



NADO Operational Independence in the World Anti-Doping Code

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World Anti-Doping Code – National Anti-Doping Organizations

2015 Code

20.5.1 To be independent in their operational decisions and activities.

2021 Code

20.5.1 To be independent in their operational decisions and activities from sport and government, including without limitation by prohibiting any involvement in their operational decisions or activities by any Person who is at the same time involved in the management or operations of any International Federation, National Federation, Major Event Organization, National Olympic Committee, National Paralympic Committee, or government department with responsibility for sport or anti-doping.

2027 Code

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Relevant 2021 Code provisions:



Article 20.5.1

[NADOs shall] be independent in their operational decisions and activities from sport and government, including without limitation by prohibiting any involvement in their operational decisions or activities by any Person who is at the same time involved in the management or operations of any IF, National Federation (NF), MEO, National Olympic Committee (NOC), National Paralympic Committee (NPC), or government department with responsibility for sport or anti-doping.

Article 20.4.3

[NOCs and NPCs shall] respect the autonomy of the NADO in their country and not to interfere in its operational decisions and activities.

Article 20.4.6

To cooperate with their National Anti-Doping Organization and to work with their government to establish a National Anti-Doping Organization where one does not already exist, provided that, in the interim, the National Olympic Committee or its designee shall fulfill the responsibility of a National Anti-Doping Organization.

Article 22.7

Each government that does not have a National Anti-Doping Organization in its country should work with its National Olympic Committee to establish one.

Article 22.8

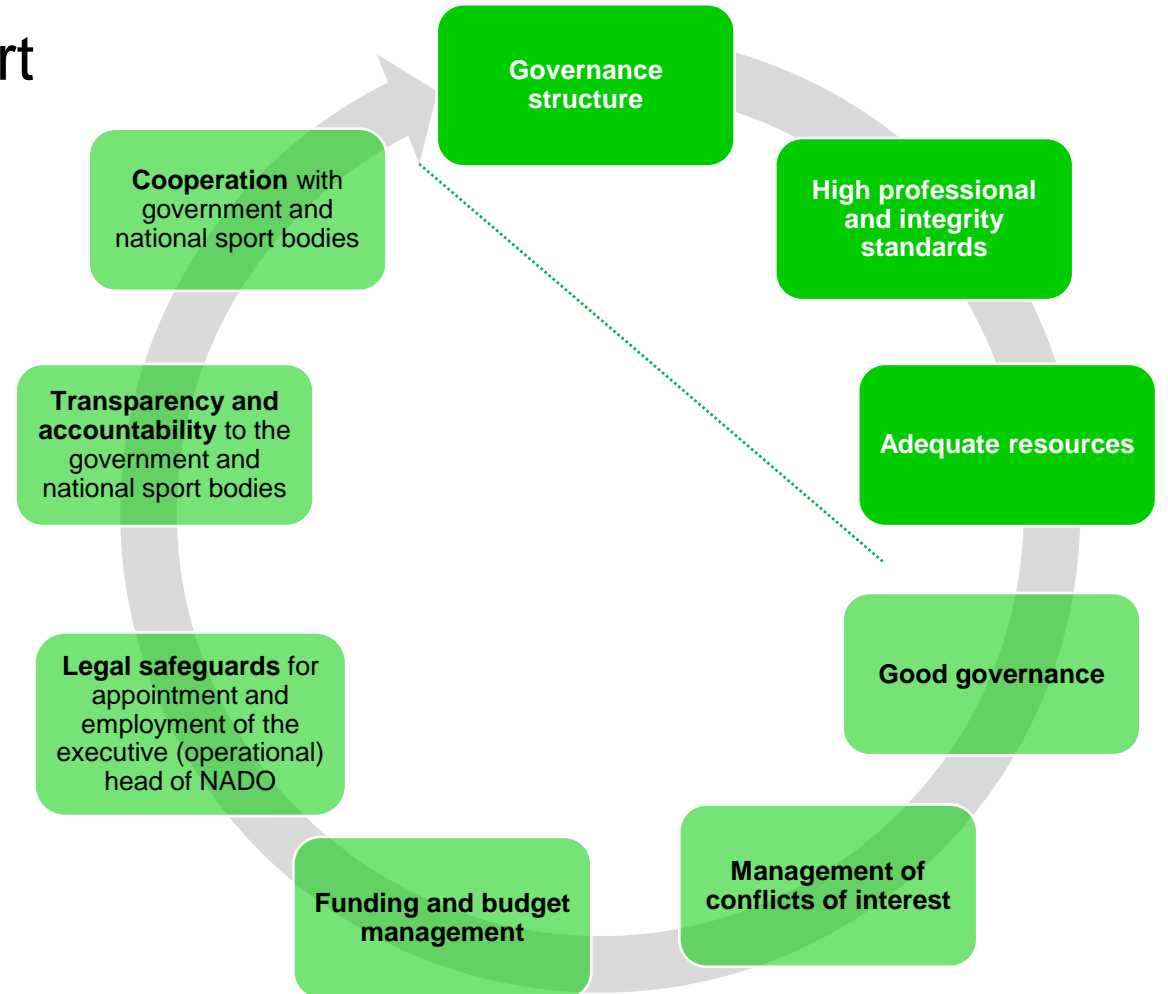
Each government should respect the autonomy of a NADO in its country or a Regional Anti-Doping Organization (RADO) to which its country belongs and any WADA-accredited or approved laboratory in its country and not interfere in their operational decisions and activities.

