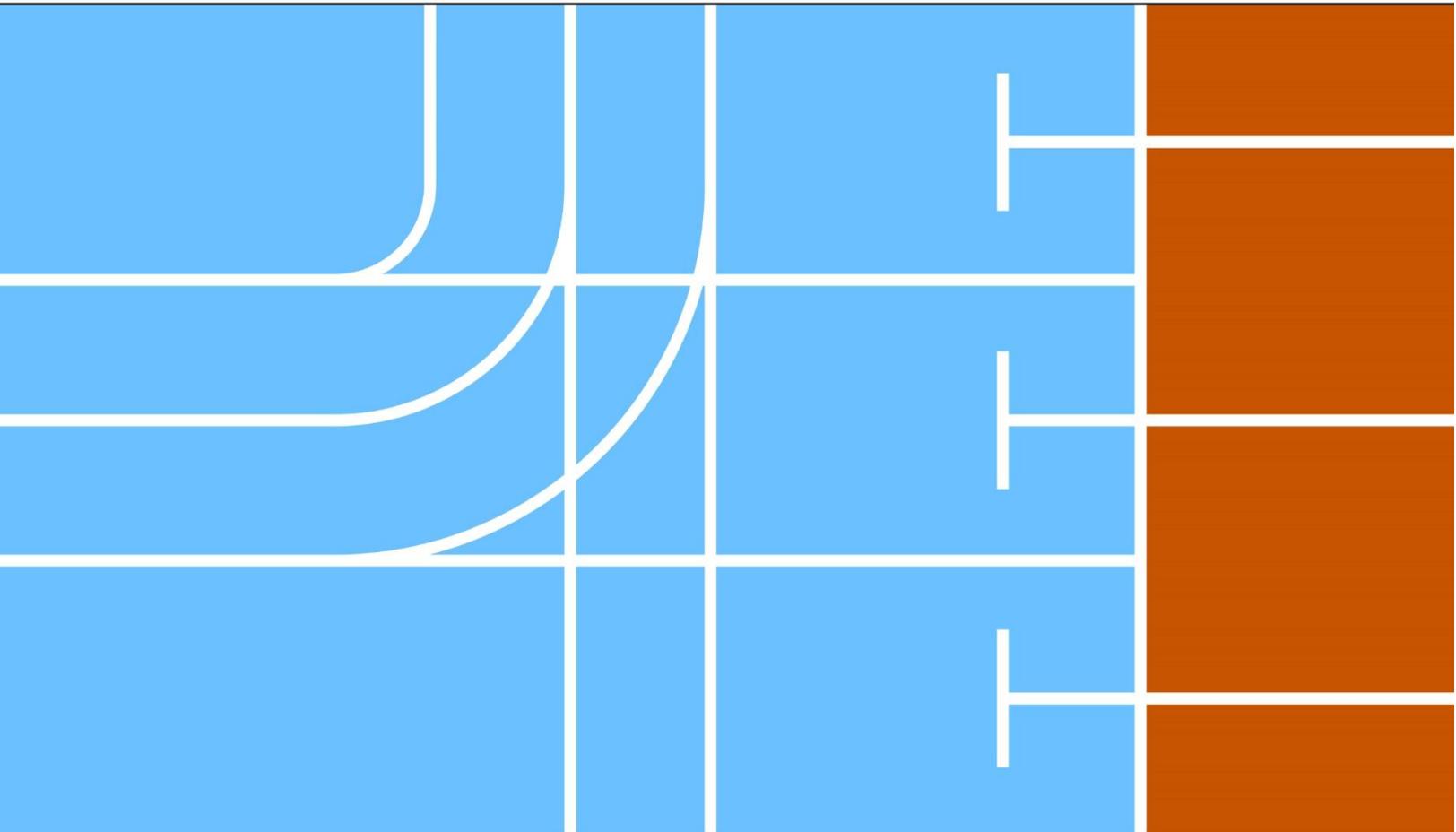




World Anti-Doping Code

International Standard for Results Management



2027

International Standard for Results Management

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

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PART ONE: INTRODUCTION, CODE PROVISIONS, DEFINITIONS

1.0 Introduction and Scope

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

The purpose of the *International Standard for Results Management* is to set out the core responsibilities of *Anti-Doping Organizations* with respect to *Results Management*. In addition to describing certain general principles of *Results Management* (Article 4), this *International Standard* also sets out the core obligations applicable to the various phases of *Results Management* from the initial review and notification of potential anti-doping rule violations and/or violation(s) of the prohibition of participation during *Ineligibility* (Article 5), through *Provisional Suspensions* (Article 6), the assertion of anti-doping rule violations and/or violation(s) of the prohibition of participation during *Ineligibility*, and proposal of *Consequences* (Article 7), the Hearing Process (Article 8) until the issuance and notification of the decision (Article 9) and appeal (Article 10).

Notwithstanding the mandatory nature of this *International Standard* and the possibility that departures by *Anti-Doping Organizations* may give rise to compliance consequences under the *International Standard* for Code Compliance by *Signatories*, departures from this *International Standard* shall not invalidate analytical results or other evidence of an anti-doping rule violation and shall not constitute a defense to an anti-doping rule violation, except as expressly provided for under *Code* Article 3.2.3.

Results Management Authorities are encouraged to consult the WADA Guidelines for the *International Standard for Results Management*, a non-mandatory document developed by WADA to provide assistance in the form of guidance and recommendations to Results Management Authorities in the implementation of the *International Standard for Results Management*.

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

2.0 Code Provisions

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

- *Code* Article 2 Anti-Doping Rule Violations
- *Code* Article 3 Proof of Doping
- *Code* Article 5 *Testing* and Investigations
- *Code* Article 7 *Results Management*: Responsibility, Initial Review, Notice and *Provisional Suspensions*
- *Code* Article 8 *Results Management*: Right to a Fair Hearing and Notice of Hearing Decision
- *Code* Article 9 Automatic *Disqualification* of Individual Results
- *Code* Article 10 Sanctions on Individuals
- *Code* Article 11 *Consequences* to Teams

- Code Article 13 *Results Management: Appeals*
- Code Article 14 *Confidentiality and Reporting*
- Code Article 15 *Implementation of Decisions*
- Code Article 20 *Additional Roles and Responsibilities of Signatories and WADA*

3.0 Definitions and Interpretation

3.1 Defined Terms from the Code that are used in the *International Standard for Results Management*

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

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

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

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

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

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*”. In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *Therapeutic Use Exemptions*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the

Consequences set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

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

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

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

Atypical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the applicable *International Standards* (including related *Technical Documents* or *Technical Letters*), or as directed by WADA, prior to the final determination about the finding (i.e., the establishing, or not, of an anti-doping rule violation).

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping Rule Violations (“Consequences”): An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14.1; (c) Provisional Suspension means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with

an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

Contaminated Source: An unforeseeable source of a *Prohibited Substance*, such as: ingestion of a nutritional supplement or medication that contains a *Prohibited Substance* that is not disclosed on the product label or in information accessible by a reasonable Internet search; consumption of a food or drink, such as contaminated meat or water, that contains a *Prohibited Substance* with no advance warning, disclosure or other basis to suspect that it may contain a *Prohibited Substance*; exposure to a *Prohibited Substance* through the *Athlete's* direct physical contact with a third *Person* or physical contact with objects touched or handled by the third *Person* where there is no basis for the *Athlete* to suspect that the third *Person* may have *Used* or possessed or been exposed to a *Prohibited Substance*; or environmental contamination.

Decision Limit: The value above which a quantitative analytical result for a Threshold Substance in a *Sample* shall be reported as an *Adverse Analytical Finding*.

[Comment to Decision Limit: For more information on Decision Limits and which Threshold Substances they are applied for, refer to the TD DL and other applicable Technical Documents (e.g., TD GH, TD CG/LH).]

Delegated Third Parties: Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping educational programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee *Doping Control Officers* or chaperones). This definition does not include CAS.

Disqualification: See *Consequences of Anti-Doping Rule Violations* above.

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

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

Financial Consequences: See *Consequences of Anti-Doping Rule Violations* above.

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

be followed by all *Major Event Organizations* for that particular sport.

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

Ineligibility: See *Consequences of Anti-Doping Rule Violations* above.

Institutional Independence: Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

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

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

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

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

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

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

Minor: A natural *Person* who has not reached the age of eighteen years.

[Comment to Minor: For context, see Comment to Protected Person. Any circumstance where a Minor is to be treated differently than other Persons or Athletes has been specifically identified in the Code. It should not be assumed that different treatment was intended where it is not specifically expressed.]

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

competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National Anti-Doping Organization Operational Independence: This means that, in addition to complying with the obligations of *Operational Independence*: (1) *National Anti-Doping Organization* shall implement its operational activities without any undue influence, interference, or involvement from any sport organization or government entity; (2) no *Person* who is involved in the management or operations of a sport organization or government entity shall be simultaneously involved in or interfere with the operational activities of a *National Anti-Doping Organization*; (3) a *National Anti-Doping Organization* shall neither delegate any *Doping Control* responsibility to a sport organization or government entity nor permit a sport organization or government entity to conduct any *Doping Control* responsibility; and (4) a *National Anti-Doping Organization* shall independently determine the allocation of its budget and staff.

[Comment to National Anti-Doping Organization Operational Independence: A National Anti-Doping Organization's operational activities include the implementation of its Anti-Doping Activities as well as its day-to-day administration and decision-making regarding its staff and budget allocation, and anti-doping program, the last of which includes, but is not limited to, Testing and Results Management. Notwithstanding the foregoing: (1) a National Anti-Doping Organization shall not be precluded from cooperating and seeking information from a sport organization or government entity which may be useful in fulfilling its responsibilities in the promotion of clean sport so long as it remains independent in its operational activities; (2) nothing shall prevent a Person who is involved in the management or operations of a sport organization or government entity from sitting as a member of a supervisory body of a National Anti-Doping Organization as long as sufficient legal and organizational safeguards exist to ensure that this supervisory body is unable to otherwise unduly influence or interfere with the operational activities of the National Anti-Doping Organization; and (3) where a government entity or supervisory body is responsible for the appointment or nomination of the management (e.g., Chief Executive Officer) or staff of the National Anti-Doping Organization, sufficient legal and procedural safeguards shall exist to ensure that the length of mandate as well as the criteria and process for the appointment and dismissal are clearly defined.

For the purposes of implementing its operational activities, the operational management of a National Anti-Doping Organization shall determine the allocation of its assigned budget and staff without the direction, interference, or influence from any other entity or Person outside of the operational structure of the National Anti-Doping Organization. Notwithstanding the foregoing, nothing shall prevent the National Anti-Doping Organization from being subject to financial (e.g., financial auditing, budgeting, and reporting) or macro-level operational (e.g., annual strategic planning and reporting) supervision to the extent that such supervision is not exercised in a way to otherwise unduly influence or interfere with the ability of the National Anti-Doping Organization to independently implement its operational activities.

Where a National Anti-Doping Organization has been established under a government entity or has otherwise been constituted as a public entity, it shall ensure that its operational activities are implemented without any undue influence, interference, or involvement from any other government entity and that sufficient legal and organizational safeguards are in place to ensure the Operational Independence of its staff from any government or public entity. Where the National Anti-Doping Organization is staffed with personnel from the civil service, either in a full-time, part-time, contracted, transferred, or seconded capacity, this personnel shall autonomously and independently perform their duties, responsibilities, and tasks without the direction, interference, or influence from any other entity or Person outside of the operational structure of the National Anti-Doping Organization, including but not limited to individuals involved in or working for another government entity. Where the National Olympic Committee is acting as the National Anti-Doping Organization pursuant to Article 20.4.6, it should comply with the requirements of National Anti-Doping Organization Operational Independence, in particular by establishing a structure and/or processes which ensure(s) the implementation of its Anti-Doping Activities and allocation of its budget and staff independently from the National Olympic Committee. If, however, the National Olympic Committee acting as the National Anti-Doping Organization cannot ensure that it fully respects the requirements of National Anti-Doping Organization Operational Independence, it should delegate its Doping Control activities to a Delegated Third Party.]

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

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

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

Person: A natural *Person* or an organization or other entity.

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

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

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

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

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

Prohibited List.

Provisional Hearing: For purposes of Article 7.4.3, a preliminary abbreviated hearing, providing the *Athlete* with notice and an opportunity to be heard, conducted by the hearing body that would conduct the final hearing on the merits under Article 8.

[Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an “expedited hearing”, as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule. The provision that the hearing shall be conducted by the body that would conduct the final hearing on the merits would not apply where the Provisional Suspension is imposed by a Major Event Organization and the final merits hearing is held after completion of the Event under the International Federation’s rules.]

Provisional Suspension: See *Consequences of Anti-Doping Rule Violations* above.

Public Disclosure/Publicly Disclose: See *Consequences of Anti-Doping Rule Violations* above.

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to at least a minimum level of *Out-of-Competition Testing* as part of that International Federation’s or *National Anti-Doping Organization’s* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 and the *International Standard for Testing*.

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

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

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

Signatories: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

Specified Method: See Code Article 4.2.2.

Specified Substance: See Code Article 4.2.2.

Substance of Abuse: See Code Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information,

including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must remain credible and valuable throughout any subsequent investigation or proceeding.

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

[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the B bottle at the time of "B" *Sample* analysis, altering a *Sample* by the addition of a foreign substance, or intimidating or Attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* and *Hearing Process*. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. Offensive conduct towards a *Doping Control* official or other Person involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organizations.]

Target Testing: Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing*.

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

Technical Letter: Mandatory technical requirements provided by WADA from time to time to address particular issues relating to the analysis, interpretation and reporting of specific *Prohibited Substance(s)* and/or *Prohibited Method(s)* or to the application of specific laboratory or *Athlete Biological Passport* laboratory procedures.

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

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

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

WADA: The World Anti-Doping Agency.

3.2 Defined Terms from the *International Standard for Testing*

Doping Control Officer (DCO): An official who has been trained and authorized by the *Sample Collection Authority* to carry out the responsibilities given to DCOs in the *International Standard for Testing*.

Sample Collection Authority (SCA): The organization that is responsible for the collection of *Samples* in compliance with the requirements of the *International Standard for Testing*, whether (1) the Testing Authority itself; or (2) a *Delegated Third Party* to whom the authority to conduct *Testing* has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing* relating to collection of *Samples*.

