	6.4.2 Anti-Doping Organizations may request that laboratories analyze their Samples using less extensive menus than those described in the Technical Document only if they have satisfied WADA that, because of the particular circumstances of their country or sport, as set out in their Test Distribution Plan, less extensive analysis would be appropriate.
6.4.3			6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and Consequence as any other analytical result.	6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and Consequence as any other analytical result.
Comment to 6.4	[Comment to Article 6.4: WADA will develop a process in which WADA, International Federations, and other Anti-Doping Organizations exchange information on which Prohibited Substances or Prohibited Methods are most likely to be abused in each sport. It is recognized that the resources available to fight doping are limited and that increasing the Testing menu may, in some sports, reduce the number of Samples which can be analyzed. The objective of this Article is to extend the principle of “smart testing” to the Testing menu so as to most effectively and efficiently detect doping.]	[Comment to Article 6.4: The objective of this Article is to extend the principle of “intelligent testing” to the Testing menu so as to most effectively and efficiently detect doping. WADA will develop a process in which WADA, International Federations, and other Anti-Doping Organizations exchange information on which Prohibited Substances or Prohibited Methods are most likely to be abused in each sport. It is recognized that the resources available to fight doping are limited and that increasing the Testing menu may, in some sports, reduce the number of Samples which can be analyzed. The objective of this Article is to extend the principle of “smart testing” to the Testing menu so as to most effectively and efficiently detect doping.]	[Comment to Article 6.4: The objective of this Article is to extend the principle of “intelligent testing” to the TestingSample analysis menu so as to most effectively and efficiently detect doping. WADA will develop a process in which WADA, International Federations, and other Anti-Doping Organizations exchange information on which Prohibited Substances or Prohibited Methods are most likely to be abused in each sport. It is recognized that the resources available to fight doping are limited and that increasing the TestingSample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]	[Comment to Article 6.4: The objective of this Article is to extend the principle of “intelligent testingTesting ” to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]
6.5	6.5 Retesting Samples. A Sample may be reanalyzed for the purpose of Article 6.2 at any time exclusively at the direction of the Anti-Doping Organization that collected the Sample or WADA. The circumstances and conditions for retesting Samples shall conform with the requirements of the International Standard for Laboratories.	6.5 RetestingFurther Analysis of Samples. A Sample may be reanalyzedsubjected to further analysis for the purpose of Article 6.2 at any time exclusively at the direction of the Anti-Doping Organization that collected the Sample or WADA. The circumstances and conditions for retestingfurther analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing.	6.5 Further Analysis of Samples. A Sample may be subjected to further analysissubject to additional analysis at any time until an Anti-Doping Organization initiates an Article 2.1 anti-doping rule violation proceeding against an Athlete for that Sample. Samples may be stored for the purpose of Article 6.2 at any time exclusively at the direction of the Anti-Doping Organization that collected the Sample or WADA. The circumstances and conditions for further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.	6.5 Further Analysis of Samples. AAny Sample may be subject to additional analysis at any time until anfurther analysis by the Anti-Doping Organization responsible for results management at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the Anti-Doping Organization initiatesto the Athlete as the asserted basis for an Article 2.1 anti-doping rule violation proceeding against an Athlete for that Sample. Samples may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of the Anti-Doping Organization that collected theinitiated and directed Sample collection or WADA. The circumstances and conditions for further(Any Sample storage or further analysis initiated by WADA shall be at WADA’s expense.) Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

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<p>Comment to 6.5 (2009 version only)</p>	<p>[Comment to Article 6.5: Although this Article is new, Anti-Doping Organizations have always had the authority to reanalyze Samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonize the protocol for such retesting.]</p>			
<p>7</p>	<p>ARTICLE 7 RESULTS MANAGEMENT Each Anti-Doping Organization conducting results management shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the following principles:</p>	<p>ARTICLE 7 RESULTS MANAGEMENT Each Anti-Doping Organization conducting results management shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the following principles:</p>	<p>ARTICLE 7 RESULTS MANAGEMENT Each Anti-Doping Organization conducting results management shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the following principles:</p>	<p>ARTICLE 7 RESULTS MANAGEMENT Each Anti-Doping Organization conducting results management shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the following principles:</p>
<p>Comment to 7</p>	<p>[Comment to Article 7: Various Signatories have created their own approaches to results management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping rule proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.1 and published as provided in Article 14.3.2.]</p>	<p>[Comment to Article 7: Various Signatories have created their own approaches to results management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping rule proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.1 and published as provided in Article 14.3.2.]</p>	<p>[Comment to Article 7: Various Signatories have created their own approaches to results management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping rule proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and published as provided in Article 14.3.2.]</p>	<p>[Comment to Article 7: Various Signatories have created their own approaches to results management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping rule proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and published as provided in Article 14.3.2.]</p>
<p>7.1</p>		<p>7.1 Authority to Conduct Results Management. Except as provided in Article 7.1.1 below, results management and hearings shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organization which discovered the violation). If that Anti-Doping Organization does not have the authority to conduct results management, then results management authority shall default to the applicable International Federation. Regardless of which organization conducts results management or hearings, the principles set forth in this Article and Article 8 shall be respected and the rules identified in Article 23.2.2 to be incorporated without substantive change must be followed. If a dispute arises between Anti-Doping Organizations over which has results management authority, WADA shall decide. WADA's decision shall not be appealable.</p>	<p>7.1 Authority to Conduct Results Management. Except as provided in Article 7.1.1 and 7.1.2 below, results management and hearings shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organization which discovered the violation). If that Anti-Doping Organization does not have the authority to conduct results management, then results management authority shall default to the applicable International Federation. Regardless of which organization conducts results management or hearings, the principles set forth in this Article and Article 8 shall be respected and the rules identified in Article 23.2.2 to be incorporated without substantive change must be followed. If a dispute arises between Anti-Doping Organizations over which Anti-Doping Organization has results management authority, WADA shall decide. WADA's decision shall not be appealable. which organization has such authority. WADA's decision may be appealed to CAS within seven days of the WADA decision by any of the Anti-Doping Organizations involved in the dispute. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a</p>	<p>7.1 Authority to Conduct Responsibility for Conducting Results Management. Except as provided in Article 7.1.1 and 7.1.2 below, results management and hearings shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organization which discovered the first provides notice to an Athlete or other Person of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation). Regardless of which organization conducts results management or hearings, the principles set forth in this Article and Article 8 shall be respected and the rules identified in Article 23.2.2 to be incorporated without substantive change must be followed. If a dispute arises between Anti-Doping Organizations over which Anti-Doping Organization has results management authority responsibility, WADA shall decide which organization has such authority responsibility. WADA's decision may be appealed to CAS within seven days of notification of the WADA decision by any of the Anti-Doping Organizations involved in the dispute. The appeal shall be dealt with by CAS in an expedited manner and shall be</p>

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			<p>single arbitrator.</p> <p>Where a National Anti-Doping Organization elects to collect additional Samples pursuant to Article 5.2.6, then it shall be considered the Anti-Doping Organization that initiated and directed Sample collection. However, where the National Anti-Doping Organization only directs the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense, then the International Federation or Major Event Organization shall be considered the Anti-Doping Organization that initiated and directed Sample collection.</p>	<p>heard before a single arbitrator.</p> <p>Where a National Anti-Doping Organization elects to collect additional Samples pursuant to Article 5.2.6, then it shall be considered the Anti-Doping Organization that initiated and directed Sample collection. However, where the National Anti-Doping Organization only directs the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense, then the International Federation or Major Event Organization shall be considered the Anti-Doping Organization that initiated and directed Sample collection.</p>
Comment to 7.1		<p>[Comment to Article 7.1: In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation). In such event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code. The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. Of course, an International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation shall conduct results management.</p> <p>The term "discovered" as used in this Article means the Anti-Doping Organization that first uncovered or received information upon which an anti-doping rule violation could be based and then took action based on that information, including investigation, leading to the initiation of an anti-doping rule violation proceeding.]</p>	<p>[Comment to Article 7.1: In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation). In such event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code.</p> <p>The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. Of course, an International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation shall conduct results management.</p> <p>The term "discovered" as used in this Article means the Anti-Doping Organization that first uncovered or received information upon which an anti-doping rule violation could be based and then took action based on that information, including investigation, leading to the initiation of an anti-doping rule violation proceeding.]</p>	<p>[Comment to Article 7.1: In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation). In such event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code. The term "discovered" as used in this Article means the Anti-Doping Organization that first uncovered or received information upon which an anti-doping rule violation could be based and then took action based on that information, including investigation, leading to the initiation of an anti-doping rule violation proceeding.]</p>
7.1.1		<p>7.1.1 Results management and the conduct of hearings for an anti-doping rule violation arising from Sample collection by, or discovered by, a National Anti-Doping Organization involving an Athlete who is not a national, resident, license-holder or member of a sport organization of that country shall be administered as directed by the rules of the applicable International Federation. Results management and the conduct of hearings for a test conducted by WADA on its own initiative will be conducted by the Anti-Doping Organization designated by WADA. Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be referred to the applicable International Federation as far as sanctions beyond exclusion from the Event or Disqualification of the results in the Event.</p>	<p>7.1.1 Results management and In circumstances where the conduct of hearings for an anti-doping rule violation arising from Sample collection by, or discovered by, rules of a National Anti-Doping Organization involving do not give the National Anti-Doping Organization authority over an Athlete or other Person who is not a national, resident, license-holder, or member of a sport organization of that country, or the National Anti-Doping Organization declines to exercise such authority, results management shall be administered as directed by the rules of the applicable International Federation. Results management and the conduct of hearings for a test conducted by WADA on its own initiative, or an anti-doping rule violation discovered by WADA, will be conducted by the Anti-Doping Organization designated by WADA. Results management and the conduct of hearings from a test conducted by the International Olympic Committee, the International Paralympic Committee, or another Major Event Organization, or discovered by one of those organizations, shall be referred to the applicable International Federation as far as sanctions in relation to Consequences beyond exclusion from the Event or, Disqualification of the results in the Event Event results, forfeiture of any medals, points, or prizes from the Event, or recovery of costs applicable to the anti-doping rule violation.</p>	<p>7.1.1 In circumstances where the rules of a National Anti-Doping Organization do not give the National Anti-Doping Organization authority over an Athlete or other Person who is not a national, resident, license holder, or member of a sport organization of that country, or the National Anti-Doping Organization declines to exercise such authority, results management shall be administered as directed conducted by the rules of the applicable International Federation. or by a third party as directed by the rules of the International Federation. Results management and the conduct of hearings for a Test test conducted by WADA on its own initiative, or an anti-doping rule violation discovered by WADA, will be conducted by the Anti-Doping Organization designated by WADA. Results management and the conduct of hearings from for a Test test conducted by the International Olympic Committee, the International Paralympic Committee, or another Major Event Organization, or an anti-doping rule violation discovered by one of those organizations, shall be referred to the applicable International Federation in relation to Consequences consequences beyond exclusion from the Event, Disqualification of Event results, forfeiture of any medals, points, or prizes from the Event, or recovery of costs applicable to the anti-doping rule violation.</p>

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<p>Comment to 7.1.1</p>		<p>[Comment to Article 7.1.1: No absolute rule is established for managing results and conducting hearings where a National Anti-Doping Organization tests a foreign national Athlete over whom it would have had no jurisdiction but for the Athlete's presence in the National Anti-Doping Organization's country. Under this Article, it is left to the International Federation to determine under its own rules whether, for example, management of the case should be referred to the Athlete's National Anti-Doping Organization, remain with the Anti-Doping Organization that collected the Sample, or be taken over by the International Federation.]</p>	<p>[Comment to Article 7.1.1: No absolute rule is established for managing results and conducting hearings where a National The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization tests a foreign national Athlete over whom it would have had no jurisdiction but for the Athlete's presence in the National Anti-Doping Organization's country. Under this Article, it is left to the would have authority to conduct results management. An International Federation to determine under its own rules whether, for example, management of the case should be referred to the Athlete's is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation shall conduct results management.]</p>	<p>[Comment to Article 7.1.1: The Athlete's or other Person's International Federation has been made the authority Anti-Doping Organization of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. An International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation Anti-Doping Organization shall conduct results management.]</p>
<p>7.1.2</p>			<p>7.1.2 Results management in relation to a potential Whereabouts Failure (a Filing Failure or a Missed Test) shall be administered by the International Federation or the National Anti-Doping Organization, remain with the with whom the Athlete in question files his or her whereabouts information, as provided in the International Standard for Testing and Investigations. The Anti-Doping Organization that collected the Sample, or be taken over by the International Federation.] determines a Filing Failure or a Missed Test shall submit that information to WADA through ADAMS or other system approved by WADA, where it will be made available to other relevant Anti-Doping Organizations.</p>	<p>7.1.2 Results management in relation to a potential Whereabouts Failure (a Filing Failure or a Missed Test) shall be administered by the International Federation or the National Anti-Doping Organization with whom the Athlete in question files his or her whereabouts information, as provided in the International Standard for Testing and Investigations. The Anti-Doping Organization that determines a Filing Failure or a Missed Test shall submit that information to WADA through ADAMS or other system approved by WADA, where it will be made available to other relevant Anti-Doping Organizations.</p>
<p>7.2</p>	<p>7.1 Initial Review Regarding Adverse Analytical Findings. Upon receipt of an A Sample Adverse Analytical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Adverse Analytical Finding.</p>	<p>7.2 Review Regarding Adverse Analytical Findings. Upon receipt of an Adverse Analytical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Adverse Analytical Finding.</p>	<p>7.2 Review Regarding Adverse Analytical Findings. Upon receipt of an Adverse Analytical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (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.</p>	<p>7.2 Review Regarding Adverse Analytical Findings. Upon receipt of an Adverse Analytical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (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.</p>
<p>7.3</p>	<p>7.2 Notification After Initial Review Regarding Adverse Analytical Findings. If the initial review of an Adverse Analytical Finding under Article 7.1 does not reveal an applicable therapeutic use exemption or entitlement to a therapeutic use exemption as provided in the International Standard for Therapeutic Use Exemptions, or departure that caused the Adverse Analytical Finding, the Anti-Doping Organization shall promptly notify the Athlete, in the manner set out in Article 14 and its own rules, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; and (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or Anti-Doping Organization chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis</p>	<p>7.27.3 Notification After Review Regarding Adverse Analytical Findings. If the review of an Adverse Analytical Finding under Article 7.17.2 does not reveal an applicable therapeutic use exemption or entitlement to a therapeutic use exemption as provided in the International Standard for Therapeutic Use Exemptions, or departure that caused the Adverse Analytical Finding, the Anti-Doping Organization shall promptly notify the Athlete, in the manner set out in Article 14 and its own rules, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; and (c) the Athlete's right to request copies of the promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or Anti-Doping Organization chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and</p>	<p>7.3 Notification After Review Regarding Adverse Analytical Findings. If the review of an Adverse Analytical Finding under Article 7.2 does not reveal an applicable therapeutic use exemption or entitlement to a therapeutic use exemption as provided in the International Standard for Therapeutic Use Exemptions, or departure that caused the Adverse Analytical Finding, the Anti-Doping Organization shall promptly notify the Athlete, in the manner set out in Article 14 and its own rules, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; and (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or Anti-Doping Organization chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis within the time period specified in the International</p>	<p>7.3 Notification After Review Regarding Adverse Analytical Findings. If the review of an Adverse Analytical Finding under Article 7.2 does not reveal an applicable therapeutic use exemption TUE or entitlement to a therapeutic use exemption TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure that caused the Adverse Analytical Finding, the Anti-Doping Organization shall promptly notify the Athlete, in the manner set out in Article 1414.1.1 and 14.1.3 and its own rules, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; and (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or Anti-Doping Organization chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and</p>

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	<p>within the time period specified in the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample request copies of the laboratory documentation package which includes information as required by the International Standard for Laboratories. The Anti-Doping Organization shall also notify the other Anti-Doping Organizations described in Article 14.1.2. If the Anti-Doping Organization decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete and the Anti-Doping Organizations as described in Article 14.1.2.</p> <p>In all cases where an Athlete has been notified of an anti-doping rule violation that does not result in a mandatory Provisional Suspension under Article 7.7.1, the Athlete shall be offered the opportunity to accept a Provisional Suspension effective until a decision is rendered following a hearing.</p>	<p>analysis within the time period specified in the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. The Anti-Doping Organization shall also notify the other Anti-Doping Organizations described in Article 14.1.2. If the Anti-Doping Organization decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete and the Anti-Doping Organizations as described in Article 14.1.2.</p> <p>In all cases where an Athlete has been notified of an anti-doping rule violation that does not result in a mandatory Provisional Suspension under Article 7.7.1, 7.8.1, the Athlete shall be offered the opportunity to accept a Provisional Suspension effective until a decision is rendered following a hearing.</p>	<p>Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If the Anti-Doping Organization decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete and the Anti-Doping Organizations as described in Article 14.1.2.</p> <p>In all cases where an Athlete has been notified of an anti-doping rule violation that does not result in a mandatory Provisional Suspension under Article 7.8.1, the Athlete shall be offered the opportunity to accept a Provisional Suspension effective until a decision is rendered following a hearing.</p>	<p>analysis within the time period specified in the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If the Anti-Doping Organization decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete and the Anti-Doping Organizations as described in Article 14.1.2.</p> <p>In all cases where an Athlete has been notified of an anti-doping rule violation that does not result in a mandatory Provisional Suspension under Article 7.8.1, 7.9.1, the Athlete shall be offered the opportunity to accept a Provisional Suspension effective until a decision is rendered following a hearing pending the resolution of the matter.</p>
7.4	<p>7.3 Review of Atypical Findings.</p> <p>As provided in the International Standards, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an A Sample Atypical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or the Athlete is eligible for a retroactive therapeutic use exemption under the International Standards, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Atypical Finding. If that review does not reveal an applicable therapeutic use exemption or departure that caused the Atypical Finding, the Anti-Doping Organization shall conduct the required investigation. After the investigation is completed, the Athlete and other Anti-Doping Organizations identified in Article 14.1.2 shall be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding. The Athlete shall be notified as provided in Article 7.2.</p>	<p>7.37.4 Review of Atypical Findings.</p> <p>As provided in the International Standards, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an Atypical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or the Athlete is eligible for a retroactive therapeutic use exemption under will be granted as provided in the International Standards Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Atypical Finding. If that review does not reveal an applicable therapeutic use exemption or departure that caused the Atypical Finding, the Anti-Doping Organization shall conduct the required investigation. After the investigation is completed, the Athlete and other Anti-Doping Organizations identified in Article 14.1.2 shall be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding. The Athlete shall be notified as provided in Article 7.2.7.3.</p>	<p>7.4 Review of Atypical Findings.</p> <p>As provided in the International Standards, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an Atypical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding. If that review does not reveal an applicable therapeutic use exemption or departure that caused the Atypical Finding, the Anti-Doping Organization shall conduct the required investigation. After the investigation is completed, the Athlete and other Anti-Doping Organizations identified in Article 14.1.2 shall be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding. The Athlete shall be notified as provided in Article 7.3.</p>	<p>7.4 Review of Atypical Findings.</p> <p>As provided in the International Standards Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an Atypical Finding, the Anti-Doping Organization responsible for results management shall conduct a review to determine whether: (a) an applicable therapeutic use exemption TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding. If that review does not reveal an applicable therapeutic use exemption TUE or departure that caused the Atypical Finding, the Anti-Doping Organization shall conduct the required investigation. After the investigation is completed, the Athlete and other Anti-Doping Organizations identified in Article 14.1.2 shall be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding. The Athlete shall be notified as provided in Article 7.3.</p>
Comment to 7.4			<p>[Comment to Article 7.4: The "required investigation" described in this Article will depend on the situation. For example, if it has previously determined that an Athlete has a naturally elevated testosterone/epitestosterone ratio, confirmation that an Atypical Finding is consistent with that prior ratio is a sufficient investigation.]</p>	<p>[Comment to Article 7.4: The "required investigation" described in this Article will depend on the situation. For example, if it has previously determined that an Athlete has a naturally elevated testosterone/epitestosterone ratio, confirmation that an Atypical Finding is consistent with that prior ratio is a sufficient investigation.]</p>
7.4.1	<p>7.3.1 The Anti-Doping Organization will 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 exist:</p> <p>(a) If the Anti-Doping Organization determines the B Sample should be analyzed prior to the conclusion of its investigation under Article 7.3, the Anti-Doping Organization</p>	<p>7.3.17.4.1 The Anti-Doping Organization will 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 exist:</p> <p>(a) If the Anti-Doping Organization determines the B Sample should be analyzed prior to the conclusion of its investigation under Article 7.4, the Anti-Doping Organization</p>	<p>7.4.1 The Anti-Doping Organization will 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 exist:</p> <p>(a) If the Anti-Doping Organization determines the B Sample should be analyzed prior to the conclusion of its investigation under Article 7.4, the Anti-Doping Organization</p>	<p>7.4.1 The Anti-Doping Organization will 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 exist:</p> <p>(a) If the Anti-Doping Organization determines the B Sample should be analyzed prior to the conclusion of its investigation under Article 7.4, the Anti-Doping Organization</p>

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	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 7.2(b)-(f). (b) If the Anti-Doping Organization receives a request, either from a Major Event Organization shortly before one of its International Events or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or sport organization has a pending Atypical Finding, the Anti-Doping Organization shall so identify any such Athlete after first providing notice of the Atypical Finding to the Athlete.	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 7.3(b)-(f). (b) If the Anti-Doping Organization receives a request, either from a Major Event Organization shortly before one of its International Events or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or sport organization has a pending Atypical Finding, the Anti-Doping Organization shall so identify any such Athlete after first providing notice of the Atypical Finding to the Athlete.	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 7.3(b)-(f). (b) If the Anti-Doping Organization receives a request, either from a Major Event Organization shortly before one of its International Events or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or sport organization has a pending Atypical Finding, the Anti-Doping Organization shall so identify any such Athlete after first providing notice of the Atypical Finding to the Athlete.	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 7.3(b)-(f). (b) If the Anti-Doping Organization receives a request, either from a Major Event Organization shortly before one of its International Events or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or sport organization has a pending Atypical Finding, the Anti-Doping Organization shall so identify any such Athlete after first providing notice of the Atypical Finding to the Athlete.
Comment to 7.4.1(b)	[Comment to Article 7.3.1(b): Under the circumstance described in Article 7.3.1(b), 7.3.1, the option to take action would be left to the Major Event Organization or sport organization consistent with its rules.]	[Comment to Article 7.3.17.4.1(b): Under the circumstance described in Article 7.3.1, 7.4.1(b), the option to take action would be left to the Major Event Organization or sport organization consistent with its rules.]	[Comment to Article 7.4.1(b): Under the circumstance described in Article 7.4.1(b), the option to take action would be left to the Major Event Organization or sport organization consistent with its rules.]	[Comment to Article 7.4.1(b): Under the circumstance described in Article 7.4.1(b), the option to take action would be left to the Major Event Organization or sport organization consistent with its rules.]
7.5	7.4 Review of Adverse Passport Findings. Review of Adverse Passport Findings shall take place as provided in the Athlete Biological Passport Technical Documents. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.	7.47.5 Review of Adverse Passport Findings. Review of Adverse Passport Findings shall take place as provided in the Athlete Biological Passport Technical Documents. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.	7.5 Review of Adverse Passport Findings. Review of Adverse Passport Findings shall take place as provided in the Athlete Biological Passport Technical Documents International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.	7.5 Review of Atypical and Adverse Passport Findings. Review of Atypical and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.14.1.2.
7.6			7.6 Review of Whereabouts Failures. Review of potential Filing Failures and Missed Tests shall take place as provided in the International Standard for Testing and Investigations. At such time as the International Federation or National Anti-Doping Organization (as applicable) is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, that it is asserting a violation of Article 2.4 and the basis of that assertion. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.	7.6 Review of Whereabouts Failures. Review of potential Filing Failures and Missed Tests shall take place as provided in the International Standard for Testing and Investigations. At such time as the International Federation or National Anti-Doping Organization (as applicable) is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Athlete notice, in the manner set out in its rules, that it is asserting a violation of Article 2.4 and the basis of that assertion. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.14.1.2.
7.7	7.5 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.3.7.4. The Anti-Doping Organization or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the Code or which the Anti-Doping Organization otherwise considers appropriate. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person subject to sanction notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.2.	7.57.6 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.4.7.5. The Anti-Doping Organization or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the Code or which the Anti-Doping Organization otherwise considers appropriate. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person subject to sanction notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.2.	7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.5.7.6. The Anti-Doping Organization or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the Code or which the Anti-Doping Organization otherwise considers appropriate. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person subject to sanction notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.2.	7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.6. The Anti-Doping Organization or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the Code or which the Anti-Doping Organization otherwise considers appropriate. At such time as the Anti-Doping Organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person subject to sanction notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.2.

