

## 2027 World Anti-Doping Code Review Process

### Concepts for Consideration and Feedback

To get things started, here is a quick summary and some initial 'food for thought' regarding the nine Concepts for Consideration and feedback. Share in our Basecamp Code Review your ideas!

#### *Concept #1 – Lack of Intent without Establishing Origin*

There is a concern with the lack of sanction consistency in this complex area. Unreasonable sanctions also undermine the credibility of the fight against doping. Athletes bear an extraordinary burden demonstrating lack of intent through scientific/analytical means. Proposal 1 seems to be less burdensome.

#### *Concept #2 – Results Management of Substances of Abuse*

There is an understandable concern with inconsistencies when managing this complex area. Proposal 1 may not lessen inconsistencies when subjective considerations related to the treatment program and the definition of 'duly completed' are introduced into the mix. Proposals 2, 3 and 4 will help to minimize the likelihood of such inconsistencies.

#### *Concept #3 – Results Management of Whereabouts Cases*

Rigour in Whereabouts requirements must be maintained in order to reinforce the value of testing. Since the 12-month window is in constant motion and violations come and go, they should all be of equal weight. Proposals 2, 3 and 4 all have merit and should be given due consideration.

#### *Concept #4 – Increase in Sanction Flexibility*

The ability to reduce a sanction is applicable to limited circumstances. The proposals to give Arbitrators more flexibility to reduce sanctions in a broader range of circumstances should be pursued. Guard rails (such as jurisprudence, precedent, and appeal) are in place to help establish and ensure consistency.

#### *Concept #5 – Results Management Agreements*

Since their inception, Results Management Agreements have proven to be effective. The proposal to broaden their applicability and extend their use to sanctions of less than four years by using a consistent percentage (i.e., 25%) should be pursued. The other proposals included in this concept will also improve the effectiveness of the Results Management process.

#### *Concept #6 – Substantial Assistance*

Substantial Assistance provisions in the Code to enable significant sanction reductions have not been pursued as often as expected during the Results Management process. The proposal to make the Substantial Assistance a two-step process with an initial sanction reduction followed by an enhanced reduction based on outcome may increase uptake. The other proposals

presented here warrant due consideration with a focus on enhancing the effort to eliminate doping in sport.

*Concept #7 – Use of Data*

Anti-Doping is intrusive. Athlete's privacy is privileged, and personal information should be collected and used with every caution in mind. The proposals here to further refine/limit what is collected and how it is used is welcome. The further proposal to protect privacy regarding certain anti-doping rule violations and associated sanctions is appropriate.

*Concept #8 – NADO Operational Independence*

The meaning of NADO Operational Independence requires further clarity. All stakeholders will benefit from a more uniform understanding and consistent measure of being 'independent from government and sport vis-à-vis their operational activities and decisions'. As a key element in ensuring that NADOs deliver effective anti-doping programs, this proposal should be pursued.

*Concept #9 – Uncorrectable Non-Conformities*

Concerns exist around Non-Conformities that are discovered after the fact and therefore no longer able to be rectified. Such Non-Conformities still serve to undermine public confidence in the World Anti-Doping Program but no tools exist to address them. The benefit of these Proposals to the anti-doping effort is apparent. However, challenges may be experienced proving intent (i.e., 'deliberate') and 'Failures which undermine public confidence' and in establishing consistent fines commensurate with the specific Uncorrectable Non-Conformity.