Sample Collection Session (SCS): All of the sequential activities that directly involve the *Athlete* from the point that initial contact is made until the *Athlete* leaves the Doping Control Station after having provided their *Sample(s)*.

Testing Authority (TA): The *Anti-Doping Organization* that authorizes *Testing* on *Athletes* it has authority over. It may authorize a *Delegated Third Party* to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization*. Such authorization shall be documented. The *Anti-Doping Organization* authorizing *Testing* remains the Testing Authority and ultimately responsible under the *Code* to ensure the *Delegated Third Party* conducting the *Testing* does so in compliance with the requirements of the *International Standard for Testing*.

Unsuccessful Attempt Report (UAR): A detailed report of an unsuccessful attempt to collect a *Sample* from an *Athlete* in a *Registered Testing Pool* or *Testing Pool* setting out the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Athlete* (including details of any contact made with third parties), and any other relevant details about the attempt. Such report shall be filed in *ADAMS* in accordance with requirements outlined in the *International Standard for Testing*.

Whereabouts Filing: Information provided by or on behalf of an *Athlete* in a *Registered Testing Pool* that sets out the *Athlete's* whereabouts during the current and/or following quarter, in accordance with Article 4.10.6.

3.3 Defined Terms from the *International Standard for Laboratories*

Athlete Passport Management Unit (APMU): A unit, associated with a *Laboratory*, composed of a *Person* or *Persons* responsible for the timely management of *Athlete Biological Passports* in *ADAMS* on behalf of the Passport Custodian.

Confirmation Procedure (CP): An Analytical Testing Procedure that has the purpose of confirming the presence (Qualitative Procedure) and/or determining the property value (Quantitative Procedure) of one or more Analytes in a *Sample*.

Independent Witness: A *Person*, invited by the Testing Authority (TA), the Laboratory or *WADA* to witness the opening and initial aliquoting of an *Athlete's* "B" *Sample*. An Independent Witness shall not be an employee or have a personal financial relationship with the *Athlete* or their representative(s), the Laboratory, the Sample Collection Authority (SCA), the TA / Delegated Third Party (DTP) / Results Management Authority (RMA) or *WADA*, as applicable. However, the Independent Witness may be indemnified for their service.

Laboratory: A *WADA*-accredited *Laboratory* as approved by the *WADA* Executive Committee.

[Comment to Laboratory: To facilitate the comprehension and interpretation of ISL provisions, when requirements apply to both Laboratories and ABP Laboratories, both will be referred to as “Laboratory(ies)”. If, instead, provisions apply exclusively to either Laboratories or ABP Laboratories, the specific definition will be used as applicable.

Instead, when the term “laboratory” is used, it implies laboratories that are neither WADA-accredited nor ABP approved, which may be involved in analytical areas other than anti-doping.]

Laboratory Documentation Package (LDOC): The material produced by a Laboratory upon request by the Testing Authority (TA), Results Management Authority (RMA) or WADA, as set forth in the Technical Document on Laboratory Documentation Package (TD LDOC), to support an analytical result such as an Adverse Analytical Finding (AAF) or an Atypical Finding (ATF).

[Comment to Laboratory Documentation Package: Laboratories and ABP Laboratories may also produce ABP LDOCs, if requested by the TA, RMA, Passport Custodian, APMU or WADA to support the compilation of an ABP Documentation Package.]

Limit of Quantification (LOQ): Parameter of Quantitative Procedure technical performance. Lowest concentration of an Analyte in a Sample that can be quantitatively determined with acceptable intermediate precision and bias (*i.e.*, acceptable Measurement Uncertainty) under the stated Test Method conditions.

Threshold Substance: A Prohibited Substance for which the identification and quantitative determination of a property value (e.g., concentration, ratio, score, or any other measurable analytical parameter, as defined by WADA) of an Analyte in excess of a pre-determined Decision Limit, or, when applicable, the establishment of an exogenous origin, constitutes an Adverse Analytical Finding (AAF). Threshold Substances are identified as such in the Technical Document on Decision Limits (TD DL) and other applicable Technical Documents.

3.4 Defined Term from the *International Standard for Therapeutic Use Exemptions*

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

3.5 Defined Term from the *International Standard for Data Protection*

Personal Information: Information, whether in electronic or physical form, including without limitation Sensitive Personal Information, relating to an identified or identifiable individual when Processed in the context of Anti-Doping Activities.

[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an Athlete’s name, date of birth, contact details and sporting affiliations, whereabouts, designated TUEs (if any), anti-doping test results, and Results Management. Personal Information also includes personal details and contact information relating to other individuals, such as medical professionals and others working with, treating or assisting an Athlete in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this *International Standard for the entire duration of its Processing*, irrespective of whether the relevant individual remains involved in organized sport.]

3.6 Defined Terms Specific to the *International Standard for Results Management*

Adaptive Model: A mathematical model designed to identify unusual longitudinal results from Athletes. The model calculates the probability of a longitudinal profile of Marker values assuming that the Athlete has a normal physiological condition.

Athlete Biological Passport Documentation Package: The material compiled by the Athlete Passport Management Unit to support an *Adverse Passport Finding* such as, but not limited to, analytical data, Expert panel comments, evidence of confounding factors as well as other relevant supporting information.

Athlete Passport Management Unit Report: A report maintained by the Athlete Passport Management Unit, available in the Athlete's Passport in ADAMS, that provides a comprehensive summary of the Expert(s) review(s) and recommendations for effective and appropriate follow-up Testing by the Passport Custodian.

Expert: The Expert(s) and/or Expert panel, with knowledge in the concerned field, chosen by the Anti-Doping Organization and/or Athlete Passport Management Unit, are responsible for providing an evaluation of the Passport. The Expert must be external to the Anti-Doping Organization.

Failure to Comply: A term used to describe anti-doping rule violations under *Code* Articles 2.3 and/or 2.5.

Filing Failure: A failure by the Athlete (or by a third party to whom the Athlete has delegated the task) (1) to make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing or (2) to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.10.6 of the *International Standard for Testing* and Annex B.2 of the *International Standard for Results Management*.

Hearing Process: The process encompassing the timeframe between the referral of a matter to a hearing panel or tribunal until the issuance and notification of a decision by the hearing panel (whether at first instance or on appeal).

Missed Test: A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.10.6 of the *International Standard for Testing* and Annex B.2 of the *International Standard for Results Management*.

Passport: A collation of all relevant data unique to an individual Athlete that may include longitudinal profiles of Markers, heterogeneous factors unique to that particular Athlete and other relevant information that may help in the evaluation of Markers.

Passport Custodian: The Anti-Doping Organization responsible for *Result Management* of the Athlete's Passport and for sharing any relevant information associated to that Athlete's Passport with other Anti-Doping Organization(s) which share Testing jurisdiction over the Athlete. Passport custody is attributed to the Testing Authority that first tests an Athlete, except (i) when the Athlete is first tested by a Major Event Organizer, or (ii) when a National Anti-Doping Organization first tests an Athlete with a different sport nationality, in which cases Passport custody is attributed to the National Anti-Doping Organization corresponding to the sport nationality of the Athlete. Passport custody can be transferred by the Passport Custodian to another Anti-Doping Organization with Testing jurisdiction over the Athlete. Reasons for transferring Passport custody include, but are not limited to, a change in Athlete level, more frequent Testing by another Anti-Doping Organization, or be based on an agreement between Anti-Doping Organization with Testing jurisdiction over the Athlete.

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

Whereabouts Failure: A Filing Failure or a Missed Test.

3.7 Interpretation

- 3.7.1 The official text of the *International Standard for Results Management* shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 3.7.2 Like the *Code*, the *International Standard for Results Management* has been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. It shall be interpreted and applied in that light.
- 3.7.3 The comments annotating various provisions of the *International Standard for Results Management* shall be used to guide its interpretation.
- 3.7.4 Unless otherwise specified, references to Articles are references to Articles of the *International Standard for Results Management*.
- 3.7.5 Where the term “days” is used in the *International Standard for Results Management*, it shall mean calendar days unless otherwise specified.
- 3.7.6 The Annexes to the *International Standard for Results Management* have the same mandatory status as the rest of the *International Standard*.

PART TWO: RESULTS MANAGEMENT – GENERAL PRINCIPLES

4.0 General Principles

4.1 Responsibility for conducting *Results Management*

Any matters relating to the responsibility for conducting *Results Management* (including the applicable rules) are set out in *Code Article 7.1*.

4.2 Confidentiality of *Results Management*

Save for disclosures, including *Public Disclosure*, that are required or permitted under *Code Article 14* or this *International Standard*, all processes and procedures related to *Results Management* are confidential.

[Comment to Article 4.2: Save with the consent of the parties (e.g., the Athlete or other Person and the relevant Anti-Doping Organization) to another case, Athletes or other Persons shall not be allowed to produce documents from the case file of such other case as part of their defense. For the avoidance of doubt, this shall not include non-confidential decisions arising from such other case. However, nothing should prevent a Results Management Authority from using any document(s) from a case file for purposes of cooperation with law enforcement agencies, investigation or Result Management of potential anti-doping rule violations involving third parties.]

4.3 Timeliness

In the interest of fair and effective sport justice, anti-doping rule violations should be prosecuted in a timely manner. Irrespective of the type of anti-doping rule violation involved, and save for cases involving complex issues or delays not in the control of the *Anti-Doping Organization* (e.g., delays attributable to the *Athlete* or other *Person*), *Anti-Doping Organizations* should be able to conclude *Results Management* (including the Hearing Process at first instance) within six (6) months from the notification as per *Article 5* below.

[Comment to Article 4.3: The six (6) months' period is a guideline, which may lead to consequences in terms of compliance for the Results Management Authority only in case of severe and/or repeated failure(s).]

PART THREE: RESULTS MANAGEMENT – PRE-ADJUDICATION

5.0 First Results *Management* Phase

This Article 5 sets out the procedures applicable for the first *Results Management* phase as follows: *Adverse Analytical Findings* (Article 5.1), *Atypical Findings* (Article 5.2) and other matters (Article 5.3), which include potential Failures to Comply (Article 5.3.1.1), Whereabouts Failures (Article 5.3.1.2) and *Athlete Biological Passport* cases (Article 5.3.1.3). The notification requirements in respect of matters falling under the scope of Article 5.3 are described under Article 5.3.2.

[Comment to Article 5: Where the anti-doping rules of a Major Event Organization provide for an expedited resolution of the limited Results Management, the anti-doping rules of the Major Event Organization may provide that there will be only one notification to the Athlete or other Person. The content of the notification letter should reflect the provisions of Article 5 mutatis mutandis.]

5.1 *Adverse Analytical Findings*

5.1.1 Initial Review

Upon receipt of an *Adverse Analytical Finding*, the Results Management Authority shall conduct a review to determine whether (a) an applicable *TUE* has been granted or an existing application is under review as provided in the *International Standard for Therapeutic Use Exemptions* (Article 5.1.1.1), (b) there is any apparent departure from the *International Standard for Testing or International Standard for Laboratories* that caused the *Adverse Analytical Finding* (Article 5.1.1.2) and/or (c) it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route (Article 5.1.1.3).

5.1.1.1 *Therapeutic Use Exemption*

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

[Comment to Article 5.1.1.1.1: As per the Prohibited List and the Technical Document for Decision Limits for the Confirmatory Quantification of Threshold Substances, the detection in an Athlete's Sample at all times or In-Competition, as applicable, of any quantity of certain Threshold Substances (identified in the Prohibited List), in conjunction with a diuretic or masking agent, will be considered as an Adverse Analytical Finding unless the Athlete has an approved TUE for that substance in addition to the one granted for the diuretic or masking agent. Therefore, in the event of such detection, the Results Management Authority shall also determine whether the Athlete has an approved TUE for the detected Threshold Substance.]

5.1.1.1.2 If the initial review reveals that the *Athlete* has an applicable *TUE* or a *TUE* for the *Prohibited Substance* in question has expired or has been withdrawn or reversed in the circumstances described in Article 6.15 of the *International Standard for TUEs*, then the Results Management Authority shall conduct such follow-up review as necessary to determine if the specific requirements of the *TUE* have been complied with.

5.1.1.2 Apparent Departure from *International Standard for Testing* and/or *International Standard for Laboratories*

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

5.1.1.3 Apparent Ingestion through Permitted Route

If the *Adverse Analytical Finding* involves a *Prohibited Substance* permitted through (a) specific route(s) as per the *Prohibited List*, the Results Management Authority shall consult any relevant available documentation (e.g. *Doping Control* form) to determine whether the *Prohibited Substance* appears to have been administered through a permitted route and, if so, shall consult an expert to determine whether the *Adverse Analytical Finding* is compatible with the apparent route of ingestion.

[Comment to Article 5.1.1.3: For the sake of clarity, the outcome of the initial review shall not prevent an Athlete from arguing that his Use of the Prohibited Substance came from a permitted route at a later stage of Results Management.]

5.1.2 Notification

5.1.2.1 If the initial review conducted as per Article 5.1.1 of the *Adverse Analytical Finding* does not reveal (i) an applicable *TUE* or an existing application for a *TUE* (or that application has been rejected) as provided in the *International Standard for Therapeutic Use Exemptions*, (ii) an apparent departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding* or (iii) that it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through an authorized route, the Results Management Authority shall promptly notify the *Athlete* of:

- a) The *Adverse Analytical Finding*;

[Comment to Article 5.1.2.1 a): In the event that the Adverse Analytical Finding relates to salbutamol, formoterol, human chorionic gonadotrophin or another Prohibited Substance subject to specific Results Management requirements in a Technical Document, the Results Management Authority shall in addition comply with Article 5.1.2.2. The Athlete shall be provided with any relevant documentation, including a copy of the Doping Control form and the Laboratory results.]

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

*[Comment to Article 5.1.2.1 b): The Results Management Authority should always refer to both Code Articles 2.1 and 2.2 in the notification and charge letter (Article 7) to an Athlete if the matter relates to an Adverse Analytical Finding. The Results Management Authority shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the applicable *Consequences*.]*

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

*[Comment to Article 5.1.2.1 c): When setting a "reasonable deadline", the Results Management Authority should keep in mind that, per Article 5.3.4.2.2.3 of the *International Standard for Laboratories*, "The RMA should inform the Laboratory, in writing, within fifteen (15) days following the reporting of an "A" Sample AAF by the Laboratory, whether the "B" CP shall be conducted".*

The Results Management Authority may still request the "B" Sample analysis even if the Athlete does not request the "B" Sample analysis or expressly or impliedly waives their right to analysis of the "B" Sample. The Results Management Authority may provide in its anti-doping rules that the costs of the "B" Sample analysis shall be covered by the Athlete where the latter has requested such analysis.]