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Comment to 7.1, 7.6 and 7.7	[Comment to ArticleArticles 7.4 and 7.5: As an example, an International Federation typically would notify the Athlete through the Athlete's national sports federation.]	[Comment to Articles 7.47.5 and 7.57.6 : As an example, an International Federation typically would notify the Athlete through the Athlete's national sports federation.]	[Comment to Articles 7.57.1 , 7.6 and 7.67.7 : As an example, an International Federation typically would notify the Athlete through the Athlete's national sports federationNational Federation .]	[Comment to Articles 7.1, 7.6 and 7.7: As an example, an International Federation typically would notify the Athlete through the Athlete's National Federation.]
7.8	7.6 Identification of Prior Anti-Doping Rule Violations using ADAMS. Before giving an Athlete or other Person notice of an anti-doping rule violation as provided above, the Anti-Doping Organization shall refer to ADAMS and contact other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.	7.67.7 Identification of Prior Anti-Doping Rule Violations using ADAMS. Before giving an Athlete or other Person notice of an anti-doping rule violation as provided above, the Anti-Doping Organization shall refer to ADAMS and contact other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.	7.77.8 Identification of Prior Anti-Doping Rule Violations using ADAMS. Before giving an Athlete or other Person notice of an asserted anti-doping rule violation as provided above, the Anti-Doping Organization shall refer to ADAMS and contact other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.	7.8 Identification of Prior Anti-Doping Rule Violations using ADAMS. Before giving an Athlete or other Person notice of an asserted anti-doping rule violation as provided above, the Anti-Doping Organization shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.
7.9	7.57.7 Principles Applicable to Provisional Suspensions.	7.77.8 Principles Applicable to Provisional Suspensions.	7.87.9 Principles Applicable to Provisional Suspensions.	7.9 Principles Applicable to Provisional Suspensions.
7.9.1	7.5.17.7.1 Mandatory Provisional Suspension after A Sample Adverse Analytical Finding. Signatories shall adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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, providing that when an A Sample Adverse Analytical Finding is received for a Prohibited Substance, other than a Specified Substancespecified substance or the Use of a Prohibited Method , a Provisional Suspension shall be imposed promptly after the review and notification described in Articles 7.1 and 7.2. Provided, however, that a Provisional Suspension may not be imposed unless the Athlete is given either: (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 Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension.	7.7.17.8.1 Mandatory Provisional Suspension after an Adverse Analytical Finding. Signatories shall adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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, providing that when an Adverse Analytical Finding is received for a Prohibited Substance, other than a specified substance or the Use of a Prohibited Method, a Provisional Suspension shall be imposed promptly after the review and notification described in Articles 7.17.2 and 7.2.7.3 . Provided, however, that a Provisional Suspension may not be imposed unless the Athlete is given either: (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 Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension.	7.8.17.9.1 Mandatory Provisional Suspension after an Adverse Analytical Finding. Signatories shall adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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, providing that when an Adverse Analytical Finding is received for a Prohibited Method or a Prohibited Substance , other than a specified substance or the Use of a Prohibited MethodSpecified Substance , a Provisional Suspension shall be imposed promptly after the review and notification described in Articles 7.2 and 7.3.7.2 , 7.3 or 7.5 . A mandatory Provisional Suspension may be eliminated if the Athlete or other Person demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing body's decision not to eliminate a mandatory provisional suspension on account of the Athlete or other Person's assertion regarding a Contaminated Product shall not be appealable. Provided, however, that a Provisional Suspension may not be imposed unless the Athlete is given either: (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 Article 8 (Right to a Fair Hearing and Notice of Hearing Decision) on a timely basis after imposition of a Provisional Suspension.	7.9.1 Mandatory Provisional Suspension after an Adverse Analytical Finding. Signatories shall adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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, providing that when an Adverse Analytical Finding is received for a Prohibited MethodSubstance or a Prohibited SubstanceMethod , other than a Specified Substance, a Provisional Suspension shall be imposed promptly after the review and notification described in Articles 7.2, 7.3 or 7.5. A mandatory Provisional Suspension may be eliminated if the Athlete or other Person demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing body's decision not to eliminate a mandatory provisional suspension on account of the Athlete or other Person's assertion regarding a Contaminated Product shall not be appealable. Provided, however, that a Provisional Suspension may not be imposed unless the Athlete is given either: (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 Article 8 (Right to a Fair Hearing and Notice of Hearing Decision) on a timely basis after imposition of a Provisional Suspension.
7.9.2	7.5.2.7.7.2. Optional Provisional Suspension based on A Sample Adverse Analytical Finding for Specified Substancespecified substances or other anti-doping rule violations. A Signatory may adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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 other than an Adverse Analytical Finding, or after the review	7.7.2.7.8.2. Optional Provisional Suspension basedBased on a Sample Adverse Analytical Finding for specified substances or other anti-doping rule violationsSpecified Substances or Other Anti-Doping Rule Violations . A Signatory may adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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 other than an Adverse Analytical Finding, or after the review	7.8.2.7.9.2. Optional Provisional Suspension Based on a Sample Adverse Analytical Finding for Specified Substances, Contaminated Products , or Other Anti-Doping Rule Violations. A Signatory may adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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 other than an Adverse Analytical Finding, or after the review	7.9.2. Optional Provisional Suspension Basedbased on a Sample Adverse Analytical Finding for Specified Substances, Contaminated Products, or Otherother Anti-Doping Rule Violations. A Signatory may adopt rules, applicable to any Event for which the Signatory is the ruling body or for 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 Article 7.9.1 prior to analysis of the Athlete's

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	<p>and notification described in Articles 7.1 and 7.2 for Specified Substances specified substances, but prior to the analysis of the Athlete's B Sample or the final hearing as described in Article 8 (Right to a Fair Hearing).</p> <p>Provided, however, that a Provisional Suspension may not be imposed unless the Athlete or other Person is given either: (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 Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension.</p> <p>If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organization) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers). In circumstances where the Athlete (or the Athlete's team as may be provided in the rules of the applicable International Federation) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition, it is still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.</p>	<p>and notification described in Articles 7.17.2 and 7.27.3 for specified substances, but prior to analysis of the Athlete's B Sample or the final hearing as described in Article 8 (Right to a Fair Hearing).</p> <p>Provided, however, that a Provisional Suspension may not be imposed unless the Athlete or other Person is given either: (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 Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension.</p> <p>If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organization) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers). In circumstances where the Athlete (or the Athlete's team as may be provided in the rules of the applicable International Federation) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition, it is still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.</p>	<p>and notification described in Articles 7.2 and 7.3 for specified substances, but not covered by Article 7.9.1 prior to analysis of the Athlete's B Sample or the final hearing as described in Article 8 (Right to a Fair Hearing) 8.</p> <p>Provided, however, that a Provisional Suspension may not be imposed unless the Athlete or other Person is given either: (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 Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension.</p> <p>If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organization) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers). 2.1. In circumstances where the Athlete (or the Athlete's team as may be provided in the rules of the applicable International Federation) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition, it is still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.</p>	<p>B Sample or final hearing as described in Article 8.</p> <p>Provided, however, that a Provisional Suspension may not be imposed unless the Athlete or other Person is given either: (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 Article 8 on a timely basis after imposition of a Provisional Suspension.</p> <p>If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organization) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1. 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 a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition, it is still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.</p>
Comment to 7.9	<p>[Comment to Article 7.57.7: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, the Signatory imposing a Provisional Suspension is required to give shall ensure that the Athlete is given an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.</p> <p>In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.</p> <p>Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]</p>	<p>[Comment to Article 7.77.8: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, the Signatory imposing a Provisional Suspension shall ensure that the Athlete is given an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.</p> <p>In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.</p> <p>Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]</p>	<p>[Comment to Article 7.87.9: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, the Signatory imposing a Provisional Suspension shall ensure that the Athlete is given an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.</p> <p>In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.</p> <p>Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed or accepted as provided in Article 10.9.3. Articles 10.9.3 or 10.9.4.]</p>	<p>[Comment to Article 7.9: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, the Signatory imposing a Provisional Suspension shall ensure that the Athlete is given an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.13.2.3.</p> <p>In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.</p> <p>Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed or accepted as provided in Articles 10.9.310.11.3 or 10.9.4.10.11.4.]</p>
7.10	<p>7.8 Notification of Results Management Decisions.</p> <p>In all cases where an Anti-Doping Organization responsible for results management has asserted the commission of an anti-doping rule violation, withdrawn the assertion of anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person to the imposition of a</p>	<p>7.87.9 Notification of Results Management Decisions.</p> <p>In all cases where an Anti-Doping Organization responsible for results management has asserted the commission of an anti-doping rule violation, withdrawn the assertion of anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person to the imposition of a</p>	<p>7.97.10 Notification of Results Management Decisions.</p> <p>In all cases where an Anti-Doping Organization responsible for results management has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person to the imposition of a</p>	<p>7.10 Notification of Results Management Decisions.</p> <p>In all cases where an Anti-Doping Organization has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person to the imposition of a sanction</p>

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	sanction without a hearing, other Anti-Doping Organizations with a right to appeal under Article 13.2.3 shall be provided notice as set forth in Article 14.2.1.	sanction without a hearing, other Anti-Doping Organizations with a right to appeal under Article 13.2.3 shall be provided notice as set forth in Article 14.2.1.	sanction without a hearing, that Anti-Doping Organization shall give notice thereof as set forth in Article 14.2.1 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 shall be given notice as set forth in Article 14.2.1.13.2.3.	without a hearing, that Anti-Doping Organization shall give notice thereof as set forth in Article 14.2.1 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3.
7.11	7.67.9 Retirement from Sport. If an Athlete or other Person retires while a results management process is underway, the Anti-Doping Organization conducting the results management process retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the Anti-Doping Organization which would have had results management jurisdiction over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, has jurisdiction to conduct results management.	7.97.10 Retirement from Sport. If an Athlete or other Person retires while a results management process is underway, the Anti-Doping Organization conducting the results management process retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the Anti-Doping Organization which would have had results management jurisdiction authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, has jurisdiction authority to conduct results management.	7.107.11 Retirement from Sport. If an Athlete or other Person retires while a results management process is underway, the Anti-Doping Organization conducting the results management process retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the Anti-Doping Organization which would have had results management authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, has authority to conduct results management.	7.11 Retirement from Sport. If an Athlete or other Person retires while a results management process is underway, the Anti-Doping Organization conducting the results management process retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the Anti-Doping Organization which would have had results management authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, has authority to conduct results management.
Comment to 7.11	[Comment to Article 7.67.9: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]	[Comment to Article 7.97.10: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]	[Comment to Article 7.107.11: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]	[Comment to Article 7.11: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]
8	ARTICLE 8 RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION	ARTICLE 8 RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION	ARTICLE 8 RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION	ARTICLE 8 RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION
8.1	8.1 Fair Hearings. Each Anti-Doping Organization with responsibility for results management shall provide a hearing process for any Person who is asserted to have committed an anti-doping rule violation. Such hearing process shall address whether an anti-doping rule violation was committed and, if so, the appropriate Consequences. The hearing process shall respect the following principles: • a timely hearing; • a fair and impartial hearing panel; • the right to be represented by counsel at the Person's own expense; • the right to be informed in a fair and timely manner of the asserted anti-doping rule violation; • the right to respond to the asserted anti-doping rule violation and resulting Consequences; • the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or	8.1 Fair Hearings. Each For any Person who is asserted to have committed an anti-doping rule violation, each Anti-Doping Organization with responsibility for results management shall provide a hearing process for any Person who is asserted to have committed an anti-doping rule violation. Such hearing process shall address whether an anti-doping rule violation was committed and, if so, the appropriate Consequences. The hearing process shall respect the following principles: fair hearing within a reasonable time by a fair and impartial tribunal. A reasoned decision specifically including an explanation of the reason(s) for any period of Ineligibility shall be publicly reported. <input type="checkbox"/> a timely hearing; • a fair and impartial hearing panel; • the right to be represented by counsel at the Person's own expense; • the right to be informed in a fair and timely manner of the asserted anti-doping rule violation; • the right to respond to the asserted anti-doping rule violation and resulting Consequences; • the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission); • the Person's right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for	8.1 Fair Hearings. For any Person who is asserted to have committed an anti-doping rule violation, each Anti-Doping Organization with responsibility for results management shall provide, at a minimum, a fair hearing within a reasonable time by a fair and impartial tribunal hearing panel. A timely reasoned decision specifically including an explanation of the reason(s) for any period of Ineligibility shall be publicly reported.	8.1 Fair Hearings. For any Person who is asserted to have committed an anti-doping rule violation, each Anti-Doping Organization with responsibility for results management shall provide, at a minimum, a fair hearing within a reasonable time by a fair and impartial hearing panel. A timely reasoned decision specifically including an explanation of the reason(s) for any period of Ineligibility shall be publicly reported. Publicly Disclosed as provided in Article 14.3.

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	written submission); • the Person's right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost, of the interpreter; and • a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of Ineligibility.	the cost, of the interpreter; and • a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of Ineligibility.		
Comment to 8.1	[Comment to Article 8.1: This Article contains basic principles relative to ensuring a fair hearing for Persons asserted to have committed anti-doping rule violations. This Article is not intended to supplant each Signatory's own rules for hearings but rather to ensure that each Signatory provides a hearing process consistent with these principles.]	[Comment to Article 8.1: This Article contains basic principles relative to ensuring a fair hearing for Persons asserted to have committed anti-doping rule violations as set forth in Article 6.1 of the European Convention on Human Rights and comparable principles generally accepted in international law. This Article is not intended to supplant each Signatory's own rules for hearings but rather to ensure that each Signatory provides a hearing process consistent with these principles.]	[Comment to Article 8.1: This Article contains basic principles relative to ensuring a fair hearing for Persons asserted to have committed anti-doping rule violations as set forth in Article 6.1 of the European Convention on Human Rights and comparable principles generally accepted in international law. This Article is not intended to supplant each Signatory's own rules for hearings but rather to ensure that each Signatory provides a hearing process consistent with these principles.]	[Comment to Article 8.1: This Article requires that at some point in the results management process, the Athlete or other Person shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organization's own rules for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.]
8.2	8.2 Event Hearings. Hearings 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.	8.2 Event Hearings. Hearings 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.	8.2 Event Hearings. Hearings 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.	8.2 Event Hearings. Hearings 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.
Comment to 8.2	[Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]	[Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]	[Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]	[Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]
8.3	8.3 Waiver of Hearing. The right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge an Anti-Doping Organization's assertion that an anti-doping rule violation has occurred within the specific time period provided in the Anti-Doping Organization's rules. Where no hearing occurs, the Anti-Doping Organization with results management responsibility shall submit to the Persons described in Article 13.2.3 a reasoned decision explaining the action taken. provide notice to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2.	8.3 Waiver of Hearing. The right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge an Anti-Doping Organization's assertion that an anti-doping rule violation has occurred within the specific time period provided in the Anti-Doping Organization's rules. Where no hearing occurs, the Anti-Doping Organization with results management responsibility shall provide notice as provided in Article 14.2 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2.	8.3 Waiver of Hearing. The right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge an Anti-Doping Organization's assertion that an anti-doping rule violation has occurred within the specific time period provided in the Anti-Doping Organization's rules. Where no hearing occurs, the Anti-Doping Organization with results management responsibility shall provide notice as provided in Article 14.2 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3.	8.3 Waiver of Hearing. The right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge an Anti-Doping Organization's assertion that an anti-doping rule violation has occurred within the specific time period provided in the Anti-Doping Organization's rules. Where no hearing occurs, the Anti-Doping Organization with results management responsibility shall provide notice as provided in Article 14.2 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3.
8.4	8.4 Notice of Decisions. The reasoned hearing decision shall be provided to the Athlete and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2.	8.4 Notice of Decisions. The reasoned hearing decision, or the decision in case the hearing is waived, shall be provided by the Anti-Doping Organization with results management responsibility to the Athlete and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2.	8.4 Notice of Decisions. The reasoned hearing decision, or the decision, in cases where the hearing is waived, a reasoned decision explaining the action taken, shall be provided by the Anti-Doping Organization with results management responsibility to the Athlete and to other Anti-Doping Organizations with a right to appeal under Article	8.4 Notice of Decisions. The reasoned hearing decision, or, in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the Anti-Doping Organization with results management responsibility to the Athlete and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article

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			13.2.3 as provided in Article 14.2.	14.2.14.2.1.
8.5	<p>8.5 Initial Hearing Before CAS.</p> <p>Anti-doping rule violations asserted against an Athlete in a High Priority Athlete Pool may, with the consent of the Athlete, the Anti-Doping Organization with results management responsibility, WADA, and the applicable International Federation and National Anti-Doping Organization, be heard in the first instance by CAS, with no further appeal possible.</p>	<p>8.5 InitialSingle Hearing Before CAS.</p> <p>Anti-doping rule violations asserted against an Athlete in a High Priority Athlete PoolInternational-Level Athletes or National-Level Athletes may, with the consent of the Athlete, the Anti-Doping Organization with results management responsibility, WADA, and the applicable International Federation and National Anti-Doping Organization, be heard in the first instance bydirectly at CAS, with no further appeal possiblerequirement for a prior results management hearing.</p>	<p>8.5 Single Hearing Before CAS.</p> <p>Anti-doping rule violations asserted against International-Level Athletes or National-Level Athletes may, with the consent of the Athlete, the Anti-Doping Organization with results management responsibility, WADA, and the applicable International Federation and National Anti-Doping Organization, be heard directly at CAS, with no requirement for a prior results management hearing. under Article 8.1.</p>	<p>8.5 Single Hearing Before CAS.</p> <p>Anti-doping rule violations asserted against International-Level Athletes or National-Level Athletes may, with the consent of the Athlete, the Anti-Doping Organization with results management responsibility, WADA, and the applicable International Federation and Nationalany other Anti-Doping Organization that would have had a right to appeal a first instance hearing decision to CAS, be heard directly at CAS, with no requirement for a prior hearing under Article 8.1..</p>
Comment to 8.5	[Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings.]	[Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings.]	[Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings.]	[Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]
9	<p>ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS</p> <p>An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.</p>	<p>ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS</p> <p>An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.</p>	<p>ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS</p> <p>An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.</p>	<p>ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS</p> <p>An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequencesconsequences, including forfeiture of any medals, points and prizes.</p>
Comment to 9	<p>[Comment to Article 9: When an Athlete wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Athletes in that Competition regardless of whether the gold medalist was at faultFault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results.</p> <p>For Team Sports, see records and results attributable to individual players will be Disqualified. However, Disqualification of the Team will be as provided in Article 11 (Consequences to Teams).</p> <p>In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]</p>	<p>[Comment to Article 9: When an Athlete wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Athletes in that Competition regardless of whether the gold medalist was at Fault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results. For Team Sports, records and results attributable to any awards received by individual players will be Disqualified. However, Disqualification of the Team will be as provided in Article 11 (Consequences to Teams).</p> <p>In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]</p>	<p>[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the Team will be as provided in Article 11 (Consequences to Teams).11.)</p> <p>In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]</p>	<p>[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the Team will be as provided in Article 11.) In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]</p>
10	ARTICLE 10 SANCTIONS ON INDIVIDUALS	ARTICLE 10 SANCTIONS ON INDIVIDUALS	ARTICLE 10 SANCTIONS ON INDIVIDUALS	ARTICLE 10 SANCTIONS ON INDIVIDUALS
10.1	<p>10.1 Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs.</p> <p>An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and</p>	<p>10.1 Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs.</p> <p>An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and</p>	<p>10.1 Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs.</p> <p>An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and</p>	<p>10.1 Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs.</p> <p>An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and</p>