Article 23.3

Signatories shall devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the Code and the International Standards.

WADA Guide on Operational Independence of NADOs under the 2021 Code

- Developed to provide guidance and support
 - Not a mandatory document
- Interpretation of Article 20.5.1
 - Mandatory vs. Recommendations
- Included in compliance monitoring
 - Legal Framework (Rules / legislation)
 - Audits
 - Code Compliance Questionnaire



Compliance Monitoring of Requirements

Elements of NADO operational independence	Implementation areas	Classification by importance to the fight against doping in sport and potential corrective actions ⁸
Governance structure (Code Article 20.5.1) (Guide section 3)	Separation of executive (operational) and oversight functions if any government or sports representatives are involved in such oversight activities (e.g., by establishing an oversight body)	High Priority
	Clear roles and responsibilities of executive (operational) and oversight functions ensuring independent decision-making on operational activities	High Priority
High professional and integrity standards (Code Article 20.5.1) (Guide section 4)	Formalized conflict of interest policy	High Priority
Adequate resources (Code Article 23.3) (Guide section 5)	Clear and guaranteed assigned resources	Critical (A.3.a. ⁹ , A.3.b. ¹⁰ or A.3.d. ¹¹ of the ISCCS)

Observations to Date – Legal Framework (1)

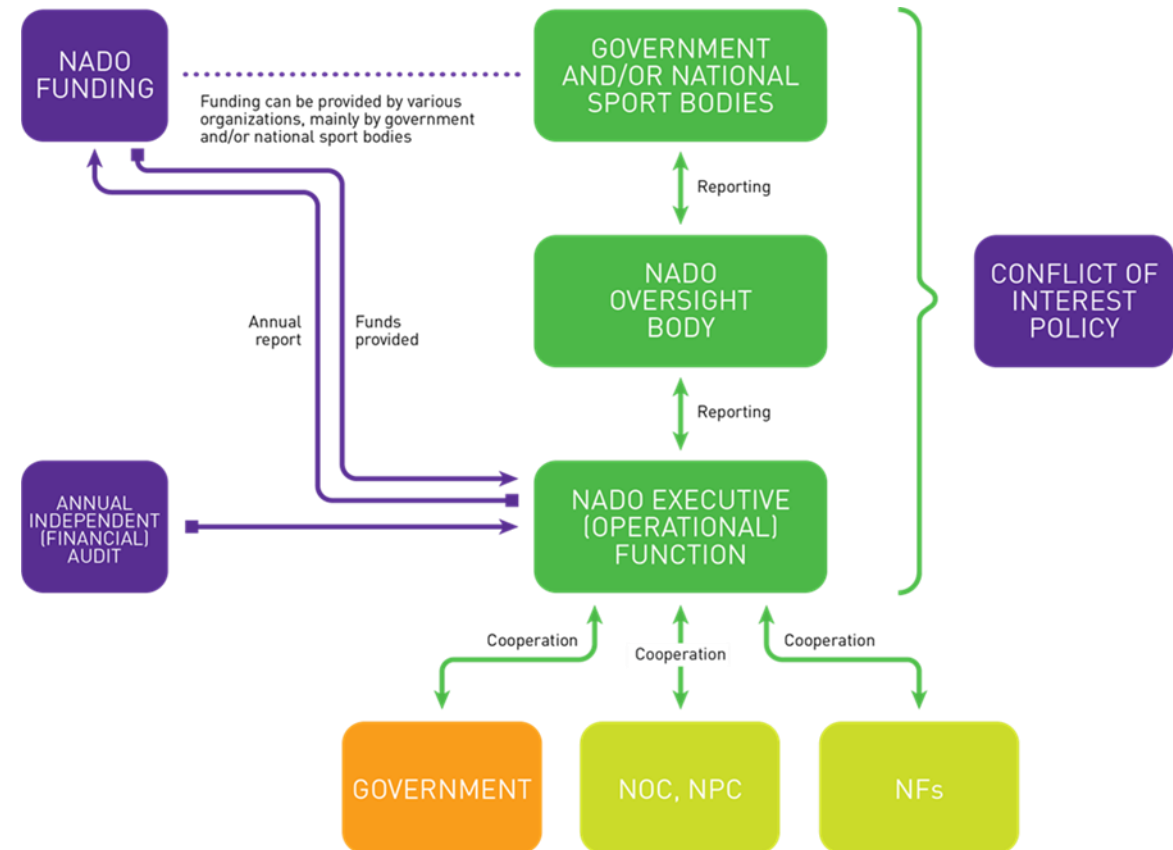
- Opportunity to ensure proper legal framework within legislation / rules / governance regulations
- Key areas:
 - Separation of oversight / executive (operational)
 - Funding / budget
 - Legal safeguards – conflicts, reporting, etc



Observations to Date – Legal Framework (2)

— How to find a balance?

- Independence vs Accountability
- Independence vs Cooperation
- Independence vs Engagement



Code Compliance Questionnaire (CCQ)

- T1 and T2
 - ~80 NADOs
- Specific section in CCQ – 12 questions
- Self-reporting