- d) The opportunity for the Athlete and/or the Athlete's representative to attend the "B" Sample opening and analysis in accordance with the *International Standard for Laboratories*;
- e) The Athlete's right to request copies of the "A" Sample Laboratory Documentation Package which includes information as required by the *International Standard for Laboratories*;

[Comment to Article 5.1.2.1 e): This request shall be made to the Results Management Authority and not the Laboratory directly. For the avoidance of doubt, the Athlete cannot delay a request for "B" Sample analysis where a requested Laboratory Documentation Package has not yet been received.

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

- f) The opportunity for the *Athlete* to provide an explanation within a short deadline, and/or to accept the anti-doping rule violation and all asserted *Consequences* and benefit from a twenty-five percent (25%) reduction in the period of *Ineligibility* under Code Article 10.8.1;

[Comment to Article 5.1.2.1 f): For the application of Code Article 10.8.1, the twenty-five percent (25%) reduction from the period of Ineligibility asserted in the notice of potential anti-doping rule violation and/or violation of the prohibition of participation during Ineligibility shall be based on the standard period of Ineligibility incurred by the Athlete or other Person and on the evidence available at the time of notification.

Where the asserted period of Ineligibility is more than four (4) years but less than lifetime, the reduction offered under Code Article 10.8.1 shall be one (1) year. Where the asserted period of Ineligibility is lifetime, there shall be no reduction under Code Article 10.8.1

If circumstances so allow, Aggravating Circumstances may be added to the standard period of Ineligibility.]

- g) The opportunity for the *Athlete* to provide *Substantial Assistance* as set out under Code Article 10.7.1, to provide other valuable information and assistance as set out under Code Article 10.7.2, or to seek to enter into a case resolution agreement under Code Article 10.8.2; and
- h) The imposition of the mandatory *Provisional Suspension* per Article 6.2.1.1, or, where a mandatory *Provisional Suspension* is not applicable, any matters relating to an optional *Provisional Suspension* as per Article 6.2.2 or, if applicable, the possibility for the *Athlete* to accept a voluntary *Provisional Suspension* as per Article 6.3.

- 5.1.2.2** The above notification shall be made within twenty (20) days of receipt of the *Adverse Analytical Finding* by the Laboratory.

[Comment to Article 5.1.2.2: For the avoidance of doubt, a failure to respect this deadline by the Results Management Authority shall not, under any circumstances, invalidate the Adverse Analytical Finding. It should only be addressed by WADA as part of its compliance program.]

- 5.1.2.3** In cases where the Results Management Authority has been notified of *Adverse Analytical Findings* for multiple *Athletes* and has good reason to believe that these *Adverse Analytical Findings* resulted from a *Contaminated Source*, the notification to each *Athlete* shall so state (without providing identity of other *Athletes*).

[Comment to Article 5.1.2.3: In the event that Atypical Findings are reported (in addition to Adverse Analytical Findings), the Results Management Authority shall also include them in the notification.]

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

- a) Salbutamol or Formoterol: draw the attention of the *Athlete* in the notification letter that the *Athlete* may establish, through a controlled pharmacokinetic study, that the *Adverse Analytical Finding* was the consequence of a Therapeutic dose by inhalation up to the maximum dose indicated under class S3 of the *Prohibited List*. The *Athlete's* attention shall in addition be drawn to the key guiding principles for a controlled pharmacokinetic study and, should they wish to conduct such a study, should be provided with the contact details of one or more Laboratories, which could perform the controlled pharmacokinetic study. The *Athlete* shall be granted a deadline of seven (7) days to indicate whether they intend to undertake a controlled pharmacokinetic study, failing which the Results Management Authority may proceed with the *Results Management*,

[Comment to Article 5.1.2.4 a): For the avoidance of doubt, nothing prevents an Athlete from using one or more Laboratories other than those proposed by the Results Management Authority, provided, however, that the said Laboratories can perform the controlled pharmacokinetic study.

Further information on the key guiding principles for a controlled pharmacokinetic study is available in the WADA Guidelines for the International Standard for Results Management and in Annex 2 of WADA TUE Physician Guidelines.]

- b) Urinary human chorionic gonadotrophin: follow the procedures set out at Article 5 of the 2021 *Technical Document* for the Reporting & Management of Urinary Human Chorionic Gonadotrophin (hCG) and Luteinizing Hormone (LH) Findings in Male *Athletes* (TD2021CG/LH) or any subsequent version of the *Technical Document*,
- c) Other *Prohibited Substance* subject to specific *Results Management* requirements in a *Technical Document*, a *Technical Letter* or any other document issued by WADA: follow the procedures set out in the relevant *Technical Document* or other document issued by WADA.

- 5.1.2.5** The Results Management Authority shall also indicate the scheduled date, time and place for the “B” *Sample* analysis for the eventuality that the *Athlete* or Results Management Authority chooses to request an analysis of the “B” *Sample*; it shall do so either in the notification letter described in Article 5.1.2.1 or in a subsequent letter promptly after the *Athlete* (or the Results Management Authority) has requested the “B” *Sample* analysis.

[Comment to Article 5.1.2.5: As per Article 5.3.4.2.2.3 c) of the International Standard for Laboratories, It is recommended that, if required, the “B” Sample analysis is performed within one (1) month of reporting the Adverse Analytical Finding for the “A” Sample.

The timing of the “B” Sample analysis may be strictly fixed within a very short period and without any possible postponement if circumstances justify it. This can notably and without limitation be the case when a postponement of the “B” Sample analysis could significantly increase the risk of Sample degradation and/or inadequately delay the decision-making process in the given circumstances (e.g., and without limitation, during or in view of a Major Event requiring rapid completion of the Sample analysis).]

- 5.1.2.6** If the *Athlete* requests the “B” *Sample* analysis but claims that they and/or their representative is not available on the scheduled date indicated by the Results Management Authority, the Results Management Authority shall liaise with the Laboratory and propose (at least) two (2) alternative dates.

[Comment to Article 5.1.2.6: The alternative dates should take into account: (1) the reasons for the Athlete’s unavailability; and (2) the need to avoid any degradation of the Sample and ensure timely Results Management.]

- 5.1.2.7** If the *Athlete* and their representative claim not to be available on the alternative dates proposed, or no agreement has been reached on all relevant matters relating to the “B” *Sample* analysis within twenty (20) days of the date of the *Athlete*’s request for the “B” *Sample* analysis, the Results Management Authority shall instruct the Laboratory to proceed regardless and appoint an Independent Witness to verify that the “B” *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

[Comment to Article 5.1.2.7: An Independent Witness may be appointed even if the Athlete has indicated that they will be present and/or represented.]

- 5.1.2.8** If the results of the “B” *Sample* analysis confirm the results of the “A” *Sample* analysis, the Results Management Authority shall promptly notify the *Athlete* of such results and shall grant the *Athlete* a short deadline to provide or supplement their explanations. The *Athlete* shall also be afforded the possibility to accept the anti-doping rule violation and all asserted *Consequences* to potentially benefit from a reduction in the period of *Ineligibility* under Code Article 10.8.1, if applicable, and/or to voluntarily accept a *Provisional Suspension* as per Code Article 7.4.4.

*[Comment to Article 5.1.2.8: If the results of the “B” Sample analysis do not confirm the “A” Sample analysis, the Results Management Authority shall render a decision not to move forward pursuant to Article 5.4, unless the Results Management Authority decides to continue with a Code Article 2.2 anti-doping rule violation. For the avoidance of doubt, nothing prevents the Results Management Authority from using the “A” Sample analysis results as evidence in the context of another anti-doping rule violation (e.g., a Code Article 2.2 anti-doping rule violation). In such case, the Results Management Authority may also decide to maintain and/or re-impose a *Provisional Suspension* on the *Athlete* based on this other potential anti-doping rule violation.]*

- 5.1.2.9** Upon receipt of any explanation from an *Athlete*, the Results Management Authority may, without limitation, request further information and/or documents from the *Athlete* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

[Comment to Article 5.1.2.7: If the positive finding involves a Prohibited Substance subject to a permitted route (e.g., by inhalation, by transdermal or by ophthalmic Use) and the Athlete alleged that the positive finding came from the permitted route, the Results Management Authority should assess the credibility of the explanation by contacting third parties (including scientific experts) before deciding not to move forward with Results Management.]

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

[Comment to Article 5.1.2.10: To the extent not already set out in the communication to the Athlete, this notification shall include the following information (if applicable): the Athlete's name, country, sport and discipline within the sport, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the International Standard for Testing.]

- 5.1.2.11** As an exception to Article 5.1.2.10 and as per Code Article 14.1.1, the Results Management Authority may, upon WADA's written approval which it may grant or deny at its discretion, delay or withhold the notice required by Article 5.1.2.1.

[Comment to Article 5.1.2.11: By way of example, WADA could decide to approve an Anti-Doping Organization's request to delay notice where a highly confidential investigation is ongoing which might implicate a party who would otherwise receive notice of the asserted anti-doping rule violation.]

5.2 Atypical Findings

- 5.2.1** Upon receipt of an *Atypical Finding*, the Results Management Authority shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or an existing application for a *TUE* (or that application has been rejected) as provided in the *International Standard for Therapeutic Use Exemptions* (see Article 5.1.1.1 by analogy); (b) there is any apparent departure from the *International Standard for Testing* or *International Standard for Laboratories* that caused the *Atypical Finding* (see Article 5.1.1.2 by analogy) and/or (c) it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route (see Article 5.1.1.3 by analogy). If that review does not reveal an applicable *TUE*, an apparent departure that caused the *Atypical Finding* or an ingestion through a permitted route, the Results Management Authority shall conduct the required investigative steps.

[Comment to Article 5.2.1 : If the Prohibited Substance involved is subject to specific Results Management requirements in a Technical Document – e.g., TD2021CG/LH –, a Technical Letter – e.g., TL23 Growth Promoters (meat contaminants) or TL24 Diuretics (contaminants of pharmaceutical products) –, a Notice – e.g., Stakeholder Notice regarding potential diuretic contamination cases or Stakeholder Notice regarding potential meat contamination cases –, or any other document issued by WADA, the Results Management Authority shall also follow the procedures set out therein. In addition, the Results Management Authority may contact WADA to determine which investigative steps should be undertaken.]

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

- a) If the Results Management Authority determines that the “B” *Sample* should be analyzed prior to the conclusion of the required investigative steps, the Results Management Authority may conduct the “B” *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 5.1.2.1 c) to e) and Article 5.1.2.3;
- b) If the Results Management Authority receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the Results Management Authority shall identify any *Athlete* after first providing notice of the *Atypical Finding* to the *Athlete*; or
- c) If the *Atypical Finding* is, in the opinion of qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention.

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

5.3 Matters not Involving an *Adverse Analytical Finding* or *Atypical Finding*

5.3.1 Specific cases

5.3.1.1 Report of a potential Failure to Comply

The pre-adjudication phase of *Results Management* of a possible Failure to Comply shall take place as provided in Annex A – Review of a Possible Failure to Comply.

5.3.1.2 Whereabouts Failures

The pre-adjudication phase of *Results Management* of potential Whereabouts Failures shall take place as provided in Annex B – *Results Management* for Whereabouts Failures.

5.3.1.3 ***Athlete Biological Passport Cases***

The pre-adjudication phase of *Results Management* of *Atypical Passport Findings* or *Passports* submitted to an Expert by the Athlete Passport Management Unit when there is no *Atypical Passport Finding* shall take place as provided in Annex C – *Results Management* Requirements and Procedures for the *Athlete Biological Passport*.

5.3.2 **Notification for specific cases and other anti-doping rule violations and/or violations of the prohibition of participation during *Ineligibility* under Article 5.3**

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

- a) The relevant anti-doping rule violation(s) and/or the violation of the prohibition of participation during *Ineligibility* and the applicable *Consequences*;
- b) The relevant factual circumstances upon which the allegations are based;
- c) The relevant evidence in support of those facts that the Results Management Authority considers demonstrate that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s);
- d) The *Athlete* or other *Person's* right to provide an explanation within a short deadline;
- e) The opportunity for the *Athlete* or other *Person* (i) to provide *Substantial Assistance* as set out in *Code* Article 10.7.1, (ii) to provide other valuable information and assistance as set out under *Code* Article 10.7.2, (iii) to accept the violation and all asserted *Consequences* and potentially benefit from a reduction in the period of *Ineligibility* under *Code* Article 10.8.1, or (iv) to seek to enter into a case resolution agreement in *Code* Article 10.8.2; and
- f) Any matters relating to *Provisional Suspension* (including the possibility for the *Athlete* or other *Person* to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

5.3.2.2 Upon receipt of the *Athlete's* or other *Person's* explanation, the Results Management Authority may, without limitation, request further information and/or documents from the *Athlete* or other *Person* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

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

[Comment to Article 5.3.2.3: To the extent not already set out in the communication to the Athlete or other Person, this notification shall include the following information (if applicable): the Athlete's or other Person's name, country, sport and discipline within the sport.]

- 5.3.2.4** As an exception to Article 5.3.2.3 and as per Code Article 14.1.1, the Results Management Authority may, upon WADA's written approval which it may grant or deny at its discretion, delay or withhold the notice required by Article 5.3.2.1.

[Comment to Article 5.3.2.4: By way of example, WADA could decide to approve an Anti-Doping Organization's request to delay notice where a highly confidential investigation is ongoing which might implicate a party who would otherwise receive notice of the asserted anti-doping rule violation.]

5.4 Decision Not to Move Forward

If at any point during *Results Management* up until the charge under Article 7, the Results Management Authority decides not to move forward with a matter, it must promptly notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*) and simultaneously give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Code Article 13.2.3.

[Comment to Article 5.4: For the avoidance of doubts, the Results Management Authority must notify a reasoned decision to all parties with a right of appeal, even where the decision not to move forward is based on a Therapeutic Use Exemption found to be consistent with the Adverse Analytical Finding. The same applies to decisions not to proceed involving an Atypical Finding.]

In each of the cases described in Article 5.1.1 and Article 5.2, the reasoned decision required by Article 9 may take a simplified form; for further information, please refer to the WADA Guidelines for the International Standard for Results Management, where a template decision is made available to Results Management Authorities.