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	prizes, except as provided in Article 10.1.1. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete Tested negative in the other Competitions.	prizes, except as provided in Article 10.1.1. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete Tested negative in the other Competitions.	prizes, except as provided in Article 10.1.1. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete Tested negative in the other Competitions.	prizes, except as provided in Article 10.1.1. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete Tested tested negative in the other Competitions.
Comment to 10.1	[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships). Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]	[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).	[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).	[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).]
10.1.1	10.1.1 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation violations.	10.1.1 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violations violation.	10.1.1 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation.	10.1.1 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation.
10.2	10.2 Ineligibility for Presence of a Prohibited Substance, Use or Attempted Use of a Prohibited Substance, or Possession of Prohibited Substances and Prohibited Methods. The period of Ineligibility imposed for a violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of Prohibited Substances and Prohibited Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met: First violation: Two (2) years Ineligibility.	10.2 Ineligibility for Presence of a Prohibited Substance, Use or Attempted Use of a Prohibited Substance, or Possession of a Prohibited Substances and Substance or Prohibited MethodsMethod. The period of Ineligibility imposed for a first violation of Article 2.1 (Presence of a Prohibited Substance), Article 2.2 (Use or Attempted Use) or Article 2.6 (Possession) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6,10.5 are met:	10.2 10.2 Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method. The period of Ineligibility imposed for a first violation of Article 2.1 (Presence of a Prohibited Substance), Article 2.2 (Use or Attempted Use) or ArticleArticles 2.1, 2.2 or 2.6 (Possession) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 andsubject to potential reduction or suspension of sanction pursuant to Articles 10.4, 10.5 are met or 10.6:	10.2 Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method. The period of Ineligibility imposed for a first violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension of sanction pursuant to Articles 10.4, 10.5 or 10.6:
10.2.1			10.2.1 AThe period of Ineligibility shall be four years where:	10.2.1 The period of Ineligibility shall be four years where:
10.2.1.1		10.2.1 A violation involving any Prohibited Method or a Prohibited Substance in the classes of Anabolic Agents, Peptide Hormones, Growth Factors and Related Substances, Hormone and Metabolic Modulators, or Diuretics and Other Masking Agents, shall result in four (4) years Ineligibility unless the Athlete or other Person can establish that the commission of the anti-doping rule violation was neither intentional nor reckless.	10.2.1.1 The anti-doping rule violation involving any Prohibited Method or a Prohibited Substance in the classes of Anabolic Agents, Peptide Hormones, Growth Factors and Related Substances, Hormone and Metabolic Modulators, or Diuretics and Other Masking Agents, shall result in four (4) years Ineligibilitydoes not involve a Specified Substance, unless the Athlete or other Person can establish that the commission of the anti-doping rule violation was neithernot intentional nor reckless.	10.2.1.1 The anti-doping rule violation does not involve a Specified Substance, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.
10.2.1.2		10.2.2 Where an anti-doping rule violation involves a specified substance or a substance not described in Article 10.2.1 nor a specified substance, and where the Anti-Doping Organization can establish that the commission of	10.2.2 Where an anti-doping rule violation involves a specified substance or a substance not described in Article 10.2.1 nor a specified substance, and where the Anti-Doping Organization can establish that the commission of	10.2.1.2 The anti-doping rule violation involves a Specified Substance and the Anti-Doping Organization can establish that the anti-doping rule violation was intentional.

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		the anti-doping rule violation was reckless or intentional, then the period of Ineligibility shall be four (4) years.	the anti-doping rule violation was reckless or intentional, then the period of Ineligibility shall be four (4) years.	
10.2.3 (version 2.0 only)		10.2.3 Where an anti-doping rule violation involves a specified substance and the Anti-Doping Organization can establish that the commission of the anti-doping rule violation was intentional, the period of Ineligibility shall be four (4) years.	10.2.3 Where an 10.2.1.2 The anti-doping rule violation involves a specified substance and the Anti-Doping Organization can establish that the commission of the anti-doping rule violation was intentional, the period of Ineligibility shall be four (4) years. 10.2.4 An Athlete or other Person, upon the approval of both WADASpecified Substance and the Anti-Doping Organization with results management responsibility, may be sanctioned with a period of Ineligibility of between four (4) and two (2) years by admittingcan establish that the anti-doping rule violation as asserted under Article 10.2.1 or 10.2.2 promptly after being confronted with the anti-doping rule violation by an Anti-Doping Organization.was intentional.	
10.2.4 (version 2.0 only)		10.2.4 An Athlete or other Person, upon the approval of both WADA and the Anti-Doping Organization with results management responsibility, may be sanctioned with a period of Ineligibility of between four (4) and two (2) years by admitting the anti-doping rule violation as asserted under Article 10.2.1 or 10.2.2 promptly after being confronted with the anti-doping rule violation by an Anti-Doping Organization.	[Moved to 10.6.3, see below]	
10.2.2		First violation: Two (2) years 10.2.5 Where Articles 10.2.1, 10.2.2, 10.2.3 or 10.2.4 do not apply, and the violation does not involve a specified substance, the period of Ineligibility shall be two (2) years.	10.2.5 Where Articles 10.2.1, 10.2.2, 10.2.3 or 10.2.4 do not apply, and the violation does not involve a specified substance10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two (2) years.	10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.
10.2.3			10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” means that the Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute an anti-doping rule violation and manifestly disregarded that risk.	10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” meansis meant to identify those Athletes who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she 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.[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete’s career is short a two-year period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International

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				Federations and National Anti-Doping Organizations.]An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered “intentional” if the Athlete or other Person can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.
	[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two-year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]	[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two-year Disqualification period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting). A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]	[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two-year period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting). A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]	[Moved to Comment to Article 10]
10.3	10.3 Ineligibility for Other Anti-Doping Rule Violations. The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows:	10.3 Ineligibility for Other Anti-Doping Rule Violations. The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows:	10.3 Ineligibility for Other Anti-Doping Rule Violations. The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:	10.3 Ineligibility for Other Anti-Doping Rule Violations. The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:
10.3.1	10.3.1 For violations of Article 2.3 (Refusing or Failing to Submit to Sample Collection) or Article 2.5 (Tampering with Doping Control), the Ineligibility period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.	10.3.1 For violations of Article 2.3 (Evading or Refusing or Failing to Submit to Sample Collection) or Article 2.5 (Tampering with Doping Control), the Ineligibility period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met. Athlete can establish that the commission of the anti-doping rule violation was neither intentional nor reckless, in which the case the period of Ineligibility shall be two (2) years.	10.3.1 10.3.1 Subject to Article 10.5, for For violations of Article 2.3 (Evading or Refusing Sample Collection) or Article 2.5 (Tampering with Doping Control), the Ineligibility period shall be four (4) years unless, in the case of failing to submit to Sample collection, the Athlete can establish that the commission of the anti-doping rule violation was neither not intentional nor reckless (as defined in Article 10.2.3), in which the case the period of Ineligibility shall be two (2) years.	10.3.1 For violations of Article 2.3 or Article 2.5, the Ineligibility period shall be four years unless, in the case of failing to submit to Sample collection, the Athlete can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.
10.3.2	10.3.3 For violations of Article 2.4 (Whereabouts Filing Failures and/or Missed Tests), the period of Ineligibility shall be at a minimum one (1) year and at a maximum two (2) years based on the Athlete's degree of fault. [Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the	10.3.3 For violations of Article 2.4 (Filing Failures and Missed Tests), the period of Ineligibility shall be at a minimum one (1) year and at a maximum two (2) years based, subject to reduction down to one (1) year, depending on the Athlete's degree of Fault. [Comment to Article 10.3.3: The flexibility between two years and one year of Ineligibility in this Article is not	10.3.2 For violations of Article 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being	10.3.2 For violations of Article 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being

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	circumstances of the case flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct indicates that the Athlete was likely trying to avoid being available for Testing.]	available to Athletes where a pattern of last-minute whereabouts changes or other conduct indicates that the Athlete was likely trying to avoid being available for Testing.]	available for Testing. 10.3.3 For violations of Article 2.4 (Filing Failures and Missed Tests), the period of Ineligibility shall be two (2) years, subject to reduction down to one (1) year, depending on the Athlete's degree of Fault. [Comment to Article 10.3.3: The flexibility between two years and one year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct indicates that the Athlete was likely trying to avoid being available for Testing.]	available for Testing.
10.3.3	10.3.2 For violations of Articles 2.7 (Trafficking or Attempted Trafficking) or, 2.8 (Administration or Attempted Administration of Prohibited Substance or Prohibited Method), or 2.9 (Complicity in an Anti-Doping Rule Violation), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than Specified Substances specified substances referenced in Article 4.2.2, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Articles 2.7, 2.8 or 2.9 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.	10.3.2 For violations of Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration of Prohibited Substance or Prohibited Method), or 2.9 (Complicity in an Anti-Doping Rule Violation), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than specified substances referenced in Article 4.2.2, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Articles 2.7, 2.8 or 2.9 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.	10.3.3 For violations of Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration of Prohibited Substance or Prohibited Method), or 2.9 (Complicity in an Anti-Doping Rule Violation), or 2.8, the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. An anti-doping rule Article 2.7 or 2.8 violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than specified substances referenced in Article 4.2.2, for Specified Substances, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Articles 2.7, 2.7 or 2.8 or 2.9 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.	10.3.3 For violations of Articles 2.7 or 2.8, the period of Ineligibility imposed shall be a minimum of four years up to lifetime Ineligibility. , depending on the severity of the violation. An Article 2.7 or 2.8 violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Articles 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.
Comment to 10.3.3		[Comment to Article 10.3.2: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]	[Comment to Article 10.3.210.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]	[Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]
10.3.4	10.3.4 For violations of Article 2.10 (Prohibited Association), the sanction shall be at a minimum a reprimand and no period of Ineligibility from future Events and at a maximum, one year of Ineligibility, determined on the basis of the case Athlete's degree of Fault.	10.3.4 For violations of Article 2.10 (Prohibited Association), the sanction shall be at a minimum a reprimand and no period of Ineligibility from future Events and at a maximum, two (2) years, subject to reduction down to one (1) year of Ineligibility, determined, depending on the basis of the case Athlete's degree of Fault.	10.3.4 For violations of Article 2.10 (Prohibited Association), the sanction shall be at a minimum a reprimand and no period of Ineligibility from future Events and at a maximum, two (2) years, subject to reduction down to one (1) year up to four years, depending on the Athlete or other Person's degree of Fault and the seriousness of the violation.	10.3.4 For violations of Article 2.9, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the Athlete or other Person's degree of Fault and the seriousness of the violation.
10.3.5			10.3.5 For violations of Article 2.10, the sanction shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete's degree of Fault and other circumstances of the case.	10.3.5 For violations of Article 2.10, the sanction shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete or other Person's degree of Fault and other circumstances of the case.
Comment to 10.3.5			10.5 Elimination, Reduction, or Suspension of Period of Ineligibility. [Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]	[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]
10.4 (versions 1.0)	10.4 Reduction of Sanctions for specified substances, contaminated products, or substances of abuse under	10.4 Reduction of Sanctions for specified substances, contaminated products, or substances of abuse under	10.4 Reduction of Sanctions for specified substances, contaminated products, or substances of abuse under	

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and 2.0 only)	specific circumstances. 10.4 Elimination or Reduction of the Period of Ineligibility	specific circumstances.	specific circumstances.	
10.4.1 (versions 1.0 and 2.0 only)	10.4.1 General Rule for Specified Substances under Specific Circumstances. Where an Athlete or other Person can establish how a Specified Substance specified substance entered his or her body or came into his or her Possession and that such Specified Substance specified substance was not intended to enhance the Athlete's sport performance or mask the Use of a performance-enhancing substance, the period of Ineligibility found in Article 10.2 shall be replaced with the following: First violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two years of Ineligibility. To justify any elimination or reduction, the Athlete or other Person must produce corroborating credible evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the Use of a performance enhancing substance. The Athlete's or other Person's degree of fault Fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.	10.4.1 General Rule for Specified Substances. Where anthe anti-doping rule violation involves a specified substance, and the Athlete or other Person can establish how a specified substance entered his or her body or came into his or her Possession and that such specified substance was not intended to enhance the Athlete's sport performance or mask the Use of a performance-enhancing substance, No Significant Fault, then the period of Ineligibility found in Article 10.2 shall be replaced with the following: First violation: At a minimum, a reprimand and no period of Ineligibility from future Events, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault. To justify any elimination or reduction, the Athlete or other Person must produce credible evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the Use of a performance enhancing substance. The Athlete's or other Person's degree of Fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.	10.4.1 Specified Substances. Where the anti-doping rule violation involves a specified substance, and the Athlete or other Person can establish No Significant Fault, then the period of Ineligibility found in Article 10.2 shall be replaced with the following: First violation: At a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault. [See 10.5.1.1 below for the Specified Substances provision in version 3.0]	
10.4.1.1 (version 1.0 only)	10.4.1.1 The requirement in Article 10.4.1 that the Athlete or other Person establish how a specified substance entered his or her body or came into his or her Possession shall not be applicable where the Athlete or other Person is a Minor.	10.4.1.1 The requirement in Article 10.4.1 that the Athlete or other Person establish how a specified substance entered his or her body or came into his or her Possession shall not be applicable where the Athlete or other Person is a Minor.		
Comment to 10.4.1 (version 1.0 only)	[Comment to Article 10.4.1: Contrary to the CAS decision in Oliveira v. USADA, CAS 2010/A/2107, where an Athlete or other Person Uses or Possesses a product to enhance sport performance, then, regardless of whether the Athlete or other Person knew that the product contained a Prohibited Substance, Article 10.4.1 does not apply.]	[Comment to Article 10.4.1: Contrary to the CAS decision in Oliveira v. USADA, CAS 2010/A/2107, where an Athlete or other Person Uses or Possesses a product to enhance sport performance, then, regardless of whether the Athlete or other Person knew that the product contained a Prohibited Substance, Article 10.4.1 does not apply.]		
10.4.2 (versions 1.0 and 2.0 only)	10.4.2 Contaminated Products. Where an Athlete or other Person establishes the criteria set forth in Article 10.4.1 and also establishes that the detected Prohibited Substance came from a contaminated product, then, regardless of whether the substance is a specified substance or a non-specified Prohibited Substance, the range of applicable sanctions shall be, at a minimum, a warning and at a maximum, two years, based on the Athlete's degree of Fault. This Article only applies in circumstances where the Athlete or other Person did not know, or could not have known, or had no reason to suspect, that the product contained a Prohibited Substance, based on the product label, the product website, or any other publicly available information.	10.4.2 Contaminated Products. Where an Athlete or other Person establishes the criteria set forth in Article 10.4.1 and also establishescan establish No Significant Fault and that the detected Prohibited Substance came from a contaminated product, then, regardless of whether the substance is a specified substance or a non-specified Prohibited Substance, the range of applicable sanctions shall be, at a minimum, a warning Contaminated Product, then the period of Ineligibility found in Article 10.2 shall be replaced with the following: First Violation: At a minimum, a reprimand and at a maximum, two (2) years, based Ineligibility, depending on the Athlete's or other Person's degree of Fault. This Article only applies in circumstances where the Athlete or other Person did not know, or could not have known, or had no reason to suspect, that the product contained a Prohibited Substance, based on the product label, the product website, or any other publicly available information.	10.4.2 Contaminated Products. Where an Athlete or other Person can establish No Significant Fault and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility found in Article 10.2 shall be replaced with the following: First Violation: At a minimum, a reprimand and at a maximum, two (2) years Ineligibility, depending on the Athlete's or other Person's degree of Fault. [See 10.5.1.2 below for the Contaminated Products provision in version 3.0]	
10.4.3	10.4.3 Substances of Abuse	10.4.3 Substances of Abuse	10.4.3 Substances of Abuse	

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<p>(versions 1.0 and 2.0 only)</p>	<p>Where an Athlete or other Person establishes that the criteria set forth in Article 10.4.1 are satisfied and also that the anti-doping rule violation involves a substance that is identified on the Prohibited List as a Substance of Abuse, then the Anti-Doping Organization with results management authority may offer the Athlete the opportunity to participate in a program of rehabilitation, at the Athlete's expense, in lieu of an appropriate part of the period of Ineligibility which would otherwise be applicable.</p>	<p>Where an Athlete or other Person establishes that the criteria set forth in Article 10.4.1 are satisfied and also that the anti-doping rule violation involves a substance that is identified on the Prohibited List as a Substance of Abuse, then the Athlete or other Person establishes no intent to enhance sport performance, the period of Ineligibility found in Article 10.2 shall be replaced with the following: First Violation: at a minimum, a reprimand, and at a maximum, one (1) year Ineligibility, depending on whether the anti-doping rule violation involves a specified substance and other circumstances of the case. The Anti-Doping Organization with results management authority responsibility may offer also allow the Athlete the opportunity to participate in a program of rehabilitation, at the Athlete's expense, in lieu of an appropriate part of the period of Ineligibility which would otherwise be applicable.</p>	<p>Where the anti-doping rule violation involves a substance that is identified on the Prohibited List as a Substance of Abuse, and the Athlete or other Person establishes no intent to enhance sport performance, the period of Ineligibility found in Article 10.2 shall be replaced with the following: First Violation: at a minimum, a reprimand, and at a maximum, one (1) year Ineligibility, depending on whether the anti-doping rule violation involves a specified substance and other circumstances of the case. The Anti-Doping Organization with results management responsibility may also allow the Athlete the opportunity to participate in a program of rehabilitation, at the Athlete's expense, in lieu of an appropriate part of the period of Ineligibility which would otherwise be applicable.</p>	
<p>Comment of 10.4 (versions 1.0 and 2.0 only)</p>	<p>[Comment to Article 10.4: Specified Substances are not necessarily less serious agents. As noted in the comments to Article 2.2, specified substances should not be considered less important or dangerous for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance specified substance could be very effective to an Athlete in competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.</p> <p>This Article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or Possessing a Prohibited Substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance specified substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance specified substance; and a contemporaneous medical records file substantiating the non sport-related prescription for the Specified Substances specified substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.</p> <p>While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the Athlete may establish how the Specified Substances specified substance entered the body by a balance of probability. In assessing the Athlete's or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would</p>	<p>[Comment to Article 10.4: As noted in the comments to Article 2.2, specified substances should not be considered less important or dangerous for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a specified substance could be very effective to an Athlete in competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. This Article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or Possessing a Prohibited Substance did not intend to enhance his or her sport performance. 10.4.3: Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the specified substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the specified substance; and/or a contemporaneous medical records file substantiating the non -sport-related prescription for the specified substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.]</p> <p>While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the Athlete may establish how the specified substance entered the body by a balance of probability. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]</p>	<p>[Comment to Article 10.4.3: Examples of the type of objective circumstances which might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the specified substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the specified substance; or a contemporaneous medical records file substantiating the non-sport-related prescription for the specified substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.]</p>	

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	lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]			
10.5 (versions 1.0 and 2.0 only)	10.5 Elimination or, Reduction, or Suspension of Period of Ineligibility Based on Exceptional Circumstances.	10.5 Elimination, Reduction, or Suspension of Period of Ineligibility Based on Exceptional Circumstances.		
10.4	<p>10.5.1 No Fault or Negligence.</p> <p>If an Athlete establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When there shall be no anti-doping rule violation and no sanction under Article 10. However, when a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample of a non-Minor Athlete in violation of Article 2.1 (Presence of a Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.</p>	<p>10.5.1 No Fault or Negligence.</p> <p>If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then there shall be no anti-doping rule violation and no sanction under Article 10. However, when the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in the Sample of a non-Minor Athlete's Sample in violation of Article 2.1 (Presence of a Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. Where an Athlete or other person establishes No Fault or Negligence, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.6.</p>	<p>10.5.1 10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence.</p> <p>If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of a Prohibited Substance), 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. Where an Athlete or other person establishes No Fault or Negligence, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.6.</p>	<p>10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence. If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated.</p>
Comment to 10.4		<p>[Comment to Article 10.5.1: This Article will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5.2 based on No Significant Fault or Negligence.]</p>	<p>[Comment to Article 10.5.110.4: This Article will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5.2 based on No Significant Fault or Negligence.]</p>	<p>[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5.210.5 based on No Significant Fault or Negligence.]</p>
10.5	<p>10.5.2 No Significant Fault or Negligence.</p> <p>If an Athlete or other Person establishes in an individual case that he or she bears No Significant Fault or</p>	<p>10.5.2 No Significant Fault or Negligence.</p> <p>If an Athlete or other Person establishes in an individual case that he or she bears No Significant Fault or</p>	<p>10.5.2 10.5 Reduction or Suspension of the Period of Ineligibility based on No Significant Fault or Negligence.</p> <p>[See also 10.5.2, below]</p>	<p>10.5 Reduction or Suspension of the Period of Ineligibility based on No Significant Fault or Negligence.</p>

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	Negligence, then the otherwise applicable period of Ineligibility may be reduced based on the Athlete 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 under this Article may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample of a non-Minor Athlete in violation of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility reduced.	Negligence, then the otherwise applicable period of Ineligibility may be reduced based on the Athlete 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 under this Article may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in the Sample of a non-Minor Athlete in violation of Article 2.1 (Presence of a Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility reduced.		
10.5.1			10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Articles 2.1, 2.2 or 2.6.	10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Articles 2.1, 2.2 or 2.6.
10.5.1.1			10.5.1.1 Specified Substances. Where the anti-doping rule violation involves a Specified Substance, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.	10.5.1.1 Specified Substances. Where the anti-doping rule violation involves a Specified Substance, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.
10.5.1.2			10.5.1.2 Contaminated Products. Where the Athlete or other Person can establish that the detected Prohibited Substance came from a Contaminated Product, and can also establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand, and at a maximum, two years Ineligibility, depending on the Athlete's or other Person's degree of Fault.	10.5.1.2 Contaminated Products. Where in cases where the Athlete or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, and can also establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Athlete's or other Person's degree of Fault.
Comment to 10.5.1.2				[Comment to Article 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the product which was subsequently determined to be Contaminated on his or her Doping Control form.]
10.5.2			10.5.2 Application of No Significant Fault or Negligence Beyond the Application of Article 10.5.1. If an Athlete or other Person establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Athlete 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 under this Article may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in the Sample of a non-Minor Athlete in violation of Article 2.1 (Presence of a	10.5.2 Application of No Significant Fault or Negligence Beyond the Application of Article 10.5.1. If an Athlete or other Person establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Athlete 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 under this Article may be no less than eight years.