Where an Athlete or other Person has not been notified of the ongoing Results Management process, the Results Management Authority shall not have the obligation to notify the Athlete or other Person of its decision not to move forward.]

5.5 Cases Subject to Review by Independent Review Expert

- 5.5.1** As per Code Article 7.8, in rare cases where a Results Management Authority is considering closing a case or not proceeding with normal *Results Management* processes after it has received notice of an *Adverse Analytical Finding(s)*, the Results Management Authority shall still conduct the initial review under Article 5.1.1, and notify the *Athlete* as required by Article 5.1.2.

[Comment to Article 5.5.1: One example of such a case would be where an Anti-Doping Organization determines that it is likely that Adverse Analytical Findings for multiple Athletes resulted from a Contaminated Source and that the Athletes have a reasonable likelihood of establishing No Fault or Negligence. For the avoidance of doubt, this article does not apply to cases concluded by the Anti-Doping Organization in accordance with Code Article 10.8.2.]

- 5.5.2** Following notice of the *Adverse Analytical Finding(s)*, the Results Management Authority shall promptly submit its request for an opinion from the *Independent Review Expert* within the meaning of Code Article 7.8, with a copy of its full file. A copy of the request shall be provided simultaneously to WADA.

[Comment to Article 5.5.2: Further procedural guidance may be provided by WADA in the WADA Guidelines for the International Standard for Results Management, or on the WADA website.]

- 5.5.3** The request to the *Independent Review Expert*, as well as the full file, shall be provided to the *Independent Review Expert* in English. If the full file needs to be translated, this shall not delay the submission of the request under Article 5.5.2. Rather, in such case, the request shall still be submitted promptly, and any additional documents and/or translations shall be provided within three weeks of the submission of the request. If by such deadline translations are missing, the *Independent Review Expert* shall be entitled to proceed to translation of such document(s) at the Results Management Authority's expense.

- 5.5.4** The Results Management Authority shall fully cooperate with the *Independent Review Expert*, provide documents and/or information as requested by the *Independent Review Expert* within short notice, and, if so instructed by the *Independent Review Expert*, undertake specific investigative steps. The *Independent Review Expert* shall also be entitled to request information deemed necessary from WADA or third parties.

- 5.5.5** As a general rule, the *Independent Review Expert* shall issue a written opinion and recommendation, with a copy to WADA, advising whether a departure from the normal *Results Management* process is justified in the particular circumstances of the case within twenty (20) days from receipt of the full (translated) file. To the extent that the underlying *Adverse Analytical Finding(s)* have triggered (a) *Provisional Suspension(s)*, the process should be expedited to the extent possible.

- 5.5.6** Upon receipt of the opinion and recommendation of the *Independent Review Expert*, the Results Management Authority shall be required to promptly decide whether to move forward with normal *Results Management*, or not to move forward under Article 5.4. Per Code Article 7.8, the Results Management Authority's decision not to move forward may be appealed directly to CAS. If such decision is set aside or reversed on appeal, CAS may maintain jurisdiction to rule on the merits of any alleged anti-doping rule violation related to the *Adverse Analytical Finding(s)* or may direct the Results Management Authority to proceed with the normal *Results Management* process.

[Comment to Article 5.5.7: For the avoidance of doubt, the full case file pertaining to the Results Management Authority's decision, which may be requested by an Anti-Doping Organization with a right to appeal as per Code Article 14.2.2, shall include the opinion and recommendation of the Independent Review Expert.]

5.5.7 The costs of the *Independent Review Expert* process shall be covered by Results Management Authority, which initiated the process. Further, per *Code Article 7.8*, where the Results Management Authority fails to move forward with the normal *Results Management* processes without seeking and obtaining an opinion and recommendation from the *Independent Review Expert*, or fails to move forward with the normal *Results Management* processes in contravention of the *Independent Review Expert's* opinion and recommendation, and it is ultimately determined on appeal that an anti-doping rule violation occurred, the Results Management Authority may be subject to non-compliance proceedings under *Code Article 24* and the *International Standard for Code Compliance by Signatories* and shall be required to reimburse the appealing part(y)(ies) for costs and reasonable legal fees incurred in connection with each level of the appellate process.

6.0 Provisional Suspensions

6.1 Scope

6.1.1 In principle, a *Provisional Suspension* means that an *Athlete* or other *Person* is barred temporarily from participating in any capacity in any *Competition* or activity as per *Code Article 10.14.1* prior to the final decision at a hearing pursuant to *Article 8*.

6.1.2 Where the Results Management Authority is the ruling body of an *Event* or is responsible for team selection, the rules of such Results Management Authority shall provide that the *Provisional Suspension* is limited to the scope of the *Event* or the team selection, respectively. Upon notification under *Article 5*, the International Federation of the *Athlete* or other *Person* shall be responsible for *Provisional Suspension* beyond the scope of the *Event*.

[Comment to Article 6.1.2: As per Comment to Code Article 7.4.1, the binding effect of, and required follow-up to, a Provisional Suspension imposed by a Major Event Organization, must be dealt with in accordance with Code Articles 15.1.4 and 15.2.

In this respect, Code Article 15.1.4 specifies that a decision of an anti-doping rule violation by a Major Event Organization made in an expedited process during an Event shall not be binding on other Signatories unless the rules of the Major Event Organization provide the Athlete or other Person with an opportunity to an appeal under non-expedited procedures.

In addition, Code Article 15.2 provides, in particular, that where a Provisional Suspension imposed by a Major Event Organization does not extend beyond the completion of the Event or is not binding on other Signatories under Code Article 15.1.4, the Results Management Authority shall promptly make its own determination on whether a Provisional Suspension should be imposed.]

6.2 Imposition of a *Provisional Suspension*

6.2.1 *Mandatory Provisional Suspension*

6.2.1.1 As per Code Article 7.4.1, *Signatories* identified in the provision shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) is received for a *Prohibited Substance* or a *Prohibited Method* other than a *Specified Substance*, *Specified Method* or *Substance of Abuse*, a *Provisional Suspension* shall be imposed upon sending the notification required by Code Article 7.2.

[Comment to Article 6.2.1.1: For the avoidance of doubt, nothing prevents the Results Management Authority from imposing, an optional Provisional Suspension before the completion of the review process of the Adverse Passport Finding.

The review and notification required by Code Article 7.2 is set out in Article 5.]

6.2.1.2 A mandatory *Provisional Suspension* may be lifted if it is demonstrated to the Results Management Authority or a hearing panel that the violation is likely to have involved a *Contaminated Source*.

A Results Management Authority that has imposed a *Provisional Suspension* may, based on relevant new information, lift the *Provisional Suspension* or re-impose a *Provisional Suspension* that it has lifted, at any time before a hearing body issues a decision on the *Provisional Suspension* in a *Provisional Hearing*. After a *Provisional Suspension* has been upheld or lifted by a hearing body in following a *Provisional Hearing*, only the same hearing body may lift or re-impose the *Provisional Suspension* upon application by the *Anti-Doping Organization* or *Athlete*.

[Comment to Article 6.2.1.2: As used in this Article, “likely” means a well-founded assertion. This standard is somewhat less than balance of probability but substantially more than mere possibility or plausibility; the assertion must be supported by a good evidentiary foundation, including concrete evidentiary elements.

Where the Results Management Authority or hearing body is determining whether to lift a Provisional Suspension, one of the factors that may be considered is whether the time already served under the Provisional Suspension would exceed the period of Ineligibility likely to be imposed for the anti-doping rule violation. For the avoidance of doubt, an Anti-Doping Organization’s decision not to eliminate a mandatory Provisional Suspension shall be appealable.

The provision that only the “same hearing body” may lift or re-impose a Provisional Suspension would not apply where the Provisional Suspension was imposed by a Major Event Organization and the request to lift or re-impose is made after the completion of the Event. In such circumstances, the decision to lift or re-impose would be made by the hearing body designated by the International Federation’s rules.]

6.2.2 *Optional Provisional Suspension*

As per Code Article 7.4.2, a *Signatory* may adopt rules, applicable to any *Event*

for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has Results Management Authority over the alleged anti-doping rule violation or violation of Code Article 10.14.1, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations not covered by Code Article 7.4.1 or violation of Code Article 10.14.1 prior to analysis of the *Athlete's* "B" Sample (if applicable) or final hearing as described in Code Article 8.

A Results Management Authority that has imposed an optional *Provisional Suspension* may lift the optional *Provisional Suspension* or re-impose an optional *Provisional Suspension* that it has lifted, at any time before a hearing body issues a decision on the optional *Provisional Suspension* in a *Provisional Hearing*. After an optional *Provisional Suspension* has been upheld or lifted by a hearing body in following a *Provisional Hearing*, only the same hearing body may lift or re-impose the optional *Provisional Suspension* upon application by the Results Management Authority or *Athlete*.

[Comment to Article 6.2.2: Whether or not to impose an optional Provisional Suspension is a matter for the Results Management Authority to decide in its discretion, taking into account all the facts and evidence. The Results Management Authority should keep in mind that if an Athlete continues to compete after being notified and/or charged in respect of an anti-doping rule violation and is subsequently found to have committed an anti-doping rule violation, any results, prizes and titles achieved and awarded in that timeframe may be subject to Disqualification and forfeited.]

Nothing in this provision prevents a Results Management Authority from providing grounds for lifting a Provisional Suspension, which may be reviewed by the Results Management Authority or a hearing panel or tribunal in accordance with the applicable anti-doping rules.

The provision that only the "same hearing body" may lift or re-impose a Provisional Suspension would not apply where the Provisional Suspension was imposed by a Major Event Organization and the request to lift or re-impose is made after the completion of the Event. In such circumstances, the decision to lift or re-impose would be made by the hearing body designated by the International Federation's rules.]

6.2.3 General Provisions

6.2.3.1 Notwithstanding Articles 6.2.1 and 6.2.2, a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* or other *Person* with:

- a) an opportunity for a *Provisional Hearing* or on a timely basis after imposition or re-imposition of the *Provisional Suspension*; or
- b) an opportunity for an expedited hearing in accordance with Code Article 8 on a timely basis after imposition of a *Provisional Suspension*.

The rules of the *Anti-Doping Organization* shall also provide for an opportunity for an expedited appeal against the imposition or re-imposition of a *Provisional Suspension*, a decision not to impose a mandatory *Provisional Suspension*, and a decision to lift a

mandatory *Provisional Suspension* in accordance with Code Article 13.

[Comment to Article 6.2.3.1: As per Article 5.1.2.1 h), nothing prevents the Results Management Authority from imposing an optional *Provisional Suspension* as soon as the letter referred to in Article 5 has been notified.

An Athlete or other Person must request the lifting of a *Provisional Suspension* in a timely manner and sufficiently in advance of their contemplated Competition or activity which they wish to attend. Failure to do so may result in a decision not being rendered in time and/or may be construed against the Athlete or other Person.

Where the Results Management Authority or hearing body is determining whether to lift a *Provisional Suspension*, one of the factors that may be considered is whether the time already served under the *Provisional Suspension* would exceed the period of *Ineligibility* likely to be imposed for the anti-doping rule violation.]

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

6.2.3.3 The period of *Provisional Suspension* shall end with the final decision of the hearing panel conducted under Article 8, unless earlier lifted in accordance with this Article 6. However, the period of *Provisional Suspension* shall not exceed the maximum length of the period of *Ineligibility* that may be imposed on the Athlete or other Person based on the relevant anti-doping rule violation(s).

6.2.3.4 If a *Provisional Suspension* is imposed based on an “A” *Sample Adverse Analytical Finding* and a subsequent “B” *Sample* analysis does not confirm the “A” *Sample* analysis result, then the Athlete shall not be subject to any further *Provisional Suspension* on account of a violation of Code Article 2.1.

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

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

As per Code Article 7.5.2, where a *Provisional Suspension* imposed by a *Major Event Organization* remains in place through the end of the *Event*, the *Provisional Suspension* shall remain in force beyond the *Event* but an application to lift the *Provisional Suspension* may be submitted to, or considered *sua sponte* by, the International Federation or its hearing body.

6.3 Voluntary *Provisional Suspension*

6.3.1 As per *Code* Article 7.4.4, *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

- i. the expiration of ten (10) days from the report of the “B” *Sample* (or waiver of the “B” *Sample*) or ten (10) days from notification of any other anti-doping rule violation, or
- ii. the date on which the *Athlete* first competes after such report or notification.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from notification of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 6.2.1 or 6.2.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

6.4 Notification

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

[Comment to Article 6.4.1: To the extent not already set out in the communication to the Athlete or other Person, this notification shall include the following information (if applicable): the Athlete’s or other Person’s name, country, sport, discipline within the sport and the fact that any period of Provisional Suspension effectively served will be credited against any period of Ineligibility ultimately imposed.]

7.0 Charge

7.1 If, after receipt of the *Athlete* or other *Person’s* explanation or expiry of the deadline to provide such explanation, the Results Management Authority is (still) satisfied that the *Athlete* or other *Person* has committed (an) anti-doping rule violation(s) and/or violation(s) of the prohibition of participation during *Ineligibility*, the Results Management Authority shall promptly charge the *Athlete* or other *Person* with the anti-doping rule violation(s) they are asserted to have breached. In this letter of charge, the Results Management Authority:

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

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

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

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

[Comment to Article 7.1 b): The Results Management Authority shall, however, not be prevented from relying on other facts and/or adducing further evidence not contained in either the notification letter under Article 5 or the charge letter under Article 7 during the Hearing Process at first instance and/or on appeal.]

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

*[Comment to Article 7.1 c): The *Consequences* of an anti-doping rule violation and/or violation(s) of the prohibition of participation during *Ineligibility* set out in the letter of charge shall include as a minimum the relevant period of *Ineligibility* and *Disqualification*. The Results Management Authority shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the relevant *Consequences*.*

*The proposed *Consequences* shall in all circumstances be compatible with the provisions of the Code and shall be appropriate based on the explanations given by the *Athlete* or other *Person* or the facts as established by the Results Management Authority.*

*For these purposes, it is expected that the Results Management Authority will review the explanations given by the *Athlete* or other *Person* and assess their credibility (for example, by checking the authenticity of documentary evidence and the plausibility of the explanation from a scientific perspective) before proposing any *Consequences*. If the *Results Management* phase is substantially delayed by the review, the Results Management Authority shall inform WADA, setting out the reasons for the substantial delay.]*

- d) Shall grant a deadline of not more than twenty (20) days from receipt of the letter of charge for the *Athlete* or other *Person* to either:

- i. Accept the anti-doping rule violation(s) and/or violation(s) of the prohibition of participation during *Ineligibility* asserted and accept the proposed *Consequences* under Article 7.1 c). If the acceptance is made in timely fashion, the *Athlete* or other *Person* shall be entitled to receive the further reduction in the period of *Ineligibility* described in Code Article 10.8.1; or

[Comment to Article 7.1 d) i: Unlike the general deadline set out in Article 7.1 d) which can be extended in exceptional circumstances, the deadline of twenty (20) days under Code Article 10.8.1 is not extendable.