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			<p>Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility reduced. years.</p>	
<p>Comment to 10.5.2</p>	<p>[Comment to Articles 10.5.1 and 10.5.2: The Code provides for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Athlete can establish that he or she had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two-year suspension based on a range of other factors even when the Athlete was admittedly at fault. These Articles apply Article 10.5.2: Article 10.5.2 applies only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Except with respect to Articles 10.3.3, 10.3.4 and 10.4, where Fault has already been taken into consideration, Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.]</p> <p>[Comment to Articles 10.5.1 and 10.5.2: Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.]</p> <p>[Comment to Article 10.5.1: To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in no anti-doping rule violation and the total elimination of any sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5.2 based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)</p>	<p>[Comment to Article 10.5.2: Article 10.5.2 applies only to the imposition of sanctions; it is not applicable to the determination of whether an anti-doping rule violation has occurred. Except with respect to Articles 10.3.3, 10.3.4 and 10.4, where Fault has already been taken into consideration, Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.]</p> <p>[Comment to Articles 10.5.1 and 10.5.2: Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.]</p> <p>[Comment to Article 10.5.1: To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in no anti-doping rule violation and the total elimination of any sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5.2 based on No Significant Fault or Negligence.]</p>	<p>[Comment to Article 10.5.2: This Article 10.5.2 applies only to the imposition of sanctions; it is not applicable to the determination of whether an anti-doping rule violation has occurred. Except with respect to Articles 10.2.1 and 10.3.3, 10.3.4 and 10.4, or 10.3.5, where Fault has already been taken into consideration, Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.]</p>	<p>[Comment to Article 10.5.2: This Article applies only to the imposition of sanctions; it is not applicable to the determination of whether an anti-doping rule violation has occurred. Except with respect to Articles 10.2.1 and 10.3.3, 10.3.4 or 10.3.5, where Fault has already been taken into consideration, Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation, except those Articles where intent is an element of the anti-doping rule violation (e.g., Articles 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.]</p>

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	<p>For purposes of assessing the Athlete's or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article.</p> <p>While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Athlete's or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1. Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those Articles already take into consideration the Athlete's or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]</p>			
10.6			10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault.	10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault.
10.6.1	10.5.3 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.	10.5.3 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.	10.5.3 10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.	10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.
10.6.1.1	<p>10.5.3.1 An Anti-Doping Organization with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organization may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. 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 section must be no less than eight (8) years. If the Anti-Doping Organization suspends any part of the otherwise applicable period of Ineligibility under this Article, the Anti-Doping Organization shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right</p>	<p>10.5.3.1 An Anti-Doping Organization with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in the Anti-Doping Organization discovering or establishing bringing forward an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing bringing forward a criminal offense or the breach of professional rules by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organization may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. 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 section must be no less than eight (8) years. If the Anti-Doping Organization suspends any part of the otherwise applicable period of Ineligibility under this Article, the Anti-Doping Organization shall promptly provide a written justification for</p>	<p>10.5.3 10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations.</p> <p>10.5.3.1 10.6.1.1 An Anti-Doping Organization with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in the Anti-Doping Organization discovering or bringing forward an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organization may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. 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 section must be no less than eight (8) years. If the Anti-Doping Organization suspends any part of the otherwise applicable period of Ineligibility under this Article,</p>	<p>10.6.1.1 An Anti-Doping Organization with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organization discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the Anti-Doping Organization with results management responsibility. After a final appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organization may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. 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 section must be no less than eight years. If the Athlete or other Person fails to</p>

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	to appeal the decision. If the Anti-Doping Organization subsequently reinstates any part of the suspended period of Ineligibility because the Athlete or other Person has failed to provide the Substantial Assistance which was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to Article 13.2.	its decision to each Anti-Doping Organization having a right to appeal the decision. If the Anti-Doping Organization subsequently reinstates any part of the suspended period of Ineligibility because the Athlete or other Person has failed to provide the Substantial Assistance which was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to Article 13.2.	the Anti-Doping Organization shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If the Anti-Doping Organization subsequently reinstates any part of the suspended period of Ineligibility because the Athlete or other Person has failed to provide the Substantial Assistance upon which was anticipated, the Athlete or other Person may appeal the reinstatement pursuant to a suspension of the period of Ineligibility was based, the Anti-Doping Organization that suspended the period of Ineligibility shall reinstate the original period of Ineligibility. If an Anti-Doping Organization decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.2.13.	continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the Anti-Doping Organization that suspended the period of Ineligibility shall reinstate the original period of Ineligibility. If an Anti-Doping Organization decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.
10.6.1.2	10.5.3.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of the Anti-Doping Organization conducting results management or the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process 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 full amnesty. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organization.	10.5.3.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of the Anti-Doping Organization conducting results management or the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final 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 full amnesty. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organization.	10.5.3.210.6.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of the Anti-Doping Organization conducting results management or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final 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 full amnesty no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organization.	10.6.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of the Anti-Doping Organization conducting results management or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final 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 no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organization.
10.6.1.3	10.5.3.3 If an Anti-Doping Organization suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize an Anti-Doping Organization to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the nature of Substantial Assistance being provided.	10.5.3.3 If an Anti-Doping Organization suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize an Anti-Doping Organization to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the nature of Substantial Assistance being provided.	10.5.3.310.6.1.3 If an Anti-Doping Organization suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize an Anti-Doping Organization to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.	10.6.1.3 If an Anti-Doping Organization suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize an Anti-Doping Organization to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.
Comment to 10.6.1	[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving	[Comment to Article 10.5.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving	[Comment to Article 10.5.310.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving	[Comment to Article 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized. Unless otherwise authorized by WADA, this Article is only applicable after a case has been brought

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<p>Trafficking under Article 2.7 or administrationAdministration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.</p> <p>If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete's or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the Anti-Doping Organization shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA and the applicable International Federation. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the Anti-Doping Organization with results management authority shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by Anti-Doping Organizations under this Article may be appealed pursuant to Article 13.2.</p> <p>This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.</p> <p>Unless otherwise authorized by WADA, this Article requires that an Anti-Doping Organization which suspends any part of the otherwise-applicable period of Ineligibility must promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the</p>	<p>Trafficking under Article 2.7 or Administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.</p> <p>If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete's or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the Anti-Doping Organization shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. 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If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA and the applicable International Federation. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the Anti-Doping Organization with results management authority shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by Anti-Doping Organizations under this Article may be appealed pursuant to Article 13.2.</p> <p>This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.</p> <p>Unless otherwise authorized by WADA, this Article is only applicable after a case has been brought forward by an Anti-Doping Organization or criminal or disciplinary authority and requires that an Anti-Doping Organization which suspends any part of the otherwise-applicable period of Ineligibility must promptly provide a written justification for its decision</p>	<p>Trafficking under Article 2.7 or Administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.</p> <p>If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete's or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the Anti-Doping Organization shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA and the applicable International Federation. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the Anti-Doping Organization with results management authority shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by Anti-Doping Organizations under this Article may be appealed pursuant to Article 13.2.</p> <p>This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.</p> <p>Unless otherwise authorized by WADA, this Article is only applicable after a case has been brought forward by an Anti-Doping Organization or criminal or disciplinary authority and requires that an Anti-Doping Organization which suspends any part of the otherwise-applicable period of Ineligibility must promptly provide a written justification for its decision</p>	<p>forward by an Anti-Doping Organization or criminal or disciplinary authority and requires that an Anti-Doping Organization which suspends any part of the otherwise-applicable period of Ineligibility must promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision as provided in Article 13.]</p>
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	decision as provided in Article 13. It is understood that confidentiality in relation to ongoing investigations is important to criminal authorities. On the other hand, to satisfy the requirements of this Article, a factual basis for how an individual will provide Substantial Assistance is required. As provided in the CAS decision in IAAF v. RFEA & Fernandez-Pelaez, CAS 2011/A/2678, and unless otherwise provided by WADA, suspension of sanctions under this Article shall only be available where the disclosure requirements in the applicable Anti-Doping Organization's rules are met.]	to each Anti-Doping Organization having a right to appeal the decision as provided in Article 13. It is understood that confidentiality in relation to ongoing investigations is important to criminal authorities. On the other hand, to satisfy the requirements of this Article, a factual basis for how an individual will provide Substantial Assistance is required. As provided in the CAS decision in IAAF v. RFEA & Fernandez-Pelaez, CAS 2011/A/2678, and unless otherwise provided by WADA, suspension of sanctions under this Article shall only be available where the disclosure requirements in the applicable Anti-Doping Organization's rules are met.]	to each Anti-Doping Organization having a right to appeal the decision as provided in Article 13. It is understood that confidentiality in relation to ongoing investigations is important to criminal authorities. On the other hand, to satisfy the requirements of this Article, a factual basis for how an individual will provide Substantial Assistance is required. As provided in the CAS decision in IAAF v. RFEA & Fernandez-Pelaez, CAS 2011/A/2678, and unless otherwise provided by WADA, suspension of sanctions under this Article shall only be available where the disclosure requirements in the applicable Anti-Doping Organization's rules are met.]	
10.6.2	10.5.4 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence. Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.	10.5.4 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence. Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.	10.5.4 10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence. Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.	10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence. Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.
Comment to 10.6.2	[Comment to Article 10.5.4: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]	[Comment to Article 10.5.4: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]	[Comment to Article 10.5.4 10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]	[Comment to Article 10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]
10.6.3			10.6.3 Prompt admission of an anti-doping rule violation after being confronted with a violation sanctionable under Article 10.2.1. An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1, by promptly admitting the asserted anti-doping rule violation after being confronted by an Anti-Doping Organization, and also upon the approval of both WADA and the Anti-Doping Organization with results management responsibility, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the severity of the violation and the Athlete or other Person's degree of Fault.	10.6.3 Prompt admission of an anti-doping rule violation after being confronted with a violation sanctionable under Article 10.2.1. An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1, by promptly admitting the asserted anti-doping rule violation after being confronted by an Anti-Doping Organization, and also upon the approval and at the discretion of both WADA and the Anti-Doping Organization with results management responsibility, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the severity of the violation and the Athlete or other Person's degree of Fault.
10.6.4	10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article. Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 10.4, 10.5.2, and 10.6. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under two or more of Articles 10.5.2, 10.5.3 or	10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article. Before applying any reduction or suspension under Articles 10.5.3 or 10.5.4, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4, 10.5.2, and 10.6. 10.5.2. If the Athlete or other Person establishes entitlement to a reduction or	10.6.4 Application of multiple grounds for reduction of a sanction. 10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article. other Person establishes entitlement to reduction in sanction under more than one provision of Articles 10.4, 10.5 or 10.6.	10.6.4 Application of multiple grounds for reduction of a sanction. Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one provision of Articles 10.4, 10.5 or 10.6. Before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4, and

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	10.5.4, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.	suspension of the period of Ineligibility under Articles 10.5.3 or 10.5.4, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.	10.5 or 10.6. Before applying any reduction or suspension under Articles 10.5.3 or 10.5.4, Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5.2.10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Articles 10.5.3 or 10.5.4, Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.	10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.
Comment to 10.6.4	<p>[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4, 10.5.2 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete's. Second, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Athlete or other Person is entitled to establish whether there is a basis for elimination, reduction or suspension under more than one provision of Article 10.5. suspension, or reduction of the sanction (Articles 10.5.3 and 10.5.4). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9.</p> <p>The following four examples demonstrate the proper sequence of analysis:</p> <p>Example 1.</p> <p>Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid (Article 2.1); the Athlete promptly admits the anti-doping rule violation as asserted (Article 10.6.3); the Athlete establishes No Significant Fault or Negligence (Article 10.5.2); and the Athlete provides Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. The basic sanction starting point would be two years under Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.) 2. Based on No Significant Fault alone, the sanction could be reduced up to or Negligence, the applicable range of sanctions would be two years to one year (one-half of the two years). (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months.)</p>	<p>[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4, 10.5.2 or Article 10.6) applies to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Articles 10.5.3 and 10.5.4). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9.10.8.</p> <p>The following four examples demonstrate the proper sequence of analysis:</p> <p>Example 1.</p> <p>Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid (Article 2.1); the Athlete promptly admits the anti-doping rule violation as asserted (Article 10.6.3); the Athlete establishes No Significant Fault or Negligence (Article 10.5.2); and the Athlete provides Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. The starting point would be Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a specified substance.) However, based on No Significant Fault or Negligence, the applicable range of sanctions would be two years to one year (one-half of the two years). (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months.)</p> <p>2. Based on Substantial Assistance, the sanction could be suspended by three-quarters of 16 months. (The minimum period of Ineligibility would be four months.)</p> <p>3. Article 10.5.5 does not apply.</p> <p>4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (the minimum period of Ineligibility would be two months) after the date of the hearing decision.</p> <p>Example 2.</p>	<p>[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4, or 10.5.2 or Article 10.6) applies to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Articles 10.5.3 and 10.5.4). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.8.</p> <p>A chart summarizing the applicable period of Ineligibility for different anti-doping rule violations and several examples of how Article 10 is to be applied are found in Appendix 2.]</p>	<p>[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4, or 10.5.2 or 10.5) applies to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.8.10.11.</p> <p>[Several examples of how Article 10 is to be applied are found in Appendix 2.]</p>

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<p>2. Based on Substantial Assistance alone, the sanction could be reduced up to suspended by three-quarters of the two years. 16 months. (The minimum period of Ineligibility would be four months.)</p> <p>3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility. Article 10.5.5 does not apply.</p> <p>4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (the minimum three period of Ineligibility would be two months) after the date of the hearing decision.</p> <p>Example 2.</p> <p>Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the anti-doping rule violation; the Athlete does not promptly admit the anti-doping rule violation as alleged; but the Athlete does provide Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. The basic sanction would be between two and four years Ineligibility as provided in Article 10.6. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of three years.)</p> <p>2. Based on Substantial Assistance, the sanction could be reduced suspended by up to three-quarters of the maximum four years. three years. (The minimum period of Ineligibility would be nine months.)</p> <p>3. Article 10.5.5 does not apply.</p> <p>4. Under Article 10.9.2, 10.9.1, the period of Ineligibility would start on the date of the final hearing decision.</p> <p>Example 3.</p> <p>Facts: An Adverse Analytical Finding involves the presence of a Specified Substance specified substance; the Athlete establishes how the Specified Substance specified substance entered his body and that he had no intent to enhance his sport performance; the Athlete establishes that he had very little fault Fault; and the Athlete provides Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. Because the Adverse Analytical Finding involved a Specified Substance specified substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. (Article 10.5.2 does not apply to cases involving Article 10.4.) The hearing panel would assess the Athlete's fault Fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would</p>	<p>Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the anti-doping rule violation; the Athlete does not promptly admit the anti-doping rule violation as alleged; but the Athlete does provide Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. The basic sanction would be between two and four years Ineligibility as provided in Article 10.6. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of three years.)</p> <p>2. Based on Substantial Assistance, the sanction could be suspended by up to three-quarters of the three years. (The minimum period of Ineligibility would be nine months.)</p> <p>3. Article 10.5.5 does not apply.</p> <p>4. Under Article 10.9.1, the period of Ineligibility would start on the date of the final hearing decision.</p> <p>Example 3.</p> <p>Facts: An Adverse Analytical Finding involves the presence of a specified substance; the Athlete establishes how the specified substance entered his body and that he had no intent to enhance his sport performance; the Athlete establishes that he had very little Fault; and the Athlete provides Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. Because the Adverse Analytical Finding involved a specified substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. (Article 10.5.2 does not apply to cases involving Article 10.4.) The hearing panel would assess the Athlete's Fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)</p> <p>2. Based on Substantial Assistance, the sanction could be suspended by up to three-quarters of the eight months. (The minimum period of Ineligibility would be two months.)</p> <p>3. Article 10.5.5 does not apply.</p> <p>4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)</p> <p>Example 4.</p> <p>Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an anti-doping rule violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. While the intentional Use of multiple Prohibited</p>		
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<p>otherwise impose a period of Ineligibility of eight months.)</p> <p>2. Based on Substantial Assistance, the sanction could be reducedsuspended by up to three-quarters of the eight months. (No less than two months.) No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1. would be two months.)</p> <p>3. Article 10.5.5 does not apply.</p> <p>4. Under Article 10.9.2, 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)</p> <p>Example 4.</p> <p>Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an anti-doping rule violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides Substantial Assistance (Article 10.5.3).</p> <p>Application of Article 10:</p> <p>1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.</p> <p>2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced by up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reducedsuspended up to three-quarters of the two years.</p> <p>3. Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced or suspended would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)</p> <p>4. If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six-month period of Ineligibility at step 3, the period of Ineligibility would start on the date the final hearing panel imposed the sanction (Article 10.9.1). If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]</p>	<p>Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were specified substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.</p> <p>2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced by up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be suspended up to three-quarters of the two years.</p> <p>3. Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced or suspended would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)</p> <p>4. If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six-month period of Ineligibility at step 3, the period of Ineligibility would start on the date the final hearing panel imposed the sanction (Article 10.9.1). If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.] A chart summarizing the applicable period of Ineligibility for different anti-doping rule violations and several examples of how Article 10 is to be applied are found in Appendix 2.]</p>		
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10.6 (version 1 only)	10.6 Aggravating Circumstances Which May Increase their which a Four-Year Period of Ineligibility . Ineligibility will be Applied.			
10.6.1 (version 1 only)	<p>10.6.1 The period of Ineligibility for a first anti-doping rule violation under Article 2.1 (Presence of a Prohibited Substance), Article 2.2 (Use or Attempted Use), Article 2.3 (Evading Sample Collection), and Article 2.6 (Possession), shall be increased from a period of two years to a period of four years if the anti-doping rule violation involved one or more of the following:</p> <ul style="list-style-type: none"> • Premeditated doping. • A doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations. • Multiple Prohibited Substances or Prohibited Methods. • The Use or possession of a Prohibited Substance or Prohibited Method on multiple occasions. • A Prohibited Substance or Prohibited Method which, by the nature of its Use in sport, was not likely to have been Used on a single occasion (such as an anabolic steroid, EPO, hGH, blood transfusion, or gene doping). • A substance which would be likely to cause a normal individual to enjoy the performance enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility. • Engaging in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation. <p>If the Anti-Doping Organization establishes in an individual case involving an anti-doping rule violation other than violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless</p>			
10.6.2 (version 1 only)	<p>10.6.2 Article 10.6.1 shall not be applied in circumstances where any of the following are applicable: Article 10.3.3 (Filing Failures and Missed Tests), 10.3.4 (Prohibited Association), 10.4 (Specified Substances), 10.5.2 (No Significant Fault or Negligence), 10.5.3 (Substantial Assistance), 10.5.4 (Voluntary Admission), the Athlete or other Person is a Minor, or the Athlete or other Person can prove to the comfortable satisfaction of the hearing panele establish that he or she did not knowingly commit thean anti-doping rule violation intentionally or recklessly.</p>			
10.6.3 (version 1 only)	<p>10.6.3 An Athlete or other Person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by an Anti-Doping Organization.</p>			
Comment to	<p>[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period</p>			