The Results Management Authority shall make clear in its letter of charge that the deadline for the Athlete or other Person to avail themselves of Code Article 10.8.1 is not extendable.

For the avoidance of doubt, at this stage, the reduction offered in Code Article 10.8.1 is calculated from the period of Ineligibility asserted in the letter of charge rather than the period of Ineligibility stated in the initial notice of potential violation]

- ii. Challenge in writing the Results Management Authority's assertion and/or proposed *Consequences*, and/or make a written request for a hearing before the relevant hearing panel.

[Comment to Article 7.1 d) ii: For the avoidance of doubts, nothing prevents an Athlete or other Person from providing, at this stage, (additional) explanation with a view of mitigating the Consequences proposed under Article 7.1 c).]

- e) Shall indicate that if the *Athlete* or other *Person* does not challenge the Results Management Authority's assertion of an anti-doping rule violation and/or violation(s) of the prohibition of participation during *Ineligibility* or proposed *Consequences* nor request a hearing within the prescribed deadline, the Results Management Authority shall be entitled to deem that the *Athlete* or other *Person* has waived their right to a hearing and accepted the violation as well as the *Consequences* set out by the Results Management Authority in the letter of charge; and
- f) Shall set out any matters relating to *Provisional Suspension* as per Article 6 (if applicable).
- g) Shall remind the *Athlete* or other *Person* of the possibility of seeking to enter into a case resolution agreement under Code Article 10.8.2, and provide *Substantial Assistance* and/or other valuable information and assistance in the effort to eliminate doping in sport and obtain a suspension of *Consequences* under Code Article 10.7.1 or Code Article 10.7.2 respectively.

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

[Comment to Article 7.2: To the extent not already set out in the notice of charge, this notification shall contain the following information (wherever applicable): Athlete's or other Person's name, country, sport and discipline within the sport, and, for a violation of Code Article 2.1, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the International Standard for Testing, and, for any other anti-doping rule violation, the anti-doping rule(s) violated and the basis for the asserted violation(s).]

- 7.3** In the event that the *Athlete* or other *Person* either (i) admits the anti-doping rule violation and/or violation(s) of the prohibition of participation during *Ineligibility* and accepts the proposed *Consequences* as per Article 7.1 d) or (ii) is deemed to have admitted the violation and accepted the *Consequences* as per Article 7.1 e), the Results Management Authority shall promptly issue the decision and notify it in accordance with Article 9.

- 7.4 If, after the *Athlete* or other *Person* has been charged, the Results Management Authority decides to withdraw the charge, it must notify the *Athlete* or other *Person* and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under Code Article 13.2.3.
- 7.5 Subject to Article 7.6, in the event that the *Athlete* or other *Person* requests a hearing, the matter shall be referred to the Results Management Authority's hearing panel and be dealt with pursuant to Article 8.

[Comment to Article 7.5: Where a Results Management Authority has delegated the adjudication part of Results Management to a Delegated Third Party, the matter shall be referred to the Delegated Third Party.]

7.6 **Single hearing before CAS**

- 7.6.1 Pursuant to Code Article 8.5, anti-doping rule violations and/or violation(s) of the prohibition of participation during *Ineligibility* asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the Results Management Authority and WADA, be heard in a single hearing directly at CAS under CAS appellate procedures, with no requirement for a prior hearing, or as otherwise agreed by the parties.
- 7.6.2 If the *Athlete* or other *Person* and the Results Management Authority agree to proceed with a single hearing before CAS, it shall be the responsibility of the Results Management Authority to liaise in writing with WADA to determine whether it agrees to the proposal. Should WADA not agree (in its entire discretion), then the case shall be heard by the Results Management Authority's hearing panel at first instance.

[Comment to Article 7.6.2: In the event that all relevant parties agree to refer the case to the CAS as a single instance, the Results Management Authority shall promptly notify any other Anti-Doping Organization with a right of appeal upon initiating the proceedings so that the latter may seek to intervene in the proceedings (if they wish to). The final decision rendered by the CAS shall not be subject to any appeal, save to the Swiss Federal Tribunal.]

PART FOUR: RESULTS MANAGEMENT – ADJUDICATION

8.0 Hearing Process

- 8.1 The rules of the Results Management Authority shall confer jurisdiction on hearing panels to hear and determine whether an *Athlete* or other *Person* subject to its anti-doping rules has committed an anti-doping rule violation and, if applicable, to impose the relevant *Consequences*. The Results Management Authority (or a *Delegated Third Party* upon delegation under Code Article 20) shall bring forward the charge before the hearing panel.

[Comment to Article 8.1: Subject to the requirements of the Definition of NADO Operational Independence, Results Management Authorities may also delegate the adjudication part of Results Management to Delegated Third Parties.]

*It is not a Code requirement that a hearing should take place in person. Hearings may also take place remotely by the participants joining together using technology. There are no restrictions as to the technology that can or should be used, but include means such as conference calling, video conferencing technology or other online communication tools. Unless a hearing has been requested by the *Athlete*, depending on the circumstances of a case, it may also be fair or necessary – for example, where all the*

facts are agreed and the only issue is as to the Consequences – to conduct a hearing “in writing”, based on written materials without an oral hearing.]

- 8.2** For the purposes of Article 8.1, a wider pool of hearing panel members shall be established, from which the hearing panels for specific cases shall be nominated. Appointment to the pool must be made based on anti-doping experience, including legal, sports, medical and/or scientific expertise. All members of the pool shall be appointed for a period of no less than two (2) years (which may be renewable).

[Comment to Article 8.2: The number of potential hearing panel members appointed to the wider pool depends on the number of affiliates and the anti-doping history (including the number of anti-doping rule violations committed in the past years) of the Anti-Doping Organization. At the very least, the number of potential hearing panel members shall be sufficient to ensure that Hearing Processes are timely conducted and provide for replacement possibilities in the event of a conflict of interest.]

- 8.3** The applicable rules shall provide for an independent person or body to determine in their discretion the size and composition of a particular hearing panel to adjudicate an individual case. At least one appointed hearing panel member must have a legal background.

[Comment to Article 8.3: For example, the independent person may be a designated chairperson of the pool.]

The relevant rules should also provide for a mechanism for the event that the independent person or body has a conflict of interest (e.g., the chairperson may be replaced by a designated vice-chairperson in the event of a conflict of interest, or by the most senior hearing panel member with no conflict of interest, where there is no vice-chairperson or both the chairperson and vice-chairperson are in a situation of conflict).

The size and composition of the hearing panel may vary depending on the nature of the charge and the evidence put forward. However, the hearing panel shall be composed of a single adjudicator or of a panel of three. The chairperson of the pool can be appointed (or appoint themselves if applicable) to sit as a single adjudicator or hearing panel member. If a single adjudicator is appointed, they shall have a legal background.]

- 8.4** Upon appointment to a hearing panel, each hearing panel member shall sign a declaration that there are no facts or circumstances known to him/her which might call into question their impartiality in the eyes of any of the parties, other than any circumstances disclosed in the declaration. If such facts or circumstances arise at a later stage of the Hearing Process, the relevant hearing panel member shall promptly disclose them to the parties.

[Comment to Article 8.4: For example, any member who is in any way connected with the case and/or the parties – such as family or close personal/professional ties and/or an interest in the outcome of the case and/or having expressed an opinion as to the outcome of the particular case – must openly disclose on the declaration all circumstances that might interfere with the impartial performance of their functions. To assess whether a hearing panel member is impartial, the Results Management Authority may take into account the principles set out in the IBA Guidelines on Conflicts of Interest in International Arbitration as updated from time to time available at <https://www.ibanet.org>.]

- 8.5** The parties shall be notified of the identity of the hearing panel members appointed to hear and determine the matter and be provided with their declaration at the outset of the Hearing Process. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known. Any challenge shall be decided upon by an independent person from the wider pool of hearing panel members or by an independent institution.

[Comment to Article 8.5: For example, the independent person may be a designated chairperson of the pool. The relevant rules should also provide for a mechanism for the event that the independent person is the person subject to the challenge or is one of the other members of that particular hearing panel (e.g. the designated independent person may be replaced in these circumstances by a vice-chairperson or other designated senior hearing panel member).]

- 8.6** The rules governing the activities of the Results Management Authority shall guarantee the *Operational Independence* of hearing panel members.

[Comment to Article 8.6: As per the Code definition, Operational Independence means that (1) board members, staff members, commission members, consultants and officials of the Results Management Authority or its affiliates (e.g., member federation or confederation), as well as any person involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that Results Management Authority and (2) that hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Results Management Authority or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.]

- 8.7** *Anti-Doping Organizations* shall provide adequate resources to ensure that hearing panels are able to fulfil their tasks efficiently and independently and otherwise in accordance with this Article 8.

[Comment to Article 8.7: All agreed fees and reasonable expenses of the hearing panels shall be timely paid by the Results Management Authority.]

- 8.8** The Hearing Process shall respect, at a minimum, all of the following principles:

- a) The hearing panel must remain fair, impartial and *Operationally Independent* at all times;
- b) The Hearing Process shall be accessible and affordable;

[Comment to Article 8.8 b): Procedural fees, if any, shall be set at a level that does not prevent the accused Person from accessing the hearing. When necessary, the Results Management Authority and/or the relevant hearing panel should consider establishing a legal aid mechanism in order to ensure such access.]

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

[Comment to Article 8.8 c): All decisions shall be issued and notified promptly after the final hearing or, if no hearing in person is requested, after the parties have filed their written submissions. Save in exceptional cases, this timeframe shall not exceed two (2) months. Notwithstanding Code Article 13.3, severe and/or repeated failure(s) to meet this requirement may lead to consequences in terms of compliance for the Results Management Authority.]

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

[Comment to Article 8.8 d): In principle, where the hearing is in person, it should be composed of an opening phase, where the parties are given an opportunity to briefly present their case, an evidentiary phase, where the evidence is assessed and witnesses and experts (if any) are heard, and a closing phase, where all parties are given an opportunity to present their final arguments in light of the evidence.]

- e) The right for the *Athlete* or the other *Person* to request a public hearing. The Results Management Authority may also request a public hearing provided that the *Athlete* or the other *Person* has provided his/her written consent to the same.

[Comment to Article 8.8 e): However, the request may be denied by the hearing panel in the interest of morals, public order, national security, where the interests of Minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice or where the proceedings are exclusively related to questions of law.]

- 8.9 As per Code Article 8.2, Hearing Processes held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.

9.0 Decisions

9.1 Content

- 9.1.1 *Results Management* decisions or adjudications by *Anti-Doping Organizations* must not purport to be limited to a particular geographic area or sport and shall address and determine the following issues:

[Comment to Article 9.1.1: Results Management decisions include Provisional Suspension, save that a Results Management decision on Provisional Suspension shall not be required to determine whether an anti-doping rule violation was committed.]

As stated in Comment to Article 5.4, Results Management decisions on matters described in Article 5.1.1 and Article 5.2 may take a simplified form. For further information, please refer to the WADA Guidelines for the International Standard for Results Management, where a template decision is made available to Results Management Authorities.]

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

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

- c) Anti-doping rule violation(s) and/or the violation of the prohibition of participation during *Ineligibility* committed;

[Comment to Article 9.1.1 c): Where the violation is based on an Adverse Analytical Finding, the decision shall inter alia set out that there was no departure from the International Standards, or that the alleged departure(s) did or did not cause the Adverse Analytical Finding and demonstrate that the violation of Code Article 2 is made out (see Code Article 2.1.2). For any other violation, the hearing panel shall assess the evidence presented and explain why it considers that the evidence presented by the Results Management Authority meets or does not meet the required standard of proof. In case the hearing panel considers that the anti-doping rule violation(s) is/are established, it shall expressly indicate the anti-doping rule(s) violated.]

- d) Applicable *Consequences*; and

[Comment to Article 9.1.1 d): The decision shall identify the specific provisions on which the sanction, including any reduction or suspension, is based and provide reasons justifying the

imposition of the relevant Consequences. In particular, where the applicable rules grant discretion to the hearing panel (e.g., for Specified Substances or Specified Methods or Contaminated Source under Code Article 10.6.1.1 and 10.6.1.2), the decision shall explain why the period of Ineligibility imposed is appropriate. The decision shall also indicate the start date of the period of Ineligibility (if any) and provide justifications in the event that this date is earlier than the date of the decision (see Code Article 10.13.1). The period of Disqualification shall also be indicated, with justification in the event that certain results are not Disqualified for reasons of fairness (Code Article 10.10), as well as any forfeiture of medals or prizes. The decision shall also set if (and to what extent) any period of Provisional Suspension is credited against any period of Ineligibility ultimately imposed, and set out any other relevant Consequences based on the applicable rules, including Financial Consequences. As per Code Article 7.5.1, Major Event Organizations shall, however, not be required to determine Ineligibility or Financial Consequences beyond the scope of their Event.]

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

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

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

[Comment to Article 9.1.2: With the exception of Results Management decisions by Major Event Organizations, each decision by an Anti-Doping Organization should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Code Article 10.1 (which is left to the ruling body for an Event). Pursuant to Code Article 15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained in the Competition would be Disqualified under Code Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Code Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Code Article 10.1.]

9.2 Notification

9.2.1 Decisions shall be promptly notified by the Results Management Authority to the *Athlete* or other *Person* and simultaneously to other *Anti-Doping Organizations* with a right of appeal under *Code Article* 13.2.3 and shall promptly be reported into ADAMS. Where the decision is not in English or French, the Results Management Authority shall provide an English or French summary of the decision and of the supporting reasons as well as a searchable version of the decision.

9.2.2 An *Athlete* or other *Person* subject to a period of *Ineligibility* shall be made aware by the Results Management Authority of their status during *Ineligibility*, including the *Consequences* of a violation of the prohibition of participation during *Ineligibility*, pursuant to *Code Article 10.14*. The Results Management Authority shall ensure that the period of *Ineligibility* is duly respected within its sphere of competence. The *Athlete* or other *Person* shall also be made aware that they may still provide *Substantial Assistance*.