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<p>10.6 (version 1 only)</p>	<p><i>of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions; 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 Athlete or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation. For the avoidance of doubt, the examples of aggravating circumstances described in this Comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Articles 2.7 (Trafficking or Attempted Trafficking) and, 2.8 (Administration or Attempted Administration), or 2.9 (Complicity) are not included in the application of Article 10.6 because the sanctions for these violations (from four years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]</i></p>																																																																																																																																																	
<p>10.7</p>	<p>10.7 Multiple Violations.</p>	<p>10.7.10.6 Multiple Violations.</p>	<p>10.7 10.6 Multiple Violations.</p>	<p>10.7 Multiple Violations.</p>																																																																																																																																														
<p>10.7.1</p>	<p>10.7.1 Second Anti-Doping Rule Violation. For an Athlete's or other Person's first anti-doping rule violation, the period of Ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below.</p> <table border="1" data-bbox="344 1169 982 1693"> <thead> <tr> <th>Second Violation</th> <th>ASSOC</th> <th>RS</th> <th>FFMT</th> <th>NSF</th> <th>S</th> </tr> </thead> <tbody> <tr> <td>First Violation</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>RSASSOC</td> <td>1-2</td> <td>1-4</td> <td>2-4</td> <td>2-4</td> <td>4</td> </tr> <tr> <td>FFMTRS</td> <td>1-4</td> <td>1-4</td> <td>42-84</td> <td>42-84</td> <td>6</td> </tr> <tr> <td>NSFFFMT</td> <td>1-4</td> <td>1-4</td> <td>4-8</td> <td>4-8</td> <td>6</td> </tr> <tr> <td>NSF</td> <td>1-4</td> <td>1-4</td> <td>4-8</td> <td>4-8</td> <td>6</td> </tr> <tr> <td>St</td> <td>2-4</td> <td>2-4</td> <td>6-8</td> <td>6-8</td> <td>8</td> </tr> <tr> <td>AS4YS</td> <td>4-5</td> <td>4-5</td> <td>10-life</td> <td>10-life</td> <td>lif</td> </tr> <tr> <td>TRA</td> <td>8-life</td> <td>8-life</td> <td>life</td> <td>life</td> <td>lif</td> </tr> </tbody> </table> <p>Definitions for purposes of the second anti-doping rule violation table: ASSOC (Prohibited association): The anti-doping rule violation was or should be sanctioned by a sanction under</p>	Second Violation	ASSOC	RS	FFMT	NSF	S	First Violation						RSASSOC	1-2	1-4	2-4	2-4	4	FFMTRS	1-4	1-4	42-84	42-84	6	NSFFFMT	1-4	1-4	4-8	4-8	6	NSF	1-4	1-4	4-8	4-8	6	St	2-4	2-4	6-8	6-8	8	AS4YS	4-5	4-5	10-life	10-life	lif	TRA	8-life	8-life	life	life	lif	<p>10.7.110.6.1 Second Anti-Doping Rule Violation. 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For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below. An anti-doping rule violation for which the Athlete or other Person has established No Fault or Negligence shall not be considered a first violation for purposes of this Article. shall be: a range between 1.5 and 3 times the period of Ineligibility which would apply to the second violation before Article 10.6 reductions are taken into account; but at minimum the sum of the periods of Ineligibility for the first and second violations before Article 10.6 reductions are taken into account. The period of Ineligibility determined in accordance with Articles 10.7.1 and 10.7.2 may then be further reduced by the application of Article 10.6.</p> <table border="1" data-bbox="1613 1512 2243 1820"> <thead> <tr> <th>Second Violation</th> <th>ASSOC</th> <th>R</th> <th>FFMT</th> <th>NSF</th> <th>S</th> <th>4YS</th> <th>TR</th> </tr> </thead> <tbody> <tr> <td>First Violation</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ASSOC</td> <td>4-8</td> <td>1-4</td> <td>4-8</td> <td>4-8</td> <td>6-8</td> <td>10-life</td> <td>life</td> </tr> <tr> <td>RS</td> <td>2-4</td> <td>1-4</td> <td>2-4</td> <td>2-4</td> <td>4-6</td> <td>8-10</td> <td>10-life</td> </tr> </tbody> </table>	Second Violation	ASSOC	R	FFMT	NSF	S	4YS	TR	First Violation								ASSOC	4-8	1-4	4-8	4-8	6-8	10-life	life	RS	2-4	1-4	2-4	2-4	4-6	8-10	10-life	<p>10.7.1 For an Athlete's or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of: a range between 1.5 and 3 (a) six months; (b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or (c) two times the period of Ineligibility which would apply to the second violation before Article 10.6 reductions are taken into account; but at minimum the sum of the periods of Ineligibility for the first and second violations before Article 10.6 reductions are taken into account. otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6. 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	<p>Article 10.3.4.</p> <p>RS (Reduced sanction for Specified Substance under by application of Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the otherthe conditions under Article 10.4 were met.</p> <p>FFMT (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).</p> <p>NSF (Reduced sanction for No Significant Fault or Negligence): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because No Significant Fault or Negligence under Article 10.5.2 was proved by the Athlete.</p> <p>St (Standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.</p> <p>AS (Aggravated4YS (Four year sanction): The anti-doping rule violation was or should be sanctioned by an aggravateda sanction under Article 10.6 because the Anti-Doping Organization established the conditions set forth under Article 10.6.</p> <p>TRA (Trafficking or Attempted Trafficking and, Administration or Attempted Administration, and Complicity): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.</p>	<table border="1"> <tr> <td></td> <td>5life</td> <td>5</td> <td>life</td> <td></td> <td></td> <td></td> </tr> <tr> <td>TRA</td> <td>8-life</td> <td>8-</td> <td>life</td> <td>life</td> <td>life</td> <td>life</td> </tr> <tr> <td></td> <td></td> <td>life</td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>Definitions for purposes of the second anti-doping rule violation table:</p> <p>ASSOC (Prohibited association): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.4.</p> <p>RS (Reduced sanction by application of Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction because the conditions under Article 10.4 were met.</p> <p>FFMT (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).</p> <p>NSF (Reduced sanction for No Significant Fault or Negligence): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because No Significant Fault or Negligence under Article 10.5.2 was proved by the Athlete or other Person. St2YS (StandardTwo year sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.10.2.5 or 10.3.1 (if neither intentional nor reckless).</p> <p>4YS (Four year sanction): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.6 because the Anti-Doping Organization established the conditions set forth under Article 10.6. Articles 10.2.1 – 10.2.4 or 10.3.1 (unless neither intentional nor reckless).</p> <p>TRA (Trafficking or Attempted Trafficking, Administration or Attempted Administration, and Complicity): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.</p>		5life	5	life				TRA	8-life	8-	life	life	life	life			life					<table border="1"> <tr> <td></td> <td>FFMT</td> <td>4-8</td> <td>1-</td> <td>4-8</td> <td>4-8</td> <td>6-</td> <td>10-</td> <td>life</td> </tr> <tr> <td></td> <td>life</td> <td></td> <td>4</td> <td></td> <td></td> <td>8</td> <td>life</td> <td></td> </tr> <tr> <td></td> <td>NSF</td> <td>4-8</td> <td>1-</td> <td>4-8</td> <td>4-8</td> <td>6-</td> <td>10-</td> <td>life</td> </tr> <tr> <td></td> <td></td> <td></td> <td>4</td> <td></td> <td></td> <td>8</td> <td>life</td> <td></td> </tr> </table> <p>Definitions for purposes of the second anti-doping rule violation table:</p> <p>ASSOC (Prohibited association): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.4.</p> <p>RS (Reduced sanction by application of Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction because the conditions under Article 10.4 were met.</p> <p>FFMT (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).</p> <p>NSF (Reduced sanction for No Significant Fault or Negligence): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because No Significant Fault or Negligence under Article 10.5.2 was proved by the Athlete or other Person.</p> <p>2YS (Two year sanction): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2.5 or 10.3.1 (if neither intentional nor reckless).</p> <p>4YS (Four year sanction): The anti-doping rule violation was or should be sanctioned by a sanction under Articles 10.2.1 – 10.2.4 or 10.3.1 (unless neither intentional nor reckless).</p> <p>TRA (Trafficking or Attempted Trafficking, Administration or Attempted Administration, and Complicity): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.</p>		FFMT	4-8	1-	4-8	4-8	6-	10-	life		life		4			8	life			NSF	4-8	1-	4-8	4-8	6-	10-	life				4			8	life		
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<i>Comment to 10.7.1/10.6.1 (versions 1.0 and 2.0 only)</i>	[Comment to Article 10.7.1 RS Definition: See Article 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]	[Comment to Article 10.7.110.6.1 RS Definition: See Article 25.4 with respect to application of Article 10.7.110.6.1 to pre-Code anti-doping rule violations.]	[Comment to Article 10.6.1 RS Definition: See Article 25.4 with respect to application of Article 10.6.1 to pre-Code anti-doping rule violations.]	
<i>10.7.2/10.6.2 (versions 1.0 and 2.0 only)</i>	10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation. Where an Athlete or other Person who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the hearing panel shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.	10.7.210.6.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation. Where an Athlete or other Person who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the hearing panel shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Article 10.7.1, 10.6.1, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.	10.6.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation. Where an Athlete or other Person who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the hearing panel shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Article 10.6.1, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.	
10.7.2	10.7.3 Third Anti-Doping Rule Violation. A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of Ineligibility shall be from eight (8) years to life ban.	10.7.310.6.3 Third Anti-Doping Rule Violation. A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of Ineligibility shall be from eight (8) years to life ban.	10.6.3 Third Anti-Doping Rule Violation. 10.7.2 A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.410.5 or 10.6 involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests).2.4. In these particular cases, the period of Ineligibility shall be from eight (8) years to life ban.	10.7.2 A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.510.4 or 10.610.5, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight years to life ban lifetime Ineligibility.
10.7.3			10.7.3 An anti-doping rule violation for which an Athlete or other Person has established no Fault or negligence shall not be considered a prior violation for purposes of this Article.	10.7.3 An anti-doping rule violation for which an Athlete or other Person has established no No Fault or negligence Negligence shall not be considered a prior violation for purposes of this Article.
10.7.4	10.7.4 Additional Rules for Certain Potential Multiple Violations.	10.7.410.6.4 Additional Rules for Certain Potential Multiple Violations.	10.6.4 10.7.4 Additional Rules for Certain Potential Multiple Violations.	10.7.4 Additional Rules for Certain Potential Multiple Violations.
10.7.4.1	10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organization can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7 (Results Management), or after the Anti-Doping Organization made reasonable efforts to give notice, of the first anti-doping rule violation; if the Anti-Doping Organization cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).	10.7.4.110.6.4.1 For purposes of imposing sanctions under Article 10.7, 10.6, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organization can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7 (Results Management), or after the Anti-Doping Organization made reasonable efforts to give notice, of the first anti-doping rule violation; if the Anti-Doping Organization cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).	10.6.4.1 10.7.4.1 For purposes of imposing sanctions under Article 10.6, 10.7, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organization can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7 (Results Management), 7, or after the Anti-Doping Organization made reasonable efforts to give notice, of the first anti-doping rule violation; if the Anti-Doping Organization cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.	10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organization can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7, or after the Anti-Doping Organization made reasonable efforts to give notice, of the first anti-doping rule violation; if the Anti-Doping Organization cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.
10.7.4.2	10.7.4.2 If, after the resolution of a first anti-doping rule violation, an Anti-Doping Organization discovers facts	10.7.4.210.6.4.2 If, after the resolution of a first anti-doping rule violation, an Anti-Doping Organization discovers facts	10.6.4.210.7.4.2 If, after the resolution of a first anti-doping rule violation, an Anti-Doping Organization discovers facts	10.7.4.2 If, after the resolution imposition of a sanction for a first anti-doping rule violation, an Anti-Doping Organization

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	involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then the Anti-Doping Organization shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8. To avoid the possibility of a finding of aggravating circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Athlete or other Person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when the Anti-Doping Organization discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.	involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then the Anti-Doping Organization shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8. To avoid the possibility of a finding of aggravating circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Athlete or other Person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged.10.7. The same rule shall also apply when the Anti-Doping Organization discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.	involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then the Anti-Doping Organization shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.7. The same rule shall also apply when the Anti-Doping Organization discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.	discovers facts involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then the Anti-Doping Organization shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.7.10.8.
	[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008, which the Anti-Doping Organization does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008, and the Athlete is notified of this violation by the Anti-Doping Organization on March 30, 2008, and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]	[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008, which the Anti-Doping Organization does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008, and the Athlete is notified of this violation by the Anti-Doping Organization on March 30, 2008, and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]		
10.7.5	10.7.5 Multiple Anti-Doping Rule Violations During Eight-Year Period. For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight-year period in order to be considered multiple violations.	10.7.510.6.5 Multiple Anti-Doping Rule Violations During EightFourteen-Year Period. For purposes of Article 10.7,10.6, each anti-doping rule violation must take place within the same eightfourteen-year period in order to be considered multiple violations.	10.6.5 10.7.5 Multiple Anti-Doping Rule Violations During FourteenTen-Year Period. For purposes of Article 10.6,10.7, each anti-doping rule violation must take place within the same fourteen-ten-year period in order to be considered multiple violations.	10.7.5 Multiple Anti-Doping Rule Violations During Ten-Year Period. For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.
10.8	10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation. In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of Individual Results), all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.	10.810.7 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation. In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of Individual Results), all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.	10.710.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation. In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of Individual Results),9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.	10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation. In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.
	10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the Athlete must first repay all prize money forfeited under this Article.	10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the Athlete must first repay10.7.1 Athletes and other Persons shall not be allowed to participate in Competitions until all prize money forfeited under this Article has been repaid, unless	10.7.1 Athletes and other Persons shall not be allowed to participate in Competitions until all prize money forfeited under this Article has been repaid, unless fairness requires otherwise.	

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		fairness requires otherwise.		
	10.8.2 Allocation of Forfeited Prize Money. Unless the rules of the International Federation provide that forfeited prize money shall be reallocated to other Athletes, it shall be allocated first to reimburse the collection expenses of the Anti-Doping Organization that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the Anti-Doping Organization that conducted results management in the case, with the balance, if any, allocated in accordance with the International Federation's rules.	10.8.210.7.2 Allocation of Forfeited Prize Money. Unless the rules of the International Federation provide that forfeited prize money shall be reallocated to other Athletes, it shall be allocated first to reimburse the collection expenses of the Anti-Doping Organization that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the Anti-Doping Organization that conducted results management in the case, with the balance, if any, allocated in accordance with the International Federation's rules.	10.7.2 Allocation of Forfeited Prize Money. Unless the rules of the International Federation provide that forfeited prize money shall be reallocated to other Athletes, it shall be allocated first to reimburse the collection expenses of the Anti-Doping Organization that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the Anti-Doping Organization that conducted results management in the case, with the balance, if any, allocated in accordance with the International Federation's rules.	
Comment to 10.8	[Comment to Article 10.8.2: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]	[Comment to Article 10.8.210.7.2: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]	[Comment to Article 10.7.210.8: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]	[Comment to Article 10.8: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]
10.9			10.9 Repayment of CAS Cost Awards and Forfeited Prize Money. As a general principle, Athletes and other Persons shall not regain eligibility until CAS cost awards and forfeited prize money imposed upon them on account of anti-doping rule violations have been paid. However, where an Athlete or other Person can demonstrate that this general rule would create a financial burden that is manifestly excessive, then the Athlete or other Person may submit a payment plan to CAS for approval. Failure to comply with an approved payment plan will automatically result in Ineligibility. The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of the Anti-Doping Organization that conducted results management in the case.	10.9 RepaymentAllocation of CAS Cost Awards and Forfeited Prize Money. As a general principle, Athletes and other Persons shall not regain eligibility until CAS cost awards and forfeited prize money imposed upon them on account of anti-doping rule violations have been paid. However, where an Athlete or other Person can demonstrate that this general rule would create a financial burden that is manifestly excessive, then the Athlete or other Person may submit a payment plan to CAS for approval. Failure to comply with an approved payment plan will automatically result in Ineligibility. The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of the Anti-Doping Organization that conducted results management in the case.
<i>Comment to 10.9 (version 3.0 only)</i>			[Comment to Article 10.9: Without going to CAS, the Athlete or other Person can always reach agreement on a payment plan with the relevant Anti-Doping Organizations.]	[Comment to Article 10.9: Without going to CAS, the Athlete or other Person can always reach agreement on a payment plan with the relevant Anti-Doping Organizations.]
10.10			10.10 Financial Consequences. Anti-Doping Organizations may, in their own rules, provide for appropriate recovery of costs on account of anti-doping rule violations. However, Anti-Doping Organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Recovery of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under the Code.	10.10 Financial Consequences. Anti-Doping Organizations may, in their own rules, provide for appropriate recovery of costs on account of anti-doping rule violations. However, Anti-Doping Organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Recovery of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under the Code.
			[Comment to Article 10.10: The imposition of a financial Consequence can never have the effect of reducing the	[Comment to Article 10.10: The imposition of a financial Consequence can never have the effect of reducing the

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			otherwise applicable period of Ineligibility.]	otherwise applicable period of Ineligibility.]
10.11	10.9 Commencement of Ineligibility Period. Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility imposed to be served.	10.910.8 Commencement of Ineligibility Period. Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.	10.810.11 Commencement of Ineligibility Period. Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed.	10.11 Commencement of Ineligibility Period. Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.
10.11.1	10.9.1 Delays Not Attributable to the Athlete or other Person. Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the body imposing the sanction may start the period of Ineligibility 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 shall be Disqualified.	10.9.110.8.1 Delays Not Attributable to the Athlete or other Person. Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the body imposing the sanction may start the period of Ineligibility 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, shall be Disqualified.	10.8.1 10.11.1 Delays Not Attributable to the Athlete or other Person. Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the body imposing the sanction may start the period of Ineligibility 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, shall be Disqualified.	10.11.1 Delays Not Attributable to the Athlete or other Person. Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the body imposing the sanction may start the period of Ineligibility 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, shall be Disqualified.
Comment to 10.11.1	[Comment to 10.9.1: In cases of anti-doping rule violations other than 2.1 (Presence of a Prohibited Substance or Method), the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in Article 10.9.1 to start the sanction at an earlier date should not be used.]	[Comment to 10.9.110.8.1: In cases of anti-doping rule violations other than 2.1 (Presence of a Prohibited Substance or Method), the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in Article 10.9.110.8.1 to start the sanction at an earlier date should not be used.]	[Comment to 10.8.110.11.1: In cases of anti-doping rule violations other than 2.1 (Presence of a Prohibited Substance or Method), 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in Article 10.8.1 to start the sanction at an earlier date should not be used.]	[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article 10.8.1 to start the sanction at an earlier date should not be used.]
10.11.2	10.9.2 Timely Admission. Where the Athlete or other Person promptly (which, in all events, for an Athlete means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the Anti-Doping Organization, 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 Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.	10.9.210.8.2 Timely Admission. Where the Athlete or other Person promptly (which, in all events, for an Athlete means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the Anti-Doping Organization, 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 Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.	10.8.2 10.11.2 Timely Admission. Where the Athlete or other Person promptly (which, in all events, for an Athlete means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the Anti-Doping Organization, 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 Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.	10.11.2 Timely Admission. Where the Athlete or other Person promptly (which, in all events, for an Athlete means before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the Anti-Doping Organization, 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 Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.
Comment to 10.11.2	[Comment to Article 10.9.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]	[Comment to Article 10.9.210.8.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]	[Comment to Article 10.8.210.11.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).10.6.2.]	[Comment to Article 10.11.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.6.2.]10.6.3.
10.11.3	10.9.3 If a Provisional Suspension is imposed and respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently	10.9.310.8.3 If a Provisional Suspension is imposed and respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently	10.8.3 10.11.3 If a Provisional Suspension is imposed and respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently	10.11.3 If a Provisional Suspension is imposed and respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently

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	appealed, then the Athlete shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.	appealed, then the Athlete shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.	appealed, then the Athlete shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.	appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.
10.11.4	10.9.4 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from an Anti-Doping Organization with results management authority and thereafter refrains from competing, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.	10.9.410.8.4 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from an Anti-Doping Organization with results management authority and thereafter refrains from competing, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.	10.8.4 10.11.4 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from an Anti-Doping Organization with results management authority and thereafter refrains from competing, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.	10.11.4 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from an Anti-Doping Organization with results management authority and thereafter refrains from competing, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.
Comment to 10.11.4	[Comment to Article 10.9.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]	[Comment to Article 10.9.410.8.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]	[Comment to Article 10.8.410.11.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]	[Comment to Article 10.11.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]
10.11.5	10.9.5 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team.	10.9.510.8.5 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team.	10.8.5 10.11.5 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team.	10.11.5 No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team.
10.11.6	10.9.6 In Team Sports, where a period of Ineligibility is imposed upon a Team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.	10.9.610.8.6 In Team Sports, where a period of Ineligibility is imposed upon a Team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.	10.8.6 10.11.6 In Team Sports, where a period of Ineligibility is imposed upon a Team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.	10.11.6 In Team Sports, where a period of Ineligibility is imposed upon a Team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.
Comment to 10.11	[Comment to Article 10.9: The text of Article 10.9 has been revised to make clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]	[Comment to Article 10.910.8: Article 10.910.8 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]	[Comment to Article 10.810.11: Article 10.810.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]	[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]
10.12	10.10 Status During Ineligibility.	10.1010.9 Status During Ineligibility.	10.910.12 Status During Ineligibility.	10.12 Status During Ineligibility.
10.12.1	10.10.1 Prohibition Against Participation During Ineligibility. No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization or any sporting activity funded by a governmental agency.	10.10.110.9.1 Prohibition Against Participation During Ineligibility. No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization or any elite or national-level sporting activity funded by a	10.9.1 10.12.1 Prohibition Against Participation During Ineligibility. No Athlete or other Person (including Athlete Support Personnel) who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization or any	10.12.1 Prohibition Against Participation During Ineligibility. No Athlete or other Person (including Athlete Support Personnel) who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization or any elite or national-level sporting activity funded by a