9.2.3 An *Athlete* subject to a period of *Ineligibility* shall also be made aware by the Results Management Authority that they remain subject to *Testing* during the period of *Ineligibility*.

9.2.4 Where, further to notification of the decision, an *Anti-Doping Organization* with a right of appeal requests a copy of the full case file pertaining to the decision, it shall be provided promptly by the Results Management Authority.

[Comment to Article 9.2.4: As set out at Code Article 14.2.2, the case file shall be produced in machine-readable form and, to the greatest extent practicable, in electronic, digital, and word-searchable format. If the case file contains documents in a language other than English or French, a case file index shall be provided by the Results Management Authority with a short description of each document in English or French. For purposes of Code Article 13.2.3.5 b), the complete file shall not be considered to have been received by WADA until the complete file has been produced in accordance with Code Article 14.2.2.]

The case file shall contain all documents relating to the case. For an analytical case, it shall include at a minimum the Doping Control form, Laboratory results and/or Laboratory Documentation Package(s) (if issued), any submissions and exhibits and/or correspondence of the parties and all other documents relied upon by the hearing body.]

9.2.5 If the decision concerns an *Adverse Analytical Finding* or *Atypical Finding*, and after any deadline to appeal has elapsed and no appeal has been filed against the decision, the Results Management Authority shall promptly notify the relevant Laboratory that the matter has been finally disposed of.

10.0 Appeals

10.1 The rules governing appeal rights and avenues are set out at *Code Article 13*.

10.2 With respect to national appellate instances within the meaning of *Code Article 13.2.2*:

a) All parties to any national appellate instance must ensure that *WADA* and all other parties with a right to appeal have been given timely notice of the appeal;

[Comment to Article 10.2 a): For instance, this could be achieved by uploading this information into ADAMS.]

b) The appointment of hearing panel members and the Hearing Process on appeal are governed by *Article 8 mutatis mutandis*. In addition to being fair, impartial and *Operationally Independent*, a hearing panel on appeal shall also be *Institutionally Independent*;

[Comment to Article 10.2 b): For the purposes of this provision, hearing panels on appeal shall be fully Institutionally Independent from the Results Management Authority. They must therefore not in any way be administered by, connected or subject to the Results Management Authority.]

c) The appeal decision rendered by an appeal body shall comply with the requirements of *Article 9.1*;

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

10.3 With respect to appeals before CAS:

- a) The appeal procedure shall be governed by *Code Article 13* and the Code of Sports-related Arbitration;

[Comment to Article 10.3 a): As per Code Article 13.1.2, CAS proceedings are de novo. Except as provided in Code Article 13.2.5, in making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.]

- b) Except if agreed otherwise, all appeal proceedings before CAS involving WADA, an International Federation and/or a *Major Event Organization* as a party shall be conducted in English or French in accordance with *Code Article 13.1.2*. Such proceedings may only be conducted in a language other than French or English if WADA, the International Federation and/or the *Major Event Organization* (all) agree with such request at their entire discretion;
- c) All parties to any CAS appeal must ensure that WADA and any other party, which would have had a right of appeal and is not a party to the CAS appeal, has been given timely notice of the appeal;

[Comment to Article 10.3 c): For instance, this could be achieved by uploading this information into ADAMS.]

- d) No settlement embodied in an arbitral award rendered by consent of the parties as per Code of Sports-related Arbitration Article R56 shall be entered into by an *Anti-Doping Organization* without WADA's written approval. Where the parties to the CAS proceedings are envisaging settling the matter by way of a settlement embodied in an arbitral award rendered by consent of the parties, the *Anti-Doping Organization* that is a party to the proceedings shall immediately notify WADA and provide it with all necessary information in this respect;
- e) Any *Anti-Doping Organization* that is a party to an appeal before CAS shall promptly provide the CAS award to the other *Anti-Doping Organizations* that would have been entitled to appeal under *Code Article 13.2.3*; and
- f) The requirements of Article 9 shall apply *mutatis mutandis*.

11.0 Violation of the Prohibition Against Participation During *Provisional Suspension*

11.1 In the event that an *Athlete* or other *Person* is suspected to have violated the prohibition against participation during *Provisional Suspension* pursuant to *Code Article 10.14*, and the suspected violation was discovered during *Results Management*, the potential violation shall be considered as part of the case. If the violation is confirmed, the *Athlete* or other *Person* shall receive no credit for the *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

11.2 In the event that the potential violation of the prohibition against participation during *Provisional Suspension* is discovered after a final decision has been rendered (whether whilst a period of *Ineligibility* is being served or after), the *Results Management* relating to the potential violation shall comply with the principles of this *International Standard mutatis mutandis*.

[Comment to Article 11.1: In particular, the Athlete or other Person shall receive a notification letter in accordance with Article 5.3.2 mutatis mutandis, a letter of charge in accordance with Article 7 mutatis mutandis and be afforded the right to a hearing as per Article 8. The resulting decision shall meet the requirements set for in Article 9 mutatis mutandis.]

ANNEX A – REVIEW OF A POSSIBLE FAILURE TO COMPLY

A.1 Responsibility

A.1.1 The Results Management Authority or Testing Authority (as applicable) is responsible for ensuring that:

- a) When the possible Failure to Comply comes to its attention, it shall promptly submit that information to *WADA* through *ADAMS*, and instigates review of the possible Failure to Comply based on all relevant information and documentation;
- b) The *Athlete* or other *Person* is informed of the possible Failure to Comply in writing and has the opportunity to respond in accordance with Article 5.3.2;
- c) The review is conducted without unnecessary delay and the evaluation process is documented; and
- d) If it decides not to move forward with the matter, its decision is notified in accordance with Article 5.4.

A.1.2 The DCO is responsible for providing a detailed written report of any possible Failure to Comply.

A.2 Requirements

A.2.1 Any potential Failure to Comply shall be reported by the DCO to the Results Management Authority (or Testing Authority as applicable) and/or followed up by the Testing Authority and reported to the Results Management Authority as soon as practicable.

A.2.2 If the Results Management Authority determines that there has been a potential Failure to Comply, the *Athlete* or other *Person* shall be promptly notified in accordance with Article 5.3.2 and further *Results Management* shall be conducted as per Article 5 *et seq.*

A.2.3 Any additional necessary information about the potential Failure to Comply shall be obtained from all relevant sources (including the *Athlete* or other *Person*) as soon as possible and recorded.

A.2.4 The Results Management Authority (and Testing Authority as applicable) shall establish a system for ensuring that the outcomes of its reviews into potential Failures to Comply are considered for *Results Management* action and, if applicable, for further planning and *Target Testing*.

ANNEX B – RESULTS MANAGEMENT FOR WHEREABOUTS FAILURES

B.1 Determining a Potential Whereabouts Failure

B.1.1 Three (3) Whereabouts Failures by an *Athlete* within any 12-month period amount to an anti-doping rule violation under Code Article 2.4. The Whereabouts Failures may be any combination of Filing Failures and/or Missed Tests declared in accordance with Article B.3 and adding up to three (3) in total.

[Comment to Article B.1.1: While a single Whereabouts Failure will not amount to an anti-doping rule violation under Code Article 2.4, depending on the facts, it could amount to an anti-doping rule violation under Code Article 2.3 (Evading Sample Collection) and/or Code Article 2.5 (Tampering or Attempted Tampering with Doping Control).]

B.1.2 The 12-month period referred to in Code Article 2.4 starts to run on the date that an *Athlete* commits the first Whereabouts Failure being relied upon in support of the allegation of a violation of Code Article 2.4. If two (2) more Whereabouts Failures occur during the ensuing 12-month period, then Code Article 2.4 anti-doping rule violation is committed, irrespective of any *Samples* successfully collected from the *Athlete* during that 12-month period. However, if an *Athlete* who has committed one (1) Whereabouts Failure does not go on to commit a further two (2) Whereabouts Failures within the 12 months, at the end of that 12-month period, the first Whereabouts Failure “expires” for purposes of Code Article 2.4, and a new 12-month period begins to run from the date of their next Whereabouts Failure.

B.1.3 For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in Code Article 2.4:

- a) A Filing Failure will be deemed to have occurred:
 - i. Where the *Athlete* fails to provide complete information in due time in advance of an upcoming quarter, by the 15th day of the month preceding the calendar quarter,
 - ii. Where any information provided by the *Athlete* (whether in advance of the quarter or by way of update) transpires to be inaccurate, on the (first) date on which such information can be shown to be inaccurate based on the information available to the Results Management Authority at the time of the discovery, and
 - iii. Where an *Athlete* failed to update their information as soon as possible after they became aware of a change in circumstances, on the (first) date of the information which was not updated in time.

*[Comment to Article B.1.3 a): Article B.1.3 a) ii) shall not create an obligation on Results Management Authorities to investigate to determine the “first” date on which the *Athlete*’s Whereabouts Information was inaccurate: this determination shall be made solely based on the evidence and information available to the Results Management Authority at the time of the discovery. It shall not be open to *Athletes* to seek to “backdate” their Filing Failure further based on their own evidence or information.*

For purposes of Article B.1.3 a) ii), the first date on which the information can be shown to be inaccurate must relate to the same inaccuracy in the Whereabouts Filing for which the Filing Failure is being pursued. In other words, if the information is inaccurate over a number of consecutive days, the Filing Failure will be deemed to have occurred on the first date of this sequence (as any accurate date within the sequence would interrupt it and create a new

obligation to update, which may give rise to a separate Filing Failure if the Whereabouts Filing was not updated).]

- b) A Missed Test will be deemed to have occurred on the date that the Sample collection was unsuccessfully attempted.

B.1.4 Whereabouts Failures committed by the Athlete prior to retirement as defined in Article 4.10.5.2 b) of the International Standard for Testing may be combined, for purposes of Code Article 2.4, with Whereabouts Failures committed by the Athlete after the Athlete again becomes available for Out-of-Competition Testing.

[Comment to Article B.1.4: For example, if an Athlete committed two (2) Whereabouts Failures in the six (6) months prior to their retirement, then if they commit another Whereabouts Failure in the first six (6) months in which they are again available for Out-of-Competition Testing, that amounts to a Code Article 2.4 anti-doping rule violation.]

B.2 Requirements for a Potential Filing Failure or Missed Test

B.2.1 An Athlete may only be declared to have committed a Filing Failure where the Results Management Authority establishes each of the following:

- a) That the Athlete was duly notified: (i) that they had been designated for inclusion in a Registered Testing Pool; (ii) of the consequent requirement to make Whereabouts Filing; and (iii) of the Consequences of any failure to abide by that requirement;
- b) That the Athlete failed to comply with that requirement by the applicable deadline;

[Comment to Article B.2.1 b): An Athlete fails to comply with the requirement to make Whereabouts Filing (i) where they do not make any such filing, or where they fail to update the filing as required by Article 4.10.11 of the International Standard for Testing; or (ii) where they make the filing or update but do not include all of the required information in that filing or update (e.g. they do not include the place where they will be staying overnight for each day in the following quarter, or for each day covered by the update, or omit to declare training locations and time frames for such training activities); or (iii) where they include information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organization to locate them for Testing (e.g., “running in the Black Forest”).]

- c) In the case of a second or third Filing Failure, that they were given notice, in accordance with Article B.3.2 d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure they must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and

[Comment to Article B.2.1c): All that is required is to give the Athlete notice of the first Filing Failure and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Athlete.]

- d) That the Athlete's failure to file was at least negligent. For these purposes, the Athlete will be presumed to have committed the failure negligently upon proof of the matters set out at sub-Articles B.2.1. a) to c). That presumption may only be rebutted by the Athlete establishing that no negligent behavior on their part caused or contributed to the failure.

B.2.2 While Code Article 5.2 specifies that every *Athlete* must submit to *Testing* at any time and at any place upon request by an *Anti-Doping Organization* with Testing Authority over them, in addition, an *Athlete* in a *Registered Testing Pool* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day in their Whereabouts Filing, at the location that the *Athlete* has specified for that time slot in such filing. Where this requirement is not met by the *Athlete*, it shall be pursued as an apparent Missed Test. If the *Athlete* is tested during such a time slot, the *Athlete* must remain with the DCO until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of Code Article 2.3 (refusal or failure to submit to *Sample* collection).

B.2.3 To ensure fairness to the *Athlete*, where an unsuccessful attempt has been made to test an *Athlete* during one of the 60-minute time slots specified in their Whereabouts Filing, any subsequent unsuccessful attempt to test that *Athlete* (by the same or any other *Anti-Doping Organization*) during one of the 60-minute time slots specified in their Whereabouts Filing may only be counted as a Missed Test (or, if the unsuccessful attempt was because the information filed was insufficient to find the *Athlete* during the time slot, as a Filing Failure) against that *Athlete* if that subsequent attempt takes place after the *Athlete* has received notice, in accordance with Article B.3.2 d), of the original unsuccessful attempt.

[Comment to Article B.2.3: All that is required is to give the Athlete notice of one Missed Test or Filing Failure before a subsequent Missed Test or Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Missed Test or Filing Failure before pursuing a second Missed Test or Filing Failure against the Athlete.]

B.2.4 An *Athlete* may only be declared to have committed a Missed Test where the Results Management Authority can establish each of the following:

- a) That when the *Athlete* was given notice that they had been designated for inclusion in a *Registered Testing Pool*, they were advised that they would be liable for a Missed Test if they were unavailable for *Testing* during the 60-minute time slot specified in their Whereabouts Filing at the location specified for that time slot;
- b) That a DCO attempted to test the *Athlete* on a given day in the quarter, during the 60-minute time slot specified in the *Athlete's* Whereabouts Filing for that day, by visiting the location specified for that time slot;
- c) That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances to try to locate the *Athlete*, short of giving the *Athlete* any advance notice of the test;

[Comment to Article B.2.4 c): Whether the DCO did what was "reasonable in the circumstances" will depend on the specified location and the information provided by the Athlete. It shall be assessed against the fundamental duty of the Athlete to be available and accessible for Testing without advance notice during the full 60-minute time slot at a specific location per International Standard for Testing Article 4.10.6.2. In essence, an attempt should be considered as meeting this requirement if it would have been sufficient to locate the Athlete had they objectively complied with this duty.]

As per Code Article 3.2.3 iv), if it cannot be established that the DCO did what was reasonable in the circumstances, then the Results Management Authority shall have the burden to establish that such departure did not cause the Missed Test.

Due to the fact that the making of a telephone call is discretionary rather than mandatory, and is left entirely to the absolute discretion of the Testing Authority, whether a telephone call was or was not made is irrelevant to the “reasonableness” of a DCO’s attempt, and the lack of a telephone call (even if made mandatory by a Testing Authority) shall not give the Athlete a defense to the assertion of a Missed Test.]

- d) That Article B.2.3 does not apply or (if it applies) was complied with; and
- e) That the *Athlete’s* non-availability for *Testing* at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the *Athlete* will be presumed to have been negligent upon proof of the matters set out at sub-Articles B.2.4 a) to d). That presumption may only be rebutted by the *Athlete* establishing that no negligent behavior on their part caused or contributed to their failure (i) to be available and accessible for *Testing* at such location during such time slot, and (ii) to update their most recent Whereabouts Filing to give notice of a different location where they would instead be available for *Testing* during a specified 60-minute time slot on the relevant day.

[Comment to Article B.2.4 e): Negligence means a failure to observe the duty of care expected of a reasonable Athlete similarly situated.]

B.3 Results Management for a Potential Whereabouts Failure

B.3.1 In accordance with Code Article 7.1.6, *Results Management* in relation to an individual Missed Test shall be administered by the Testing Authority for that Missed Test. Where an individual Missed Test causes a potential anti-doping rule violation under Article 2.4, *Results Management* for the anti-doping rule violation shall be administered by the Testing Authority for that Missed Test.

Further, *Results Management* in relation to an individual Filing Failure shall be administered by the *Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information at the time of the failure. Where an individual Filing Failure causes a potential anti-doping rule violation under Article 2.4, *Results Management* for the anti-doping rule violation shall be administered by the *Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information at the time of the failure.

In the event that there is a dispute between *Anti-Doping Organizations* as to which organization should administer *Results Management* for a Whereabouts Failure, WADA shall determine that question in its entire discretion. For the avoidance of doubt, Code Article 7.1.1 shall apply by analogy.

The *Anti-Doping Organization* that determines a Filing Failure or a Missed Test shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.

[Comment to Article B.3.1: If an Anti-Doping Organization that receives an Athlete’s Whereabouts Filing (and so is their Results Management Authority for whereabouts purposes) removes the Athlete from its Registered Testing Pool after recording one or two Whereabouts Failures against them, then if the Athlete is put in another Anti-Doping Organization’s Registered Testing Pool, and that other Anti-Doping Organization starts receiving their Whereabouts Filing, that other Anti-Doping Organization becomes the Results Management Authority in respect of all Whereabouts Failures by that Athlete, including those recorded by the first Anti-Doping Organization. In that case, the first Anti-Doping Organization shall provide the second Anti-Doping Organization with full information about the Whereabouts Failure(s) recorded by the first Anti-Doping Organization in the relevant period, so that if the second Anti-Doping Organization records any further Whereabouts Failure(s) against that Athlete, it has all the information it needs to bring

proceedings against them, in accordance with Article B.3.4, for violation of Code Article 2.4. For the avoidance of doubt, the first Anti-Doping Organisation retains the authority to record (and conduct Results Management of) any Whereabouts Failure committed under its jurisdiction.

Further, nothing in this Article shall prevent Results Management Authority over a potential Code Article 2.4 violation, or Whereabouts Failure, being transferred from one Anti-Doping Organisation to another, provided that the transferee also has authority over the Athlete.]

B.3.2 When a Whereabouts Failure appears to have occurred, *Results Management* shall proceed as follows:

- a) If the apparent Whereabouts Failure has been uncovered by an attempt to test the *Athlete*, the Testing Authority shall timely obtain an Unsuccessful Attempt Report from the DCO. If the Testing Authority is different from the Results Management Authority, it shall provide the Unsuccessful Attempt Report to the Results Management Authority without delay, and thereafter it shall assist the Results Management Authority as necessary in obtaining information from the DCO in relation to the apparent Whereabouts Failure.
- b) The Results Management Authority shall timely review the file (including any Unsuccessful Attempt Report filed by the DCO) to determine whether all of the Article B.2.1 requirements (in the case of a Filing Failure) or all of the Article B.2.4 requirements (in the case of a Missed Test) are met. It shall gather information as necessary from third parties (e.g., the DCO whose test attempt uncovered the Filing Failure or triggered the Missed Test) to assist it in this task.
- c) If the Results Management Authority concludes that any of the relevant requirements have not been met (so that no Whereabouts Failure should be declared), it shall so advise WADA, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. This decision is appealable in accordance with *Code Article 13*.
- d) If the Results Management Authority concludes that all of the relevant requirements as set out in Articles B.2.1 (Filing Failure) and/or B.2.4 (Missed Test) have been met, it should notify the *Athlete* within fourteen (14) days of the date of the apparent Whereabouts Failure. The notice shall include sufficient details of the apparent Whereabouts Failure to enable the *Athlete* to respond meaningfully (including the Unsuccessful Attempt Report, if available), and shall give the *Athlete* a reasonable deadline to respond, advising whether they admit the Whereabouts Failure and, if they do not admit to the Whereabouts Failure, then an explanation as to why not. The notice should also advise the *Athlete* that three (3) Whereabouts Failures in any 12-month period is a *Code Article 2.4* anti-doping rule violation, and should note whether they had any other Whereabouts Failures recorded against them in the previous twelve (12) months. In the case of a Filing Failure, the notice must also advise the *Athlete* that in order to avoid a further Filing Failure they must file the missing whereabouts information by the deadline specified in the notice, which must be within 48 hours after receipt of the notice.
- e) If the *Athlete* does not respond within the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against them. This decision shall not be appealable under *Code Article 13*.

If the *Athlete* does respond within the deadline, the Results Management Authority shall consider whether their response changes its original decision that all of the requirements for recording a Whereabouts Failure have been met.

- i. If so, it shall so advise the *Athlete*, WADA, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. This decision is appealable in accordance with Code Article 13.
- ii. If not, it shall so advise the *Athlete* (with reasons) for its decision and record the Whereabouts Failure against them. This decision shall not be appealable under Code Article 13.

B.3.3 The Results Management Authority shall promptly report a decision to record or not to record a Whereabouts Failure against an *Athlete* to WADA and all other relevant *Anti-Doping Organizations*, on a confidential basis, via ADAMS.

[Comment to Article B.3.3: For the avoidance of doubt, the Results Management Authority is entitled to notify other relevant Anti-Doping Organizations (on a strictly confidential basis) of the apparent Whereabouts Failure at an earlier stage of the Results Management process, where it considers it appropriate (for test planning purposes or otherwise). In addition, an Anti-Doping Organization may publish a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been recorded in respect of Athletes under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the Athletes involved. Prior to any proceedings under Code Article 2.4, an Anti-Doping Organization should not Publicly Disclose that a particular Athlete does (or does not) have any Whereabouts Failures recorded against them (or that a particular sport does, or does not, have Athletes with Whereabouts Failures recorded against them).]

B.3.4 Where three (3) Whereabouts Failures are recorded against an *Athlete* within any 12-month period, the Results Management Authority shall notify the *Athlete* and other *Anti-Doping Organizations* in accordance with Article 5.3.2 alleging violation of Code Article 2.4 and proceed with *Results Management* in accordance with Article 5 et seq. If the Results Management Authority fails to bring such proceedings against an *Athlete* within 30 days of WADA receiving notice of the recording of that *Athlete*'s third Whereabouts Failure in any 12-month period, then the Results Management Authority shall be deemed to have decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at Code Article 13.2.

[Comment to Article B.3.4: For the avoidance of doubt, nothing prevents the Results Management Authority from asserting additional Whereabouts Failures after the confirmation of a third Whereabouts Failure, including during the Results Management process of a violation of Code Article 2.4. Such additional Whereabouts Failure(s) may be used as an alternative basis for the Code Article 2.4 assertion (provided that all the relevant requirements are met), or as a relevant factor for the assessment of the Athlete's Fault.

Moreover, as the sole purpose of the timeframe is to trigger appeal rights under Code Article 13.2, nothing would prevent an Anti-Doping Organization from bringing a Code Article 2.4 anti-doping rule violation forward even after the 30-day period, For the avoidance of doubts, the appeal rights under Article B.3.4 shall not be subject to the applicable deadline provided in the anti-doping rules of the Results Management Authority, but could be exercised at any time.]

B.3.5 An *Athlete* asserted to have committed a Code Article 2.4 anti-doping rule violation shall have the right to have such assertion determined at a full evidentiary hearing in accordance with Articles 8 and 10 and Code Article 8. The hearing panel shall not be

bound by any determination made during the *Results Management* process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the *Anti-Doping Organization* bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure to the comfortable satisfaction of the hearing panel. If the hearing panel decides that one (or two) Whereabouts Failure(s) have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no *Code Article 2.4* anti-doping rule violation shall be found to have occurred. However, if the *Athlete* then commits one (or two, as applicable) further Whereabouts Failure(s) within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in accordance with *Code Article 3.2.3*) and the Whereabouts Failure(s) subsequently committed by the *Athlete*.

[Comment to Article B.3.5: Nothing in Article B.3.5 is intended to prevent the Anti-Doping Organization challenging an argument raised on the Athlete's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the Results Management process.]

B.3.6 A finding that an *Athlete* has committed a *Code Article 2.4* anti-doping rule violation has the following *Consequences*:

- a) Imposition of a period of *Ineligibility* in accordance with *Code Article 10.3.2* (first violation) or *Code Article 10.9* (subsequent violation(s)); and
- b) In accordance with *Code Article 10.10 (Disqualification)*, unless fairness requires otherwise) of all individual results obtained by the *Athlete* from the date of the *Code Article 2.4* anti-doping rule violation through to the date of commencement of any *Provisional Suspension* or *Ineligibility* period, with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes.

For these purposes, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure found by the hearing panel to have occurred.

The impact of any *Code Article 2.4* anti-doping rule violation by an individual *Athlete* on the results of any team for which that *Athlete* has played during the relevant period shall be determined in accordance with *Code Article 11*.

ANNEX C – RESULTS MANAGEMENT REQUIREMENTS AND PROCEDURES FOR THE *ATHLETE BIOLOGICAL PASSPORT*

C.1 Administrative Management

C.1.1 The requirements and procedures described in this Annex apply to all modules of the *Athlete Biological Passport* except where expressly stated or implied by the context.

C.1.2 These processes shall be administered and managed by an Athlete Passport Management Unit on behalf of the Passport Custodian. The Athlete Passport Management Unit will initially review profiles to facilitate targeting recommendations for the Passport Custodian when appropriate or refer to the Experts as required. Management and communication of the biological data, Athlete Passport Management Unit reporting and Expert reviews shall be recorded in *ADAMS* and be shared by the Passport Custodian with other *Anti-Doping Organizations* with Testing Authority over the *Athlete* to coordinate further Passport Testing as appropriate. A key element for *Athlete Biological Passport* management and communication is the Athlete Passport Management Unit Report in *ADAMS*, which provides an overview of the current status of the *Athlete's Passport* including the latest targeting recommendations and a summary of the Expert reviews.

C.1.3 This Annex describes a step-by-step approach to the review of an *Athlete's Passport*:

- a) The review begins with the application of the Adaptive Model;
- b) In case of an *Atypical Passport Finding* or when the Athlete Passport Management Unit considers that a review is otherwise justified, an Expert conducts an initial review and returns an evaluation based on the information available at that time;
- c) In case of a “Likely doping” initial review, the Passport is then subjected to a review by two (2) additional Experts;
- d) In case of a “Likely doping” consensus between the three (3) Experts, the process continues with the creation of an Athlete Biological Passport Documentation Package;
- e) An *Adverse Passport Finding* is reported by the Athlete Passport Management Unit to the Passport Custodian if the Experts' opinion is maintained after review of all information available at that stage, including the Athlete Biological Passport Documentation Package;
- f) The *Athlete* is notified of the *Adverse Passport Finding* and offered the opportunity to provide explanations;
- g) If after review of the explanations provided by the *Athlete*, the Experts maintain their unanimous conclusion of “Likely doping”, an anti-doping rule violation is asserted against the *Athlete* by the Passport Custodian.

C.2 Initial Review Phase

C.2.1 Review by the Adaptive Model

C.2.1.1 In *ADAMS*, the Adaptive Model automatically processes data on the biological *Markers* of the *Athlete Biological Passport*. These *Markers*, listed in the applicable *Guidelines* and/or *Technical Documents*, include primary *Markers* that are defined as the most sensitive and specific to doping and secondary *Markers* that provide supporting evidence of doping in isolation or in combination with other *Markers*. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values outside of the 99%-range, from a lower limit corresponding to the 0.5th percentile to an upper limit corresponding to the 99.5th percentile (1:100 chance or less that this result is due to normal physiological variation). A specificity of 99% is used to identify *Atypical Passport Findings*.

C.2.1.2 An *Atypical Passport Finding* is a result generated by the Adaptive Model in *ADAMS* which identifies a primary *Marker(s)* value(s) as being outside the *Athlete's* intra-individual range. An *Atypical Passport Finding* triggers a mandatory review.

C.2.1.3 Departure from *WADA Athlete Biological Passport* requirements

C.2.1.3.1 If there is a departure from *WADA Athlete Biological Passport* requirements for *Sample* collection, transport and analysis, the biological *Marker* result obtained from this *Sample* affected by the non-conformity shall not be considered in the Adaptive Model calculations.

C.2.1.3.2 A *Marker* result which is not affected by the non-conformity can still be considered in the Adaptive Model calculations. In such case, the Athlete Passport Management Unit shall provide the specific explanations supporting the inclusion of the result(s). In all cases, the *Sample* shall remain recorded in the *Athlete's Passport*. The Experts may include all results in their review provided that their conclusions may be validly supported when taking into account the effects of the non-conformity.

C.2.2 The Initial Expert Review

C.2.2.1 A Passport generating an *Atypical Passport Finding*, or for which a review is otherwise justified per Article C.2.2.4 below, shall be promptly sent by the Athlete Passport Management Unit to an Expert for review in *ADAMS*. This should take place within a maximum of seven (7) days following the generation of the *Atypical Passport Finding* in *ADAMS*. The Expert shall promptly provide the individual report in *ADAMS* and this should take place within a maximum of seven (7) days after receipt of the request.