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	<p>An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport events in a sport other than the sport in which the Athlete or other Person committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Minors.</p> <p>An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing.</p>	<p>governmental agency.</p> <p>An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport events in a sport other than the sport in which the Athlete or other Person committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Minors.</p> <p>An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing.</p>	<p>elite or national-level sporting activity funded by a governmental agency.</p> <p>An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport events in a sport other than the sport in which the Athlete or other Person committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Minors.</p> <p>An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing.</p>	<p>governmental agency.</p> <p>An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate as an Athlete in local sport events in a sport other than the sport in which the Athlete or other Person committed the anti-doping rule violation not sanctioned or otherwise under the jurisdiction of a Code Signatory or member of a Code Signatory, but only so long as the local sport event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Minors.</p> <p>An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing.</p>
Comment to 10.12.1	<p>[Comment to Article 10.10.1: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the consequences set forth in Article 10.10.2. Sanctions Consequences set forth in Article 10.10.3. The term "activity" also includes administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport will also be recognized by other sports (see Article 15.4, 15.4, Mutual Recognition).]</p>	<p>[Comment to Article 10.10.110.9.1: For example, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.10.3.10.9.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport will also be recognized by other sports (see Article 15.4, 15.1, Mutual Recognition).]</p>	<p>[Comment to Article 10.9.110.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.9.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport will also be recognized by other sports (see Article 15.1, Mutual Recognition).]</p>	<p>[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.9.3.10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]</p>
10.12.2	<p>10.10.2 Return for Training.</p> <p>As an exception to Article 10.10.1, an Athlete may return to train with a Team or to use the facilities of a club or other member organization of a Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) one-quarter of the period of Ineligibility imposed.</p>	<p>10.10.210.9.2 Return for Training.</p> <p>As an exception to Article 10.10.1,10.9.1, an Athlete may return to train with a Team or to use the facilities of a club or other member organization of a Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) one-quarter of the period of Ineligibility imposed.</p>	<p>10.9.2 10.12.2 Return for Training.</p> <p>As an exception to Article 10.9.1,10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.</p>	<p>10.12.2 Return for Training.</p> <p>As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of a Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.</p>
Comment to 10.12.2	<p>[Comment to Article 10.10.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.10.1 other than training.]</p>	<p>[Comment to Article 10.10.210.9.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.10.110.9.1 other than training.]</p>	<p>[Comment to Article 10.9.210.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.9.1 other than training.]</p>	<p>[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.9.110.12.1 other than training.]</p>
10.12.3	<p>10.10.3 Violation of the Prohibition of Participation During Ineligibility.</p> <p>Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.10.1, the results of such participation shall be Disqualified and a new period of</p>	<p>10.10.3 10.9.3 Violation of the Prohibition of Participation During Ineligibility.</p> <p>Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.10.1,10.9.1, the results of such participation shall be Disqualified and a new period of</p>	<p>10.9.3 10.12.3 Violation of the Prohibition of Participation During Ineligibility.</p> <p>Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.9.1,10.11.1, the results of such participation shall be Disqualified and a new period of</p>	<p>10.12.3 Violation of the Prohibition of Participation During Ineligibility.</p> <p>Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.11.1,10.12.1, the results of such participation shall be Disqualified and a new period</p>

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	Ineligibility which was originally imposed shall start over again as of the date of the violation equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be reduced under Article 10.5.2 if the Athlete or other Person establishes he or she bears No Significant Fault or Negligence for violating the prohibition against participation. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility.	Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be reduced under Article 10.5.2 if the Athlete or other Person establishes he or she bears No Significant Fault or Negligence for violating the prohibition against participation. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility.	Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be reduced under Article 10.5.2 if based on the Athlete or other Person establishes he or she bears No Significant Fault or Negligence for violating the prohibition against participation's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.	of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be reduced adjusted based on the Athlete or other Person's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether a reduction under Article 10.5.2 an adjustment is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.
Comment to 10.12.3	[Comment to Article 10.10.2: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation which resulted in the period of Ineligibility shall determine whether the Athlete or other Person violated the prohibition and, if so, whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by Anti-Doping Organizations under this Article may be appealed pursuant to Article 13.2.10.10.3: Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, an Anti-Doping Organization with jurisdiction over such Athlete Support Personnel or other Person may appropriately impose sanctions under its own disciplinary rules for such assistance.]	[Comment to Article 10.10.310.9.3: Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, an Anti-Doping Organization with jurisdiction over such Athlete Support Personnel or other Person may appropriately impose sanctions under its own disciplinary rules for such assistance.]	[Comment to Article 10.9.310.12.3: Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, an Anti-Doping Organization with jurisdiction over such Athlete Support Personnel or other Person may appropriately impose sanctions under its own disciplinary rules Article 2.9 for such assistance.]	[Comment to Article 10.12.3: Where an Athlete Support Personnel or other Person substantially assists an Athlete Person in violating the prohibition against participation during Ineligibility, an Anti-Doping Organization with jurisdiction over such Athlete Support Personnel or other Person may impose sanctions under for a violation of Article 2.9 for such assistance.]
10.12.4	10.10.310.10.4 Withholding of Financial Support during Ineligibility. In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances specified substances as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by Signatories, Signatories' member organizations and governments.	10.10.4 10.9.4 Withholding of Financial Support during Ineligibility. In addition, for any anti-doping rule violation not involving a reduced sanction for specified substances as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by Signatories, Signatories' member organizations and governments.	10.9.4 10.12.4 Withholding of Financial Support during Ineligibility. In addition, for any anti-doping rule violation not involving a reduced sanction for specified substances as described in Article 10.4, 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by Signatories, Signatories' member organizations and governments.	10.12.4 Withholding of Financial Support during Ineligibility. In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by Signatories, Signatories' member organizations and governments.
10.13	10.11 Automatic Publication of Sanction. A mandatory part of each sanction shall include automatic publication, as provided in Article 14.	10.1110.10 Automatic Publication of Sanction. A mandatory part of each sanction shall include automatic publication, as provided in Article 14.	10.1010.13 Automatic Publication of Sanction. A mandatory part of each sanction shall include automatic publication, as provided in Article 14.	10.13 Automatic Publication of Sanction. A mandatory part of each sanction shall include automatic publication, as provided in Article 14.14.3.
10.12 <i>(versions 1.0 and 2.0 only)</i>	10.12 Reinstatement Testing. As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by any Anti-Doping Organization having Testing jurisdiction, and must, if requested, provide current and accurate whereabouts information. If an Athlete subject to a period of Ineligibility retires from sport and is removed from Out-of-Competition Testing pools and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified relevant Anti-Doping Organizations and has been subject to Out-of-Competition Testing for a period of time	10.1210.11 Reinstatement Testing. As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by any Anti-Doping Organization having Testing jurisdiction authority, and must, if requested, provide current and accurate whereabouts information. If an Athlete subject to a period of Ineligibility retires from sport and is removed from Out-of-Competition Registered Testing pools Pool and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified relevant Anti-Doping Organizations and has been subject to Out-of-Competition Testing for a period	10.11 Reinstatement Testing. As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by any Anti-Doping Organization having Testing authority, and must, if requested, provide current and accurate whereabouts information. If an Athlete subject to a period of Ineligibility retires from sport and is removed from a Registered Testing Pool and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified relevant Anti-Doping Organizations and has been subject to Out-of-Competition Testing for a period of time equal to the	

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	equal to the period of Ineligibility remaining as of the date the Athlete had retired.	of time equal to the period of Ineligibility remaining as of the date the Athlete had retired.	period of Ineligibility remaining as of the date the Athlete retired.	
10.13 (versions 1.0 and 2.0 only)	10.13 Payment of CAS Cost Awards. Athletes and other Persons shall be Ineligible until any CAS cost awards against them have been paid, unless fairness requires otherwise.	10.1310.12 Payment of CAS Cost Awards. Athletes and other Persons shall be Ineligible not be allowed to participate in Competition until any CAS cost awards against them have been paid, unless fairness requires otherwise.	10.12 Payment of CAS Cost Awards. Athletes and other Persons shall not be allowed to participate in Competition until any CAS cost awards against them have been paid, unless fairness requires otherwise.	
Comment to 10.13/10.12 (versions 1.0 and 2.0 only)	[Comment to Article 10.13: The determination of whether fairness requires that a period of Ineligibility be extended for non-payment of a CAS cost award shall be initially made by the Anti-Doping Organization which has jurisdiction over the Athlete or other Person's return to eligibility. Such decision may be appealed pursuant to Article 13.]	[Comment to Article 10.1310.12: The determination of whether fairness requires that a period of Ineligibility be extended for non-payment of a CAS cost award shall be initially made by the Anti-Doping Organization which has jurisdiction over the Athlete or other Person's return to eligibility. Such decision may be appealed pursuant to Article 13.]	[Comment to Article 10.12: The determination of whether fairness requires that a period of Ineligibility be extended for non-payment of a CAS cost award shall be initially made by the Anti-Doping Organization which has jurisdiction over the Athlete or other Person's return to eligibility. Such decision may be appealed pursuant to Article 13.]	
10.12/10.14/ 10.13 (versions 1.0 and 2.0 only)	10.12 10.14 Imposition of Financial Sanctions. Anti-Doping Organizations may, in their own rules, provide for financial sanctions appropriate recovery of costs on account of anti-doping rule violations. However, no Anti-Doping Organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Recovery of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. However, no recovery of costs or financial sanction may be considered a basis for reducing the period of Ineligibility or other sanction which would otherwise be applicable under the Code.	10.1410.13 Imposition of Financial Sanctions. Anti-Doping Organizations may, in their own rules, provide for appropriate recovery of costs on account of anti-doping rule violations. Anti-Doping Organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Recovery of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. However, no recovery of costs or financial sanction may be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under the Code.	10.13 Imposition of Financial Sanctions. Anti-Doping Organizations may, in their own rules, provide for appropriate recovery of costs on account of anti-doping rule violations. Anti-Doping Organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Recovery of costs or financial sanctions may only be imposed where the principle of proportionality is satisfied. However, no recovery of costs or financial sanction may be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under the Code.	
Comment to 10.12/10.14/ 10.13 (versions 1.0 and 2.0 only)	[Comment to Article 10.12: For example, if a hearing panel were to find in a case that the cumulative 10.14: The imposition of a fine can never have the effect of reducing the sanction otherwise applicable under the Code and a financial sanction provided in the rules of an Anti-Doping Organization would result in too harsh a consequence, then the Anti-Doping Organization's financial sanction, not the other Code sanctions (e.g., Ineligibility and loss of results), would give way period of Ineligibility.]	[Comment to Article 10.1410.13: The imposition of a fine financial sanction can never have the effect of reducing the otherwise applicable period of Ineligibility.]	[Comment to Article 10.13: The imposition of a financial sanction can never have the effect of reducing the otherwise applicable period of Ineligibility.]	
10.15 (version 1.0 only)	10.15 Limitation on Participation in the Olympic Games.	10.15 Limitation on Participation in the Olympic Games.		
10.15.1 (version 1.0 only)	10.15.1 Where an Athlete or other Person has been sanctioned for an anti-doping rule violation other than under Articles 10.3.3 (Filing Failures and Missed Tests), 10.3.4 (Prohibited Association), 10.4 (Specified Substances), or 10.5.2 (No Significant Fault or Negligence), and Article 10.5.3 (Substantial Assistance) is not applicable, then, as an additional sanction, the Athlete or other Person shall be Ineligible to participate in the next Summer Olympic Games and the next Winter Olympic Games taking place after the end of the period of Ineligibility otherwise imposed.	10.15.1 Where an Athlete or other Person has been sanctioned for an anti-doping rule violation other than under Articles 10.3.3 (Filing Failures and Missed Tests), 10.3.4 (Prohibited Association), 10.4 (Specified Substances), or 10.5.2 (No Significant Fault or Negligence), and Article 10.5.3 (Substantial Assistance) is not applicable, then, as an additional sanction, the Athlete or other Person shall be Ineligible to participate in the next Summer Olympic Games and the next Winter Olympic Games taking place after the end of the period of Ineligibility otherwise imposed.		
10.15.2 (version 1.0)	10.15.2 Where an Athlete or other Person has committed an anti-doping rule violation sanctioned under Articles 10.3.3 (Filing Failures and Missed Tests) or 10.3.4 (Prohibited	10.15.2 Where an Athlete or other Person has committed an anti-doping rule violation sanctioned under Articles 10.3.3 (Filing Failures and Missed Tests) or 10.3.4 (Prohibited		

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only)	Association), or if Article 10.5.3 (Substantial Assistance) is applicable, then the body imposing the sanction may impose as an additional sanction Ineligibility to participate in the next Summer Olympic Games and Winter Olympic Games taking place after the end of the period of Ineligibility otherwise imposed. In deciding whether or not to impose this additional sanction, the sanctioning body shall, applying the principle of proportionality, consider the Athlete or other Person's degree of Fault or the amount of Substantial Assistance provided.	Association), or if Article 10.5.3 (Substantial Assistance) is applicable, then the body imposing the sanction may impose as an additional sanction Ineligibility to participate in the next Summer Olympic Games and Winter Olympic Games taking place after the end of the period of Ineligibility otherwise imposed. In deciding whether or not to impose this additional sanction, the sanctioning body shall, applying the principle of proportionality, consider the Athlete or other Person's degree of Fault or the amount of Substantial Assistance provided.		
Comment to 10.15 (version 1.0 only)	[Comment to Article 10.15: The Code's objective of harmonization would be seriously undermined if multiple Anti-Doping Organizations were each allowed to impose their own anti-doping participation rules. The balance has been struck to provide for a special sanction limiting participation in the Olympic Games. This Article is consistent with the CAS decisions in USOC v. IOC, CAS 2011/O/2422 and British Olympic Association (BOA) v. World Anti-Doping Agency (WADA), CAS 2011/A/2658.]	[Comment to Article 10.15: The Code's objective of harmonization would be seriously undermined if multiple Anti-Doping Organizations were each allowed to impose their own anti-doping participation rules. The balance has been struck to provide for a special sanction limiting participation in the Olympic Games. This Article is consistent with the CAS decisions in USOC v. IOC, CAS 2011/O/2422 and British Olympic Association (BOA) v. World Anti-Doping Agency (WADA), CAS 2011/A/2658.]		
Comment to 10				[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]
11	ARTICLE 11 CONSEQUENCES TO TEAMS	ARTICLE 11 CONSEQUENCES TO TEAMS	ARTICLE 11 CONSEQUENCES TO TEAMS	ARTICLE 11 CONSEQUENCES TO TEAMS
11.1	11.1 Testing of Team Sports. Where more than one member of a team in a Team Sport has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.	11.1 Testing of Team Sports. Where more than one member of a team in a Team Sport has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.	11.1 Testing of Team Sports. Where more than one member of a team in a Team Sport has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.	11.1 Testing of Team Sports. Where more than one member of a team in a Team Sport has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.
11.2	11.2 Consequences for Team Sports. If two or more than twoparticipating members of a teamTeam in a Team Sport participating in an Event are found to have committed an anti-doping rule violation during an Event Periodviolations during the Event, each of which are sanctioned by a period of Ineligibility of one (1) year or	11.2 Consequences for Team Sports. If two or more participatingthan two members of a Teamteam in a Team Sport participating in an Event are found to have committed an anti-doping rule violations during the Event, each of which are sanctioned by a period of Ineligibility of one (1) year or more, then at a	11.2 Consequences for Team Sports. If more than two members of a team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other	11.2 Consequences for Team Sports. If more than two members of a team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other

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	more, then at a minimum, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) disqualify the Team from the Event the next time it is held and the International Federation shall impose a period of Ineligibility on the Team of one year. The Consequences imposed on a Team are in addition to any Consequences imposed upon the individual Athletes committing the anti-doping rule violation.	minimum violation during an Event Period, the ruling body of the Event shall disqualify the Team from the Event the next time it is held and the International Federation shall impose a period of Ineligibility on the Team of one year. The Consequences imposed on a Team are impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Athletes committing the anti-doping rule violation.	sanction) in addition to any Consequences imposed upon the individual Athletes committing the anti-doping rule violation.	sanction) in addition to any Consequences imposed upon the individual Athletes committing the anti-doping rule violation.
11.3	11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports. The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.	11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports. The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.	11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports. The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.	11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports. The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.
Comment to 11.3	[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Games of the Olympiad based on a lesser number of anti-doping rule violations during the period of the Games of the Olympiad.]	[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Games of the Olympiad based on a lesser number of anti-doping rule violations during the period of the Games of the Olympiad.]	[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games of the Olympiad based on a lesser number of anti-doping rule violations during the period of the Games of the Olympiad.]	[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games of the Olympiad.]
12	ARTICLE 12 SANCTIONS AGAINST SPORTING BODIES Nothing in the Code precludes any Signatory or government accepting the Code from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the Signatory or a member of the Signatory or government has authority.	ARTICLE 12 SANCTIONS AGAINST SPORTING BODIES Nothing in the Code precludes any Signatory or government accepting the Code from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the Signatory or a member of the Signatory or government has authority.	ARTICLE 12 SANCTIONS AGAINST SPORTING BODIES Nothing in the Code precludes any Signatory or government accepting the Code from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the Signatory or a member of the Signatory or government has authority.	ARTICLE 12 SANCTIONS AGAINST SPORTING BODIES Nothing in the Code precludes any Signatory or government accepting the Code from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the Signatory or a member of the Signatory or government has authority.
Comment to 12	[Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]	[Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]	[Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]	[Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]
13	ARTICLE 13 APPEALS	ARTICLE 13 APPEALS	ARTICLE 13 APPEALS	ARTICLE 13 APPEALS
13.1	13.1 Decisions Subject to Appeal. Decisions made under the Code or rules adopted pursuant to the Code may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the Code or International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.1).	13.1 Decisions Subject to Appeal. Decisions made under the Code or rules adopted pursuant to the Code may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the Code or International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.1).	13.1 Decisions Subject to Appeal. Decisions made under the Code or rules adopted pursuant to the Code may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the Code or International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.1).	13.1 Decisions Subject to Appeal. Decisions made under the Code or rules adopted pursuant to the Code may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the Code or International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.1).
13.1.1	13.1.1 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.	13.1.1 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.	13.1.1 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.	13.1.1 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.
13.1.2	13.1.2 CAS Shall Not Defer to the Findings Being Appealed. In making its decision, CAS shall not give deference to the findings made, or discretion exercised, by the body whose decision is being appealed.	13.1.2 CAS Shall Not Defer to the Findings Being Appealed. In making its decision, CAS shall not give deference to the findings made, or discretion exercised, by the body whose decision is being appealed.	13.1.2 CAS Shall Not Defer to the Findings Being Appealed. In making its decision, CAS shall need not give deference to the findings made, or discretion exercised, by the body whose decision is being appealed.	13.1.2 CAS Shall Not Defer to the Findings Being Appealed. In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.

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Comment to 13.1.2	[Comment to 13.1.2: CAS decisions are de novo. The CAS decision in WADA v. Hardy and USADA (CAS 2009/A/1870) on this point is rejected.]	[Comment to 13.1.2: CAS decisions proceedings are de novo. The CAS decision in WADA v. Hardy and USADA (CAS 2009/A/1870) on this point is rejected proceedings below do not limit the evidence or carry weight in the hearing before CAS.]	[Comment to 13.1.2: CAS proceedings are de novo. The proceedings below do not limit the evidence or carry weight in the hearing before CAS.]	[Comment to Article 13.1.2: CAS proceedings are de novo. The Prior proceedings below do not limit the evidence or carry weight in the hearing before CAS.]
13.1.3	13.1.3 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 Anti-Doping Organization's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Anti-Doping Organization process.	13.1.3 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 Anti-Doping Organization's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Anti-Doping Organization process.	13.1.3 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 Anti-Doping Organization's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Anti-Doping Organization process.	13.1.3 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 Anti-Doping Organization's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Anti-Doping Organization process.
Comment to 13.1.3	[Comment to Article 13.1.13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]	[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]	[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]	[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]
13.2	13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions. A decision that an anti-doping rule violation was committed, a decision imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.210.10.3 (Violation of the Prohibition of Participation during Ineligibility); a decision that an Anti-Doping Organization lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision by an Anti-Doping Organization not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; and 7.5; a decision to impose a Provisional Suspension as a result of a Provisional Hearing or in violation of Article 7.5,7.7; and a decision applying or not applying sanctions under Article 10.15 (Limitation on Participation in Olympic Games), may be appealed exclusively as provided in this Article 13.2.	13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions. A decision that an anti-doping rule violation was committed, a decision imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.310.9.3 (Violation of the Prohibition of Participation during Ineligibility); a decision that an Anti-Doping Organization lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision by an Anti-Doping Organization not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.57.6; a decision to impose a Provisional Suspension as a result of a Provisional Hearing or in violation of Article 7.7; a decision to extend a period of Ineligibility for non-payment of a CAS cost award or prize money and a decision applying or not applying sanctions under Article 10.15 (Limitation on Participation in Olympic Games), by an Anti-Doping Organization not to recognize another Anti-Doping Organization's decision under Article 15 may be appealed exclusively as provided in this Article 13.2.	13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions. A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.9.3 (Violation of the Prohibition of Participation during Ineligibility); a decision that an Anti-Doping Organization lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences by WADA not to grant an exception to the six months notice requirement for a retired Athlete to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1; a decision by an Anti-Doping Organization not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.67.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing or in violation of Article 7.7; a decision to extend a7.9; a decision that an Anti-Doping Organization lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision to preclude participation for non-payment under Article 10.9; a decision under Article 10.11.310.12.3; and a decision by an Anti-Doping Organization not to recognize another Anti-Doping Organization's decision under Article 15 may be appealed exclusively as provided in this Article 13.2.	13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions, Recognition of Decisions and Jurisdiction. A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months notice requirement for a retired Athlete to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1; a decision by an Anti-Doping Organization not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing or in violation of an Anti-Doping Organization's failure to comply with Article 7.9; a decision that an Anti-Doping Organization lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision to preclude participation for non-payment under Article 10.9; a decision under Article 10.11.310.12.3; and a decision by an Anti-Doping Organization not to recognize another Anti-Doping Organization's decision under Article 15 may be appealed exclusively as provided in this Article 13.2.
13.2.1	13.2.1 Appeals Involving International-Level Athletes. In cases arising from participation in an International Event or in cases involving International-Level Athletes, the	13.2.1 Appeals Involving International-Level Athletes. In cases arising from participation in an International Event or in cases involving International-Level Athletes, the	13.2.1 Appeals Involving International-Level Athletes. In cases arising from participation in an International Event or in cases involving International-Level Athletes, the	13.2.1 Appeals Involving International-Level Athletes or International Events. In cases arising from participation in an International Event