C.2.2.2 If a Passport has been recently reviewed by an Expert and the Passport Custodian is in the process of executing a specific multi-*Sample Testing* strategy on the *Athlete*, the Athlete Passport Management Unit may briefly

delay the review of a Passport generating an *Atypical Passport Finding* triggered by one of the Samples collected in this context until completion of the planned series of tests. In such situations, the Athlete Passport Management Unit shall clearly indicate the reason for delaying the review of the Passport in the Athlete Passport Management Unit Report.

C.2.2.3 If the first and unique result in a Passport generates an *Atypical Passport Finding* by the Adaptive Model, the Athlete Passport Management Unit may recommend the prompt collection of an additional Sample before initiating the initial Expert review once the follow-up Sample is available in ADAMS.

C.2.2.4 Review in the absence of an *Atypical Passport Finding*

C.2.2.4.1 A Passport may also be sent for Expert review in the absence of an *Atypical Passport Finding* where the Passport includes other elements otherwise justifying a review.

These elements may include, without limitation:

- a) Data not considered in the Adaptive Model;
- b) Any abnormal levels and/or variations of Marker(s);
- c) Signs of hemodilution in the hematological Passport;
- d) Marker levels below the corresponding Limit of Quantification of the assay; or
- e) Intelligence in relation to the *Athlete* concerned.

C.2.2.4.2 An Expert review initiated in the above-mentioned situations may result in the same *Consequences* as an Expert review triggered by an *Atypical Passport Finding*.

C.2.2.5 The review of the Passport shall be conducted based on the Passport and other basic information which may be available, such that the Expert is blinded to the identity of the *Athlete*. The Expert can request further information, as they deem relevant to their review of the Passport, notably information related to medical conditions, *Competition* schedule and/or Sample(s) analysis results. However, such requests can only be directed via the Athlete Passport Management Unit to the Passport Custodian and must not delay the prompt issuance of the Expert's opinion.

C.2.2.6 Upon request of the Athlete Passport Management Unit or at the entire discretion of the Passport Custodian, the Passport Custodian may request additional information and/or clarification of the basic information available to the Passport Custodian, the Athlete Passport Management Unit and/or Expert related to the Passport. For example, this may include, without limitation, requesting further information related to Sample analysis (e.g., by requesting a Laboratory Documentation Package) or by contacting the *Athlete* to obtain additional information/clarification in relation to an *Athlete's Whereabouts Filing*, *Competition* schedule, training information, information recorded in the *Athlete Biological Passport* supplementary form as per the ABP Operating Guidelines, or medications and supplements

declared pursuant to Article 7.4.5 of the *International Standard for Testing*. Such requests may be made at any stage of the review of the Passport and any additional information/clarification obtained pursuant to such request will be shared with the Athlete Passport Management Unit, which shall decide whether and in what form the information/clarifications should be provided to the Expert panel.

[Comment to Article C.4.2: For the avoidance of doubt, the Passport Custodian may request further information/clarification from the Athlete in writing or via interview. If the information is provided to the Expert(s) at this Initial Review stage, or at the stage of the review by three Experts under C.3, any information/document(s) shall be anonymized.]

C.2.2.7 Expert Evaluation

C.2.2.7.1 When evaluating a Passport, an Expert assesses the likelihoods that the Passport is the result of the Use of a *Prohibited Substance* or *Prohibited Method* and the likelihood that the Passport is the result of a normal physiological or pathological condition in order to provide one of the following opinions: “Normal”, “Suspicious”, “Likely doping” or “Likely medical condition”. For a “Likely doping” opinion, the Expert may conclude, at a minimum, that (i) a Passport is highly likely the result of the Use of a *Prohibited Substance* or *Prohibited Method* and unlikely the result of a normal physiological or pathological condition or (ii) a Passport is likely the result of the Use of a *Prohibited Substance* or *Prohibited Method* and highly unlikely the result of a normal physiological or pathological condition.

[Comment to Article C.2.2.5.1: When evaluating competing propositions, the likelihood of each proposition is independently evaluated by the Expert based on the evidence available for that proposition at the time of the review. It is acknowledged that it is the relative likelihoods (i.e., likelihood ratio) of the competing propositions that ultimately determine the Expert's opinion. It is also commonly known that Erythropoietin Receptor Agonists (ERAs) and other blood doping methods are Used Out-of-Competition for training purposes, and that doping is not always logical. For that reason, an Expert should refrain from making assumptions as to the specifics of a doping scenario, and shall not need to be satisfied of a specific doping scenario for a conclusion of “likely doping”.]

C.2.2.7.2 To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert shall come to the opinion that it is highly likely that the Passport is the result of the Use of a *Prohibited Substance* or *Prohibited Method* and that it is highly unlikely that the Passport is the result of a normal physiological or pathological condition.

C.2.3 Consequences of the Initial Review

Depending on the outcome of the initial review, the Athlete Passport Management Unit will take the following action:

Expert Evaluation	<u>Athlete Passport Management Unit Action</u>
“Normal”	Continue normal <i>Testing</i> plan.
“Suspicious”	Provide recommendations to the <u>Passport Custodian</u> for <i>Target Testing</i> , <i>Sample analysis</i> and/or requesting further information as required.
“Likely doping”	Send to a panel of three (3) <u>Experts</u> , including the initial <u>Expert</u> , as per Article C.3 of this Annex C.
“Likely medical condition”	If recommended by the <u>Expert</u> , inform the <i>Athlete</i> as soon as possible via the <u>Passport Custodian</u> (or send to other <u>Experts</u>).

[Comment to Article C.2.3: The Athlete Biological Passport is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s) and it is not intended as a health check or for medical monitoring. It is important that the Passport Custodian educate Athletes to ensure that they undergo regular health monitoring and not rely on the Athlete Biological Passport for this purpose. Nevertheless, the Passport Custodian should inform the Athlete in case the Passport indicates a likely pathology as determined by the Experts.]

C.3 Review by Three (3) Experts

C.3.1 In the event that the opinion of the appointed Expert in the initial review, pending other explanation to be provided at a later stage, is that of “Likely doping”, the Passport shall then be promptly sent by the Athlete Passport Management Unit to two (2) additional Experts for review. This should take place within a maximum of seven (7) days after the reporting of the initial review. These additional reviews shall be conducted without knowledge of the initial review.

C.3.2 The review by the additional two (2) Experts must follow the same procedure, where applicable, as presented in Article C.2.2 of this Annex. The additional two (2) Experts shall each promptly provide their individual reports in ADAMS. This should take place within a maximum of seven (7) days after receipt of the request.

C.3.3 The Athlete Passport Management Unit is responsible for liaising with the Experts and for advising the Passport Custodian of the subsequent Expert assessment.

C.3.4 A unanimous opinion among the three (3) Experts is necessary in order to proceed further towards declaring an *Adverse Passport Finding*, which means that all three (3) Experts render an opinion of “Likely doping”. The conclusion of the Experts must be reached with the three (3) Experts assessing the *Athlete’s Passport* with the same data.

[Comment to Article C.3.4: The three (3) Expert opinions cannot be accumulated over time based on different data.]

C.3.5 In the case when two (2) Experts evaluate the Passport as “Likely doping” and the third Expert as “Suspicious”, the Athlete Passport Management Unit shall promptly confer with the Experts. The group can also seek advice from an appropriate outside Expert, although this must be done while maintaining strict confidentiality of the Athlete’s Personal Information. The Passport Custodian may share, through the Athlete Passport Management Unit, any potentially relevant information with the Expert panel (e.g., suspicious analytical findings, relevant intelligence and relevant pathophysiological information).

C.3.6 If no unanimity can be reached among the three (3) Experts, the Athlete Passport Management Unit shall promptly report the Passport as “Suspicious”, update the Athlete Passport Management Unit Report, and recommend that the Passport Custodian pursue additional Testing and/or gather intelligence on the Athlete (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate.

[Comment to Article C.3.6: In situations where no unanimity can be reached, but a strong suspicion of doping remains, the Passport Custodian may still use the evidence from the Passport in combination with other evidence in order to establish a Use case according to Code Article 2.2.]

C.4 Conference Call, Compilation of the Athlete Biological Passport Documentation Package and Joint Expert Report

C.4.1 If a unanimous opinion of “Likely doping” is rendered by all three (3) Experts, the Athlete Passport Management Unit shall promptly declare a “Unanimous likely doping” evaluation in the Athlete Passport Management Unit Report in ADAMS. The three (3) Experts shall constitute the Expert panel. The Athlete Passport Management Unit should promptly organize a conference call with the Expert panel to initiate the next steps for the case, including proceeding with the compilation of the Athlete Biological Passport Documentation Package (see *Technical Document* for Athlete Passport Management Units) and drafting of the joint Expert report. In preparation for this conference call, the Athlete Passport Management Unit should coordinate with the Passport Custodian to compile any potentially relevant information to share with the Experts (e.g., suspicious analytical findings, intelligence and relevant pathophysiological information).

C.4.2 Once completed, the Athlete Biological Passport Documentation Package shall be sent by the Athlete Passport Management Unit to the Expert panel, who will review it and provide a joint Expert report to be signed by all three (3) Experts. The conclusion within the joint Expert report shall be reached without interference from the Passport Custodian. If necessary, the Expert panel may request complementary information from the Athlete Passport Management Unit.

C.4.3 At this stage, the identity of the Athlete is not mentioned but it is accepted that specific information provided may allow to identify the Athlete. This shall not affect the validity of the process.

C.4.4 If after review of the Athlete Biological Passport Documentation Package, the Expert panel is no longer unanimous in their opinion of “Likely doping”, the Expert panel shall update their respective opinions in ADAMS and the Athlete Passport Management Unit shall update the Athlete Passport Management Unit Report accordingly.

C.5 Issuing an *Adverse Passport Finding*

C.5.1 If the Expert panel confirms their unanimous position of “Likely doping”, the Athlete Passport Management Unit shall promptly declare an *Adverse Passport Finding* in ADAMS that includes a written statement of the *Adverse Passport Finding*, the Athlete Biological Passport Documentation Package and the joint Expert report. The Athlete Passport Management Unit shall also share these documents with WADA through ADAMS or any other secure platform.

C.5.2 After reviewing the Athlete Biological Passport Documentation Package and joint Expert report, the Passport Custodian shall:

a) Notify the *Athlete* of the *Adverse Passport Finding* in accordance with Article 5.3.2;

[*Comment to Article C.5.2.a): As per Comment to Code Article 7.4.1, nothing prevents the Results Management Authority from imposing an optional Provisional Suspension before the completion of the review process of the Adverse Passport Finding.*]

b) Provide the *Athlete* the Athlete Biological Passport Documentation Package and the joint Expert report;

c) Invite the *Athlete* to provide their own explanation, in a timely manner, of the data provided to the Passport Custodian.

C.6 Review of Explanation from *Athlete* and Disciplinary Proceedings

C.6.1 Upon receipt of any explanation and supporting information from the *Athlete*, which should be received within the specified deadline, the Athlete Passport Management Unit shall promptly forward it to the Expert panel for review with any additional information that the Expert panel considers necessary to render its opinion in coordination with both the Passport Custodian and the Athlete Passport Management Unit. The Athlete Passport Management Unit shall promptly update their recommendation in ADAMS as “*Athlete’s* explanation provided to Expert panel”, At this stage, the *Athlete’s* identity is likely known, although it shall not affect the validity of the process. The Expert panel shall promptly reassess or reassert the case and reach one of the following conclusions:

a) Unanimous opinion of “Likely doping” by the Experts based on the information in the Passport and any explanation provided by the *Athlete*; or

b) Based on the available information, the Experts are unable to reach a unanimous opinion of “Likely doping” set forth above.

[*Comment to Article C.6.1: Such a reassessment shall also take place when the Athlete does not provide any explanation.*]

C.6.2 If the Expert panel expresses the opinion set forth in Article C.6.1(a), then the Athlete Passport Management Unit shall promptly update their recommendation in ADAMS as “APF confirmed” and inform the Passport Custodian, who shall charge the *Athlete* in accordance with Article 7 above and continue with *Results Management* in accordance with this *International Standard*.

[Comment to Article C.6.2: At this stage, the Results Management Authority shall provide, in its letter of charge, that the Athlete is subject to a mandatory Provisional Suspension in accordance with Article 6.2.1.1.]

- C.6.3** If the Expert panel expresses the opinion set forth in Article C.6.1(b), the Expert panel shall promptly update their respective opinions in ADAMS and the Athlete Passport Management Unit shall update the Athlete Passport Management Unit Report, accordingly, and recommend the Passport Custodian to pursue additional Testing and/or gather intelligence on the Athlete (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate. The Passport Custodian shall notify the Athlete and WADA of the outcome of the review. Without prejudice to any potential proceedings under Code Article 2.5, the Passport Custodian shall be entitled to reinstate Results Management if any explanations and/or evidence provided by the Athlete transpire to be untrue and/or forged.

[Comment to Article C.6.3: Where a matter is concluded as per Article C.6.3, any further review of the Athlete's Passport should be conducted by an Expert who was not amongst the first Expert panel.]

C.7 Passport Re-setting

- C.7.1** In the event the Athlete has been found to have committed an anti-doping rule violation based on the Passport, or has been acquitted in a final decision or the charge against the Athlete has been withdrawn, the Athlete's Passport shall be reset by the Passport Custodian at the start of the relevant period of Ineligibility and a new Biological Passport ID shall be assigned in ADAMS. This maintains the Athlete's anonymity for potential Athlete Passport Management Unit and Expert panel reviews conducted in the future.

[Comment to Article C.7.1: For the avoidance of doubt, the Passport data of an Athlete who has been acquitted by a final decision or who has had the charge against them withdrawn, shall not be reset (as no Period of Ineligibility was imposed) and continues to be part of the Athlete's Passport to which a new Biological Passport ID has been allocated in ADAMS.]

- C.7.2** When an Athlete is found to have committed an anti-doping rule violation on any basis other than the Athlete Biological Passport, the Passport will remain in effect, except in those cases where the Prohibited Substance or Prohibited Method may have altered Passport Markers (e.g., for an AAF reported for anabolic androgenic steroids, which may affect the Markers of the steroid profile, or for the Use of ERAs or blood transfusions, which would alter the hematological Markers). The Passport Custodian shall consult with their Athlete Passport Management Unit following an Adverse Analytical Finding to determine whether a Passport reset is warranted. In such instances, the Athlete's profile(s) would be reset from the time of the beginning of the sanction.