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	decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.	decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.	decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.	or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.
Comment to 13.2.1	[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]	[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]	[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]	[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]
13.2.2	13.2.2 Appeals Involving National-Level Other Athletes. In cases involving national-level Athletes, as defined by each National Anti-Doping Organization, who do not have a right to appeal under Article 13.2.1, where Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles: • a timely hearing; • a fair, impartial and independent hearing panel; • the right to be represented by counsel at the Person's own expense; and • a timely, written, reasoned decision.	13.2.2 Appeals Involving Other Athletes. In cases where Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles: • a timely hearing; • a fair, impartial and independent hearing panel; • the right to be represented by counsel at the Person's own expense; and • a timely, written, reasoned decision.	13.2.2 Appeals Involving Other Athletes. In cases where Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles: • a timely hearing; • a fair, impartial and independent hearing panel; • the right to be represented by counsel at the Person's own expense; and • a timely, written, reasoned decision.	13.2.2 Appeals Involving Other Athletes or Other Persons. In cases where Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the National Anti-Doping Organization. The rules for such appeal shall respect the following principles: • a timely hearing; • a fair, and impartial and independent hearing panel; • the right to be represented by counsel at the Person's own expense; and • a timely, written, reasoned decision.
Comment to 13.2.2	[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by giving its national-level Athletes providing for the right to appeal directly to CAS.]	[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by providing for the right to appeal directly to CAS.]	[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by providing for the right to appeal directly to CAS.]	[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by providing for the right to appeal directly to CAS.]
13.2.3	13.2.3 Persons Entitled to Appeal. In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the National Anti-Doping Organization's rules but, at a minimum, shall include the following parties: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence; and (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the International	13.2.3 Persons Entitled to Appeal. In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing appeal body shall be as provided in the National Anti-Doping Organization's rules but, at a minimum, shall include the following parties: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the International	13.2.3 Persons Entitled to Appeal. In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the National Anti-Doping Organization's rules but, at a minimum, shall include the following parties: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the International	13.2.3 Persons Entitled to Appeal. In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the National Anti-Doping Organization's rules but, at a minimum, shall include the following parties: (a) the Athlete 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 relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant

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	<p>the International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.</p> <p>The filing deadline for an appeal or intervention filed by WADA shall be the later of:</p> <p>(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or</p> <p>(b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.</p> <p>Notwithstanding any other provision herein, the only Person who may appeal from a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed.</p>	<p>Federation shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.</p> <p>The filing deadline for an appeal or intervention filed by WADA shall be the later of:</p> <p>(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or</p> <p>(b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.</p> <p>Notwithstanding any other provision herein, the only Person who may appeal from a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed.</p>	<p>Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.</p> <p>The filing deadline for an appeal or intervention filed by WADA shall be the later of:</p> <p>(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or</p> <p>(b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.</p> <p>Notwithstanding any other provision herein, the only Person who may appeal from a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed.</p>	<p>International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.</p> <p>The filing deadline for an appeal or intervention filed by WADA shall be the later of:</p> <p>(a) Twenty-one days after the last day on which any other party in the case could have appealed, or</p> <p>(b) Twenty-one days after WADA's receipt of the complete file relating to the decision.</p> <p>Notwithstanding any other provision herein, the only Person who may appeal from a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed.</p>
13.2.4	<p>13.2.4: Second Appeal Opportunity for Athletes and other Persons.</p> <p>In those circumstances where an Athlete or other Person has elected not to appeal a decision applicable to him or her, or has made a limited appeal, and WADA or another Anti-Doping Organization has subsequently elected to appeal the decision, then the Athlete or other Person shall have a new period of an additional ten days to appeal the decision following notice of the appeal by WADA or other Anti-Doping Organization.</p>	<p>13.2.4: Second Appeal Opportunity for Athletes and other Persons.</p> <p>13.2.4. Cross Appeals Allowed.</p> <p>In those circumstances where an Athlete or other Person has elected not to appeal a decision applicable to him or her, or has made a limited appeal, and WADA or another Anti-Doping Organization has subsequently elected to appeal the decision, then the Athlete or other Person shall have a new period of an additional ten days to appeal the decision following notice of the appeal by WADA or other Anti-Doping Organization. Cross appeals are specifically permitted in cases brought to CAS under the Code. Any party with a right to appeal under this Article 13 may file a cross appeal with the party's answer.</p>	<p>13.2.4. Cross Appeals Allowed.</p> <p>Cross appeals are specifically permitted in cases brought to CAS under the Code. Any party with a right to appeal under this Article 13 may file a cross appeal with the party's answer.</p>	<p>13.2.4. Cross Appeals and other Subsequent Appeals Allowed.</p> <p>Cross appeals are specifically permitted and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Article 13 may must file a cross appeal or subsequent appeal with the party's answer.</p>
Comment to 13.2.4	<p>[Comment to 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross-appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]</p>	<p>[Comment to 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross-appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]</p>	<p>[Comment to 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]</p>	<p>[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]</p>
13.3	<p>13.3 Failure to Render a Timely Decision by an Anti-Doping Organization.</p> <p>Where, in a particular case, an Anti-Doping Organization fails to render a decision with respect to whether an anti-doping rule violation was committed 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 no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organization.</p>	<p>13.3 Failure to Render a Timely Decision by an Anti-Doping Organization.</p> <p>Where, in a particular case, an Anti-Doping Organization fails to render a decision with respect to whether an anti-doping rule violation was committed 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 no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organization.</p>	<p>13.3 Failure to Render a Timely Decision by an Anti-Doping Organization.</p> <p>Where, in a particular case, an Anti-Doping Organization fails to render a decision with respect to whether an anti-doping rule violation was committed 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 no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organization.</p>	<p>13.3 Failure to Render a Timely Decision by an Anti-Doping Organization.</p> <p>Where, in a particular case, an Anti-Doping Organization fails to render a decision with respect to whether an anti-doping rule violation was committed 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 no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organization.</p>
Comment to 13.3	<p>[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a</p>	<p>[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a</p>	<p>[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a</p>	<p>[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a</p>

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	decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]	decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]	decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]	decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]
13.4	<p>13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption.</p> <p>Decisions by WADA reversing Anti-Doping Organizations to grant or deny a therapeutic use exemption to an International-Level Athlete or Athlete in a High Priority Athlete Pool and decisions by WADA to grant a therapeutic use exemption or reverse the grant or denial of a therapeutic use exemption may shall be appealed exclusively to CAS by the Athlete or the Anti-Doping Organization whose decision was reversed. Decisions by and affected Anti-Doping Organizations other than WADA. Decisions granting or denying therapeutic use exemptions, which are not reversed by WADA, to other Athletes may be appealed by International-Level Athletes to CAS and by other Athletes to the national-level reviewing body described in Article 13.2.2. If the national-level reviewing body reverses the decision to deny a therapeutic use exemption, that decision may be appealed to CAS by WADA.</p> <p>When an Anti-Doping Organization fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, the Anti-Doping Organization's failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.</p>	<p>13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption.</p>	<p>13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption.</p> <p>Therapeutic Use Exemption decisions may be appealed exclusively as provided in Article 4.4 above.</p>	<p>13.4 Appeals Relating to Therapeutic Use Exemptions TUEs.</p> <p>Therapeutic Use Exemption TUE decisions may be appealed exclusively as provided in Article 4.4 above.</p>
13.4.1 <i>(version 2.0 only)</i>		<p>13.4.1 A decision to deny a TUE to an International-Level Athlete may be appealed by the Athlete (and/or by his/her National Anti-Doping Organization, in the case of a denial by an International Federation that has the effect of reversing a TUE previously granted by the National Anti-Doping Organization) exclusively to CAS.</p>	<p>13.4.1 A decision to deny a TUE to an International-Level Athlete may be appealed by the Athlete (and/or by his/her National Anti-Doping Organization, in the case of a denial by an International Federation that has the effect of reversing a TUE previously granted by the National Anti-Doping Organization) exclusively to CAS.</p>	
13.4.2 <i>(version 2.0 only)</i>	[See 13.4, above]	<p>13.4.2 Decisions by Anti-Doping Organizations to grant or deny a therapeutic use exemption to an International-Level Athlete or Athlete in a High Priority Athlete Pool and decisions by WADA to grant a therapeutic use exemption or reverse the grant of a therapeutic use exemption shall be appealed exclusively to CAS by the Athlete and affected Anti-Doping Organizations. Decisions granting or denying therapeutic use exemptions to other Athletes A decision to deny a TUE to any other Athlete may be appealed by the Athlete to the national-level reviewing appeal body described in Article 13.2.2. 13.2.2 and Article 13.2.3. If the national-level reviewing appeal body reverses the decision to deny a therapeutic use exemption, that decision denial or conditional grant, that reversal may be appealed to CAS by WADA by the Athlete's National Anti-Doping Organization or WADA exclusively to CAS.</p>	<p>13.4.2 A decision to deny a TUE to any other Athlete may be appealed by the Athlete to the national-level appeal body described in Article 13.2.2 and Article 13.2.3. If the national-level appeal body reverses the denial or conditional grant, that reversal may be appealed by the Athlete's National Anti-Doping Organization or WADA exclusively to CAS.</p>	

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13.4.3 (version 2.0 only)		13.4.3 A decision by WADA upon review to reverse the grant or denial of a TUE may be appealed by the Athlete and/or by the Anti-Doping Organization whose decision has been reversed exclusively to CAS.	13.4.3 A decision by WADA upon review to reverse the grant or denial of a TUE may be appealed by the Athlete and/or by the Anti-Doping Organization whose decision has been reversed exclusively to CAS.	
Comment to 13.4.3 (versions 2.0 only)		[Comment to Article 13.4.3: WADA is required to review the denial of a TUE to an Athlete in a Registered Testing Pool. It is entitled to review any other grant or denial of a TUE. Where WADA has declined to review or reverse another Anti-Doping Organization's decision not to grant a therapeutic use exemption, the Athlete's appeal is against the decision of the other Anti-Doping Organization, not WADA.]	[Comment to Article 13.4.3: WADA is required to review the denial of a TUE to an Athlete in a Registered Testing Pool. It is entitled to review any other grant or denial of a TUE. Where WADA has declined to review or reverse another Anti-Doping Organization's decision not to grant a therapeutic use exemption, the Athlete's appeal is against the decision of the other Anti-Doping Organization, not WADA.]	
13.4.4 (version 2.0 only)		13.4.4 When an Anti-Doping Organization fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, the Anti-Doping Organization's failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.	13.4.4 When an Anti-Doping Organization fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, the Anti-Doping Organization's failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.	
Comment to 13.4 (version 1.0 only)	[Comment to 13.4: Where WADA has declined to reverse another Anti-Doping Organization's decision not to grant a therapeutic use exemption, the Athlete's appeal is against the decision of the other Anti-Doping Organization, not WADA.]	[Comment to 13.4: Where WADA has declined to reverse another Anti-Doping Organization's decision not to grant a therapeutic use exemption, the Athlete's appeal is against the decision of the other Anti-Doping Organization, not WADA.]		
13.5	13.5 Notification of Appeal Decisions. Any Anti-Doping Organization that is a party to an appeal shall promptly provide the appeal decision to the Athlete and the other Anti-Doping Organizations who would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.	13.5 Notification of Appeal Decisions. Any Anti-Doping Organization that is a party to an appeal shall promptly provide the appeal decision to the Athlete and the other Anti-Doping Organizations who would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.	13.5 Notification of Appeal Decisions. Any Anti-Doping Organization that is a party to an appeal shall promptly provide the appeal decision to the Athlete and the other Anti-Doping Organizations who would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.	13.5 Notification of Appeal Decisions. Any Anti-Doping Organization that is a party to an appeal shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organizations who that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.
13.6	13.6 Appeals from Decisions under Part Three and Part Four of the Code. With respect to a WADA report of noncompliance under Article 23.4.5 or any Consequences imposed under Part Three (Roles and Responsibilities) of the Code, the entity to which the WADA report pertains or upon which Consequences are imposed under Part Three of the Code shall have the right to appeal exclusively to CAS in accordance with the provisions applicable before such court.	13.6 Appeals from Decisions under Part Three and Part Four of the Code. With respect to a WADA report of noncompliance under Article 23.4.5 or any Consequences imposed under Part Three (Roles and Responsibilities) of the Code, the entity to which the WADA report pertains or upon which Consequences are imposed under Part Three of the Code shall have the right to appeal exclusively to CAS in accordance with the provisions applicable before such court.	13.6 Appeals from Decisions under Part Three and Part Four of the Code. With respect to a WADA report of noncompliance under Article 23.4.5 or any Consequences imposed under Part Three (Roles and Responsibilities) of the Code, the entity to which the WADA report pertains or upon which Consequences are imposed under Part Three of the Code shall have the right to appeal exclusively to CAS in accordance with the provisions applicable before such court.	13.6 Appeals from Decisions under Part Three and Part Four of the Code. With respect to a WADA report of noncompliance under Article 23.4.5 or any Consequences imposed under Part Three (Roles and Responsibilities) of the Code, the entity to which the WADA report pertains or upon which Consequences are imposed under Part Three of the Code shall have the right to appeal exclusively to CAS in accordance with the provisions applicable before such court.
13.7	13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation. Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.	13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation. Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.	13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation. Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.	13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation. Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.
Comment to 13	[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit	[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit	[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit	[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit

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	from having another competitor disqualified.]	from having another competitor disqualified.]	from having another competitor disqualified.]	from having another competitor disqualified.]
14	ARTICLE 14 CONFIDENTIALITY AND REPORTING The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy interests of individuals alleged to have violated anti-doping rules are:	ARTICLE 14 CONFIDENTIALITY AND REPORTING The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy interests of individuals alleged to have violated anti-doping rules of all Athletes or other Persons are:	ARTICLE 14 CONFIDENTIALITY AND REPORTING The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all Athletes or other Persons are:	ARTICLE 14 CONFIDENTIALITY AND REPORTING The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all Athletes or other Persons are as follows:
14.1	14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Potential Anti-Doping Rule Violations.	14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Potential Anti-Doping Rule Violations.	14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Potential Anti-Doping Rule Violations.	14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Potential Asserted Anti-Doping Rule Violations.
14.1.1	14.1.1 Notice of Anti-Doping Rule Violations to Athletes and Other Persons. An Athlete whose Sample is brought forward as an Adverse Analytical Finding after the initial review under Articles 7.1 or 7.3, or an Athlete or other Person who is asserted to have committed an anti-doping rule violation after the initial review under Article 7.4, Articles 7.4 and 7.5, shall be notified by the Anti-Doping Organization with results management responsibility as provided in Article 7 (Results Management).	14.1.1 Notice of Anti-Doping Rule Violations to Athletes and Other Persons. An Athlete whose Sample is brought forward as an Adverse Analytical Finding after the review under Articles 7.17.2 or 7.3, 7.4, or an Athlete or other Person who is asserted to have committed an anti-doping rule violation after the initial review under Articles 7.47.5 and 7.5, 7.6, shall be notified by the Anti-Doping Organization with results management responsibility as provided in Article 7 (Results Management).	14.1.1 Notice of Anti-Doping Rule Violations to Athletes and Other Persons. An Athlete whose Sample is brought forward as an Adverse Analytical Finding after the review under Articles 7.2 or 7.4, or an Athlete or other Person who is asserted to have committed an anti-doping rule violation after the initial review under Articles 7.5 and 7.6, The form and manner of notice shall be notified by as provided in the rules of the Anti-Doping Organization with results management responsibility as provided in Article 7 (Results Management).	14.1.1 Notice of Anti-Doping Rule Violations to Athletes and Other Persons. The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the Anti-Doping Organization with results management responsibility.
<i>Comment to 14.1.1 (version 2.0 only)</i>		[Comment to Article 14.1.1: An Anti-Doping Organization may notify an Athlete or other Person through his or her National Federation so long as notice is in fact received.]	[Comment to Article 14.1.1: An Anti-Doping Organization may notify an Athlete or other Person through his or her National Federation so long as notice is in fact received.]	
14.1.2	14.1.2 Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations, International Federations, and WADA. The same Anti-Doping Organization shall also notify the Athlete's National Anti-Doping Organization, International Federation and WADA not later than the completion of the process described in Articles 7.1 through 7.4 of the assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person.	14.1.2 Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations, International Federations, and WADA. The same Anti-Doping Organization shall also notify the Athlete's National Anti-Doping Organization, International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person.	14.1.2 Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations, International Federations, and WADA. The same Anti-Doping Organization shall also notify the Athlete's National Anti-Doping Organization, International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person.	14.1.2 Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations, International Federations, and WADA. The same Anti-Doping Organization with results management responsibility shall also notify the Athlete's National Anti-Doping Organization, International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person.
14.1.3	14.1.3 Content of an Anti-Doping Rule Violation Notification. Notification shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection and the analytical result reported by the laboratory, or for anti-doping rule violations other than Article 2.1 (Presence of a Prohibited Substance), the rule violated and the basis of the asserted violation.	14.1.3 Content of an Anti-Doping Rule Violation Notification. Notification shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection and the analytical result reported by the laboratory, or for anti-doping rule violations other than Article 2.1 (Presence of a Prohibited Substance), the rule violated and the basis of the asserted violation.	14.1.3 Content of an Anti-Doping Rule Violation Notification. Notification shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection and, the analytical result reported by the laboratory and other information as required by the International Standard for Testing and Investigations, or for anti-doping rule violations other than Article 2.1 (Presence of a Prohibited Substance), 2.1, the rule violated and the basis of the asserted violation.	14.1.3 Content of an Anti-Doping Rule Violation Notification Notice. Notification shall include: the Athlete's name, country, sport and discipline within the sport, the Athlete'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 International Standard for Testing and Investigations, or for anti-doping rule violations other than Article 2.1, the rule violated and the basis of the asserted violation.
14.1.4	14.1.4 Status Reports. The same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the	14.1.4 Status Reports. The same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the	14.1.4 Status Reports. The Except with respect to investigations which have not resulted in notification of an anti-doping rule violation pursuant to Article 14.1.1, the same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing), 7, 8 or 13 (Appeals) and shall be provided with	14.1.4 Status Reports. Except with respect to investigations which have not resulted in notification of an anti-doping rule violation pursuant to Article 14.1.1, the same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining

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	matter.	matter.	a prompt written reasoned explanation or decision explaining the resolution of the matter.	the resolution of the matter.
14.1.5	14.1.5 Confidentiality. The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until the Anti-Doping Organization with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.	14.1.5 Confidentiality. The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until the Anti-Doping Organization with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.	14.1.5 Confidentiality. The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until the Anti-Doping Organization with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.	14.1.5 Confidentiality. The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until the Anti-Doping Organization with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.
Comment to 14.1.5	[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]	[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]	[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]	[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]
14.2	14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files.	14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files.	14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files.	14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files.
14.2.1	14.2.1 Anti-doping rule violation decisions rendered pursuant to Articles 7.8, 8.4, 10.5.3.3, and 13.5 shall include the full reasons for the decision. Where the decision is not in English or French, the Anti-Doping Organization shall provide a short English or French summary of the decision and the supporting reasons. This notice shall be provided simultaneously with the notice to the Athlete or other Person.	14.2.1 Anti-doping rule violation decisions rendered pursuant to Articles 7.8, 8.3, 8.4, 10.5.3.3, and 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the Anti-Doping Organization shall provide a short English or French summary of the decision and the supporting reasons. This notice shall be provided simultaneously with the notice to the Athlete or other Person.	14.2.1 Anti-doping rule violation decisions rendered pursuant to Articles 7.8, 8.3, 8.4, 10.5.3.3, 7.10, 8.3, 8.5, 10.5.3, 10.5.4, 10.6.4.2, 10.9.3, 13.4 and where notice is required pursuant to 8.4 and 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the Anti-Doping Organization shall provide a short English or French summary of the decision and the supporting reasons. This notice shall be provided simultaneously with the notice to the Athlete or other Person.	14.2.1 Anti-doping rule violation decisions rendered pursuant to Articles 7.10, 8.3, 8.5, 10.5.3, 10.5.4, 10.6.4.2, 10.9.3, 13.4 and where notice is required pursuant to 8.4 and 8.4, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the Anti-Doping Organization shall provide a short English or French summary of the decision and the supporting reasons. This notice shall be provided simultaneously with the notice to the Athlete or other Person.
14.2.2	14.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.	14.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.	14.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.	14.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.
14.3	14.3 Public Disclosure.	14.3 Public Disclosure.	14.3 Public Disclosure.	14.3 Public Disclosure.
14.3.1	14.2.1 14.3.1 The identity of any Athlete or other Person who is asserted by an Anti-Doping Organization to have committed an anti-doping rule violation, may be publicly disclosed by the Anti-Doping Organization with results management responsibility only after notice has been provided to the Athlete or other Person in accordance with Articles 7.2, 7.3, 7.4 or 7.5, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.	14.3.1 The identity of any Athlete or other Person who is asserted by an Anti-Doping Organization to have committed an anti-doping rule violation, may be publicly disclosed by the Anti-Doping Organization with results management responsibility only after notice has been provided to the Athlete or other Person in accordance with Articles 7.2, 7.3, 7.4, 7.5 or 7.6, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.	14.3.1 The identity of any Athlete or other Person who is asserted by an Anti-Doping Organization to have committed an anti-doping rule violation, may be publicly disclosed by the Anti-Doping Organization with results management responsibility only after notice has been provided to the Athlete or other Person in accordance with Articles 7.3, 7.4, 7.5 or 7.6, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.	14.3.1 The identity of any Athlete or other Person who is asserted by an Anti-Doping Organization to have committed an anti-doping rule violation, may be publicly disclosed by the Anti-Doping Organization with results management responsibility only after notice has been provided to the Athlete or other Person in accordance with Articles 7.3, 7.4, 7.5 or 7.6, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2.
14.3.2	14.2.2 14.3.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the Anti-Doping Organization responsible for results management must publicly report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name	14.3.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the Anti-Doping Organization responsible for results management must publicly report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name	14.3.2 No later than twenty (20) days after it has been determined in a final appellate decision under Articles 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the Anti-Doping Organization responsible for results management must publicly report the	14.3.2 No later than twenty days after it has been determined in a final appellate decision under Articles 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the Anti-Doping Organization responsible for results management must publicly report the disposition of the anti-doping matter including the sport,

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	of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The same Anti-Doping Organization must also publicly report within twenty (20) days appeal decisions concerning anti-doping rule violations. The Anti-Doping Organization shall also, within the time period for publication, send all hearing and appeal decisions to WADA.	of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The same Anti-Doping Organization must also publicly report within twenty (20) days appeal decisions concerning anti-doping rule violations.	disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The same Anti-Doping Organization must also publicly report within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the same information described above.	the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The same Anti-Doping Organization must also publicly report Publicly Report within twenty day the results of final appeal decisions concerning anti-doping rule violations, including the same information described above.
14.3.3	14.2.314.3.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. The Anti-Doping Organization with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.	14.3.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. The Anti-Doping Organization with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.	14.3.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. The Anti-Doping Organization with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.	14.3.3 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be disclosed Publicly Disclosed only with the consent of the Athlete or other Person who is the subject of the decision. The Anti-Doping Organization with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.
14.3.4	14.2.414.3.4 For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the Anti-Doping Organization's Web site and leaving the information up for at least one (1) year the longer of one month or the duration of any period of Ineligibility imposed.	14.3.4 For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the Anti-Doping Organization's Web site website and leaving the information up for the longer of one month or the duration of any period of Ineligibility imposed.	14.3.4 For purposes of Article 14.2, publication Publication shall be accomplished at a minimum by placing the required information on the Anti-Doping Organization's website and leaving the information up for the longer of one month or the duration of any period of Ineligibility imposed.	14.3.4 Publication shall be accomplished at a minimum by placing the required information on the Anti-Doping Organization's website and leaving the information up for the longer of one month or the duration of any period of Ineligibility.
14.3.5	14.2.514.3.5 No Anti-Doping Organization or WADA-accredited laboratory, or official of either, shall publicly comment 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 Athlete, other Person or their representatives.	14.3.5 No Anti-Doping Organization or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.	14.3.5 No Anti-Doping Organization or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.	14.3.5 No Anti-Doping Organization or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.
14.3.6	14.3.6 The mandatory public reporting required in 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor or where Article 10.4.3 is applicable. Public reporting in a case involving a Minor or where Article 10.4.3 is applicable shall be proportionate to the facts and circumstances of the case.	14.3.6 The mandatory public reporting required in 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor or where Article 10.4.3 is applicable. Public reporting in a case involving a Minor or where Article 10.4.3 is applicable shall be proportionate to the facts and circumstances of the case.	14.3.6 The mandatory public reporting required in 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor or where Article 10.4.3 is applicable. Public reporting in a case involving a Minor or where Article 10.4.3 is applicable shall be proportionate to the facts and circumstances of the case.	14.3.6 The mandatory public reporting Public Reporting required in 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor. Any optional Public reporting Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.
14.4	14.314.4 Athlete Whereabouts Information. As further provided in the International Standard for Testing, Athletes who have been identified by their International Federation or National Anti-Doping Organization for inclusion in a Registered Testing High Priority Athlete Pool shall provide accurate, current location information. The International Federations and National Anti-Doping Organizations shall coordinate the identification of Athletes and the collecting of current location information and shall submit these to WADA. This information will be accessible, through ADAMS where reasonably feasible or any other system approved by WADA , to other Anti-Doping Organizations having jurisdiction to test the Athlete as provided in Article 15. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Testing;	14.4 Athlete Whereabouts Information. 14.4 Statistical Reporting. As further provided in the International Standard for Testing, Athletes who have been identified by their International Federation or National Anti-Doping Organization for inclusion in a High Priority Athlete Pool shall provide accurate, current location information. The International Federations and National Anti-Doping Organizations shall coordinate the identification of Athletes and the collecting of current location information and shall submit these to WADA. This information will be accessible, through ADAMS or any other system approved by WADA, to other Anti-Doping Organizations having jurisdiction to test the Athlete as provided in Article 15. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or	14.4 Statistical Reporting. As provided in the International Standard for Testing , Anti-Doping Organizations shall make available a, at least annually, publish publicly a general statistical report of their Doping Control activities, with a copy provided to WADA. Anti-Doping Organizations may also publish reports showing the name of each Athlete tested and the date of each Testing. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from Anti-Doping Organizations and laboratories.	14.4 Statistical Reporting. Anti-Doping Organizations shall, at least annually, publish publicly a general statistical report of their Doping Control activities, with a copy provided to WADA. Anti-Doping Organizations may also publish reports showing the name of each Athlete tested and the date of each Testing. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from Anti-Doping Organizations and laboratories.

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	and shall be destroyed after it is no longer relevant for these purposes. 14.414.5 Statistical Reporting. Anti-Doping Organizations shall, at least annually, publish publicly a general statistical report of their Doping Control activities with a copy provided to WADA. Anti-Doping Organizations may also publish reports showing the name of each Athlete tested and the date of each Testing.	conducting Testing; and shall be destroyed after it is no longer relevant for these purposes. 14.5 Statistical Reporting. Anti-Doping Organizations shall, at least annually, publish publicly a general Anti-Doping Organizations shall make available a statistical report of their Doping Control activities with a copy provided to WADA. Anti-Doping Organizations may also publish reports showing the name of each Athlete tested and the date of each Testing.		
14.5 <i>(version 1.0 only)</i>	14.414.5 Statistical Reporting. <i>Anti-Doping Organizations shall, at least annually, publish publicly a general statistical report of their Doping Control activities with a copy provided to WADA. Anti-Doping Organizations may also publish reports showing the name of each Athlete tested and the date of each Testing.</i>			
14.5	14.514.6 Doping Control Information Clearinghouse. WADA shall act as a central clearinghouse for Doping Control Testing data and results for International-Level Athletes and national-level National-Level Athletes who have been included in their National Anti-Doping Organization's Registered Testing High Priority Athlete Pool. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, each Anti-Doping Organization shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS or any other system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible to the Athlete, the Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization, International Federation, and the International Olympic Committee or International Paralympic Committee. To enable it to serve as a clearinghouse for Doping Control Testing data and results management decisions, WADA has developed a database management tool, ADAMS, that reflects emerging data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy. WADA shall, at least annually, publish statistical reports summarizing the information that it receives, ensuring at all times that the privacy of Athletes is fully respected and make itself available for discussions with national and regional data privacy authorities.	14.614.5 Doping Control Information Clearinghouse. WADA shall act as a central clearinghouse for Doping Control Testing data and results, including Athlete Biological Passport data, for International-Level Athletes and National-Level Athletes who have been included in their National Anti-Doping Organization's High Priority Athlete Pool. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, each Anti-Doping Organization shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS or any other system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization, International Federation, and the International Olympic Committee or International Paralympic Committee. To enable it to serve as a clearinghouse for Doping Control Testing data and results management decisions, WADA has developed a database management tool, ADAMS, that reflects data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy. WADA shall, at least annually, publish statistical reports summarizing the information that it receives, ensuring at all times that the privacy of Athletes is fully respected and make itself available for discussions with national and regional data privacy authorities.	14.5 Doping Control Information Clearinghouse. WADA shall act as a central clearinghouse for Doping Control Testing data and results, including, for example, Athlete Biological Passport data, for International-Level Athletes and National-Level Athletes and whereabouts information for Athletes in Registered Testing Pools. To facilitate coordinated test distribution planning Test Distribution Planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, each Anti-Doping Organization shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS or any other system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization, International Federation, and the International Olympic Committee or International Paralympic Committee and other Anti-Doping Organizations with Testing authority over the Athlete. To enable it to serve as a clearinghouse for Doping Control Testing data and results management decisions, WADA has developed a database management tool, ADAMS, that reflects data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy. WADA shall, at least annually, publish statistical reports summarizing the information that it receives, ensuring at all times that the privacy of Athletes is fully respected and make itself available for discussions with national and regional data privacy authorities.	14.5 Doping Control Information Clearinghouse. WADA shall act as a central clearinghouse for Doping Control Testing data and results, including, for example in particular, Athlete Biological Passport data for International-Level Athletes and National-Level Athletes and whereabouts information for Athletes including those in Registered Testing Pools. To facilitate coordinated Test Distribution Planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, each Anti-Doping Organization shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS or other system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's National Federation, National Olympic Committee or National Paralympic Committee, National Anti-Doping Organization, and International Federation, the International Olympic Committee or International Paralympic Committee and any other Anti-Doping Organizations with Testing authority over the Athlete. To enable it to serve as a clearinghouse for Doping Control Testing data and results management decisions, WADA has developed a database management tool, ADAMS, that reflects data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete, Athlete Support Personnel, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the protection of privacy Protection of Privacy and Personal Information.
14.6	14.614.7 Data Privacy. When performing obligations under the Code, Anti-Doping	14.714.6 Data Privacy. Anti-Doping Organizations may collect, store, process or	14.6 Data Privacy. Anti-Doping Organizations may collect, store, process or	14.6 Data Privacy. Anti-Doping Organizations may collect, store, process or

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	Organizations may collect, store, process or disclose personal information relating to Athletes and third parties. Each Anti-Doping Organization shall ensure that it complies with applicable data protection and privacy laws with respect to their handling of such information, as well as where necessary and appropriate to conduct their anti-doping activities under the Code and International Standards (including specifically the International Standard for the protection of privacy that WADA shall adopt to ensure Athletes and non-athletes are fully informed of and, where necessary, agree to the handling of their personal information in connection with anti-doping activities arising under the Code. Protection of Privacy and Personal Information), and in compliance with applicable law, or where otherwise required or permitted by applicable law, regulation, or compulsory legal process.	disclose personal information relating to Athletes and third parties where necessary and appropriate to conduct their anti-doping activities under the Code and International Standards (including specifically the International Standard for Protection of Privacy and Personal Information), and in compliance with applicable law, or where otherwise required or permitted by applicable law, regulation, or compulsory legal process.	disclose personal information relating to Athletes and third parties where necessary and appropriate to conduct their anti-doping activities under the Code and International Standards (including specifically the International Standard for Protection of Privacy and Personal Information), and in compliance with applicable law, or where otherwise required or permitted by applicable law, regulation, or compulsory legal process.	disclose personal information relating to Athletes and other Persons where necessary and appropriate to conduct their anti-doping activities under the Code and International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), and in compliance with applicable law, or where otherwise required or permitted by applicable law, regulation, or compulsory legal process.
Comment to 14.6	[Comment to 14.7: Note that Article 22.2 provides that "Each government shall put in place a proper legal basis for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."]	[Comment to 14.7: Note that Article 22.2 provides that "Each government shall put in place a proper legal basis for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."]	[Comment to 14.6: Note that Article 22.2 provides that "Each government will put in place a proper legal basis for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."]	[Comment to Article 14.6: Note that Article 22.2 provides that "Each government will put in place a proper legal basis for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code."]
15	ARTICLE 15 CLARIFICATION OF DOPING CONTROL RESPONSIBILITIES	ARTICLE 15 CLARIFICATION OF DOPING CONTROL RESPONSIBILITIES MUTUAL RECOGNITION	ARTICLE 15 MUTUAL APPLICATION AND RECOGNITION OF DECISIONS	ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS
<i>Comment to 15 (version 1.0 only)</i>	[Comment to Article 15: To be effective, the anti-doping effort must involve many Anti-Doping Organizations conducting strong programs at both the international and national levels. Rather than limiting the responsibilities of one group in favor of the exclusive competency of the other, the Code manages potential problems associated with overlapping responsibilities, first by creating a much higher level of overall harmonization and, second, by establishing rules of precedence and cooperation in specific areas.]	[Comment to Article 15: To be effective, the anti-doping effort must involve many Anti-Doping Organizations conducting strong programs at both the international and national levels. Rather than limiting the responsibilities of one group in favor of the exclusive competency of the other, the Code manages potential problems associated with overlapping responsibilities, first by creating a much higher level of overall harmonization and, second, by establishing rules of precedence and cooperation in specific areas.]		
15.1	15.1 Event Testing The collection of Samples for Doping Control does and should take place at both International Events and National Events. However, except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing during the Event Period. At International Events, the collection of Doping Control Samples shall be initiated and directed by the international organization which is the ruling body for the Event (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and Pan-American Sports Organisation for the Pan American Games). At National Events, the collection of Doping Control Samples shall be initiated and directed by the designated National Anti-Doping Organization of that country.	15.1 Event Testing 15.1 Mutual Recognition. The collection of Samples for Doping Control does and should take place at both International Events and National Events. However, except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing during the Event Period. At International Events, the collection of Doping Control Samples shall be initiated and directed by the international organization which is the ruling body for the Event (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and Pan-American Sports Organisation for the Pan American Games). At National Events, the collection of Doping Control Samples shall be initiated and directed by the designated National Anti-Doping Organization of that country.	15.1 Mutual Recognition. [See also 5.3.1, above]	15.1 Mutual Recognition. 15.1.1 Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority, shall be applicable worldwide and shall be recognized and respected by all other Signatories.
15.1.1 (version 1.0 only)	15.1.1 If an Anti-Doping Organization which is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of	15.1.1 If an Anti-Doping Organization which is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of	[See 5.3.2, above]	

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	the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may, in accordance with procedures published by WADA, ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event.	the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may, in accordance with procedures published by WADA, ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event.		
<i>Comment to 15.1.1 (version 1.0 only)</i>	[Comment to Article 15.1.1: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]	[Comment to Article 15.1.1: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]	[See comment to 5.3.2, above]	
<i>15.2 (version 1.0 only)</i>	15.2 Out-of-Competition Testing Out-of-Competition Testing shall be initiated and directed by both international and national organizations. Out-of-Competition Testing may be initiated and directed by: (a) WADA; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) the Athlete's International Federation; or (d) any other Anti-Doping Organization that has Testing jurisdiction over the Athlete as provided in Article 5.1 (Test Distribution Planning). Out-of-Competition Testing shall be coordinated through ADAMS where reasonably feasible in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing of individual Athletes.	15.2 Out-of-Competition Testing Out-of-Competition Testing shall be initiated and directed by both international and national organizations. Out-of-Competition Testing may be initiated and directed by: (a) WADA; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) the Athlete's International Federation; or (d) any other Anti-Doping Organization that has Testing jurisdiction over the Athlete as provided in Article 5.1 (Test Distribution Planning). Out-of-Competition Testing shall be coordinated through ADAMS where reasonably feasible in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing of individual Athletes.	[See 5.4.3, above]	
<i>Comment to 15.2 (version 1.0 only)</i>	[Comment to Article 15.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]	[Comment to Article 15.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]	[See Comment to 5.2, above]	
<i>15.3 (version 1.0 only)</i>	15.3 Results Management, Hearings and Sanctions. Except as provided in Article 15.3.1 below, results management and hearings shall be the responsibility of and shall be governed by the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the organization which discovered the violation). If that Anti-Doping Organization does not have the authority to conduct results management, then results management authority shall default to the applicable International Federation. Regardless of which organization conducts results management or hearings, the principles set forth in Articles 7 and 8 shall be respected and the rules identified in the Introduction to Part One to be incorporated without substantive change must be followed.	15.3 Results Management, Hearings and Sanctions. Except as provided in Article 15.3.1 below, results management and hearings shall be the responsibility of and shall be governed by the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the organization which discovered the violation). If that Anti-Doping Organization does not have the authority to conduct results management, then results management authority shall default to the applicable International Federation. Regardless of which organization conducts results management or hearings, the principles set forth in Articles 7 and 8 shall be respected and the rules identified in the Introduction to Part One to be incorporated without substantive change must be followed.	[See 7.1, above]	

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<p>Comment to 15.3 (version 1.0 only)</p>	<p>[Comment to Article 15.3: In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation). In such event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code.</p> <p>The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. Of course, an International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation shall conduct results management.]</p>	<p>[Comment to Article 15.3: In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation). In such event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code.</p> <p>The Athlete's or other Person's International Federation has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. Of course, an International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Federation shall conduct results management.]</p>	<p>[See Comment to 7.1, above]</p>	
<p>15.3.1 (version 1.0 only)</p>	<p>15.3.1 Results management and the conduct of hearings for an anti-doping rule violation arising from a test by, or discovered by, a National Anti-Doping Organization involving an Athlete who is not a national, resident, licenseholder or member of a sport organization of that country or by WADA shall be administered as directed by the rules of the applicable International Federation. Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be referred to the applicable International Federation as far as sanctions beyond Disqualification from the Event or the results of the Event.</p>	<p>15.3.1 Results management and the conduct of hearings for an anti-doping rule violation arising from a test by, or discovered by, a National Anti-Doping Organization involving an Athlete who is not a national, resident, licenseholder or member of a sport organization of that country or by WADA shall be administered as directed by the rules of the applicable International Federation. Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be referred to the applicable International Federation as far as sanctions beyond Disqualification from the Event or the results of the Event.</p>	<p>[See 7.1.1, above]</p>	
<p>Comment to 15.3.1 (version 1.0 only)</p>	<p>[Comment to Article 15.3.1: No absolute rule is established for managing results and conducting hearings where a National Anti-Doping Organization tests a foreign national Athlete over whom it would have had no jurisdiction but for the Athlete's presence in the National Anti-Doping Organization's country. Under this Article, it is left to the International Federation to determine under its own rules whether, for example, management of the case should be referred to the Athlete's National Anti-Doping Organization, remain with the Anti-Doping Organization that collected the Sample, or be taken over by the International Federation.]</p>	<p>[Comment to Article 15.3.1: No absolute rule is established for managing results and conducting hearings where a National Anti-Doping Organization tests a foreign national Athlete over whom it would have had no jurisdiction but for the Athlete's presence in the National Anti-Doping Organization's country. Under this Article, it is left to the International Federation to determine under its own rules whether, for example, management of the case should be referred to the Athlete's National Anti-Doping Organization, remain with the Anti-Doping Organization that collected the Sample, or be taken over by the International Federation.]</p>	<p>[See Comment to 7.1.1, above]</p>	
<p>15.4.1/15.4/ (versions 1.0, 2.0 and 3.0 only)</p>	<p>15.4.1 Subject to the right to appeal provided in Article 13, Testing, therapeutic use exemptions and hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority, shall be recognized and respected by all other Signatories.</p>	<p>15.4 Mutual Recognition.15.1.1 If an Anti-Doping Organization which is not responsible for initiating and directing Testing at an Event nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization may, in accordance with procedures published by WADA, ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event.</p> <p>15.1.1 Subject to the right to appeal provided in Article 13, Testing, therapeutic use exemptions and hearing results or</p>	<p>[See 15.1.1, above]</p> <p>15.1.1 Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority, shall be applicable worldwide and shall be recognized and respected by all other Signatories.</p>	<p>[See 15.1, above]</p>

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		other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority, shall be recognized and respected by all other Signatories.		
<i>Comment to 15.4.1 (version 2009 only)</i>	[Comment to Article 15.4.1: There has in the past been some confusion in the interpretation of this Article with regard to therapeutic use exemptions. Unless provided otherwise by the rules of an International Federation or an agreement with an International Federation, National Anti-Doping Organizations do not have "authority" to grant therapeutic use exemptions to International-Level Athletes.]			
Comment to 15.1	[Comment to Article 15.1.1: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]	[Comment to Article 15.1.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4.3 and the International Standard for Therapeutic Use Exemptions.] [Comment to Article 15.1.1: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]	[Comment to Article 15.1.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4.34.4 and the International Standard for Therapeutic Use Exemptions.]	[Comment to Article 15.1.15.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]
15.1.2	15.4.2 Signatories shall recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.	15.4.215.1.2 Signatories shall recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.	15.1.2 Signatories shall recognize the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.	15.1.2 15.2 Signatories shall recognize the same actions of measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.
	[Comment to Article 15.4.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]	[Comment to Article 15.4.215.1.2 : Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]	[Comment to Article 15.1.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]	[Comment to Article 15.1.215.2 : Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]
16	ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT	ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT	ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT	ARTICLE 16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT
16.1	16.1 In any sport that includes animals in Competition, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of Prohibited Substances, appropriate Testing procedures and a list of approved laboratories for Sample analysis.	16.1 In any sport that includes animals in Competition, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of Prohibited Substances, appropriate Testing procedures and a list of approved laboratories for Sample analysis.	16.1 In any sport that includes animals in Competition, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of Prohibited Substances, appropriate Testing procedures and a list of approved laboratories for Sample analysis.	16.1 In any sport that includes animals in Competition, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of Prohibited Substances, appropriate Testing procedures and a list of approved laboratories for Sample analysis.

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16.2	16.2 With respect to determining anti-doping rule violations, results management, fair hearings, Consequences, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.	16.2 With respect to determining anti-doping rule violations, results management, fair hearings, Consequences, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.	16.2 With respect to determining anti-doping rule violations, results management, fair hearings, Consequences, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.	16.2 With respect to determining anti-doping rule violations, results management, fair hearings, Consequences, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.
	ARTICLE 17 STATUTE OF LIMITATIONS	ARTICLE 17 STATUTE OF LIMITATIONS	ARTICLE 17 STATUTE OF LIMITATIONS	ARTICLE 17 STATUTE OF LIMITATIONS
17	No action anti-doping rule violation proceeding may be commenced against an Athlete or other Person for an anti-doping rule violation contained in the Code unless such action is commenced within eight fourteen (8 14) years from the date the violation is asserted to have occurred when the violation involves Article 2.7 (Trafficking), Article 2.8 (Administration), Article 2.9 (Complicity), or Article 10.6 (Aggravating Circumstances); or within eight (8) years from when the violation is asserted to have occurred for all other anti-doping rule violations.	No anti-doping rule violation proceeding may be commenced against an Athlete or other Person for an anti-doping rule violation contained in the Code based on Article 2.1 (Presence) or Article 2.2 (Use) unless such action is commenced within ten (10) years from the date the violation is asserted to have occurred. Actions based on any other anti-doping rule violation must be commenced within fourteen (14) years from the date when the violation is asserted to have occurred when the violation involves Article 2.7 (Trafficking), Article 2.8 (Administration), Article 2.9 (Complicity), or Article 10.6 (Aggravating Circumstances); or within eight (8) years from when the	No anti-doping rule violation proceeding may be commenced against an Athlete based on Article 2.1 (Presence) or Article 2.2 (Use) or other Person unless such action is commenced within ten (10) years from the date the violation is asserted to have occurred. Actions based on any other anti-doping rule violation must be commenced within fourteen (14) years from the date when the violation is asserted to have occurred.	No anti-doping rule violation proceeding may be commenced against an Athlete or other Person unless such action is commenced he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.