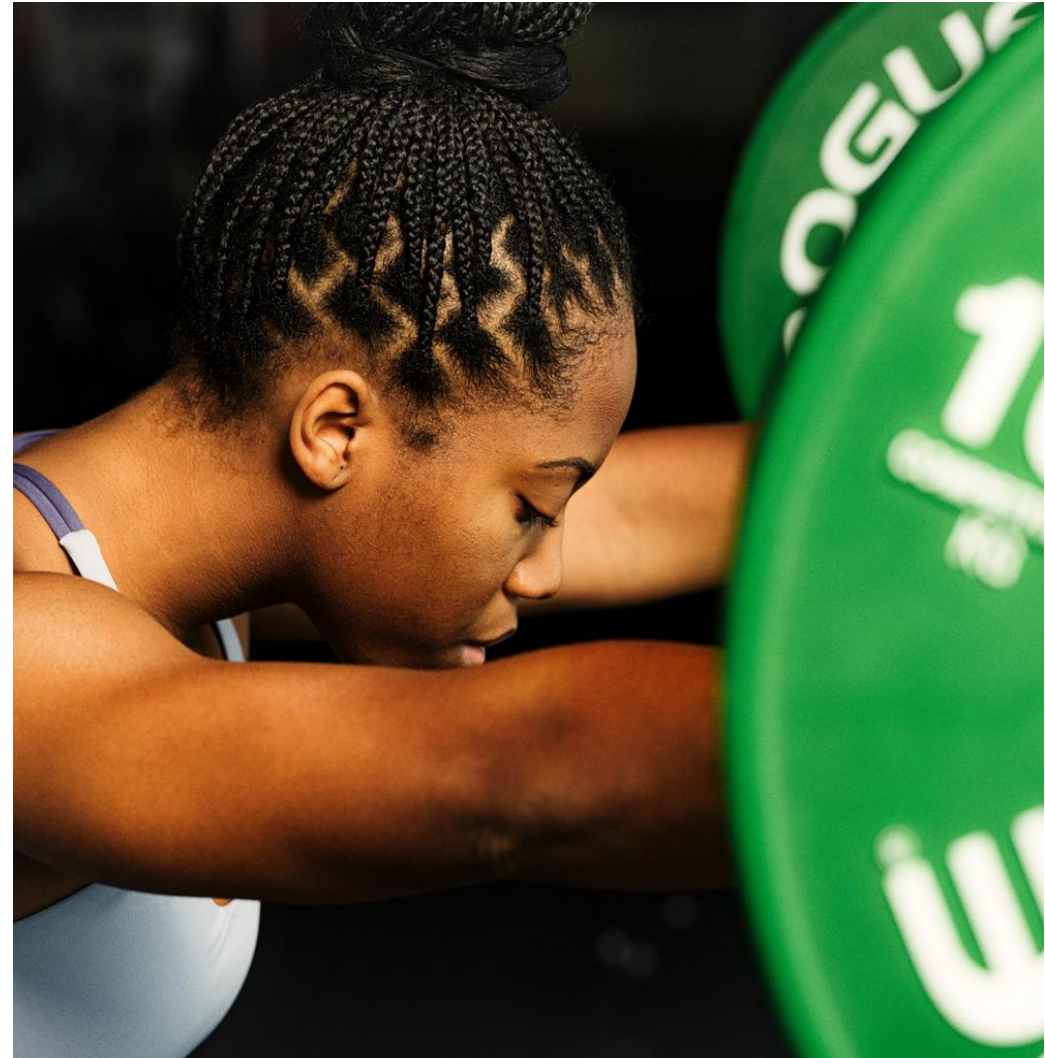


Observations to Date - Code Compliance Questionnaire

Subject	Occurrences
<ul style="list-style-type: none"> ⊖ Operational independence 	
<ul style="list-style-type: none"> ⊖ 1 - Low Complexity 	
<ul style="list-style-type: none"> confirm operational independence from government 	1
<ul style="list-style-type: none"> ⊖ 2 - Moderate complexity 	
<ul style="list-style-type: none"> ensure financial autonomy to allocate its assigned budget 	3
<ul style="list-style-type: none"> ensure that the members of its governing bodies sign conflict of interest declarations and confidentiality agreements 	23
<ul style="list-style-type: none"> establish legal safeguards to enhance the CEO / Director General's / Executive Director's independent decision-making 	27
<ul style="list-style-type: none"> remove or replace any government representatives involved in any of its operational activities 	4
<ul style="list-style-type: none"> remove or replace any sport representatives involved in any of its operational activities 	1
<ul style="list-style-type: none"> revise legislation to ensure independence 	1
<ul style="list-style-type: none"> ⊖ 3 - High complexity 	
<ul style="list-style-type: none"> be functionally separated from your Government and sports organizations 	5

After 2.5 years of monitoring.....

- Legal framework within Code to enforce requirements is currently limited from a compliance perspective
- Using process to strengthen / develop NADO governance and operational independence



Considerations Moving Forward



- Key topic for 2027 Code Update
 - Is there a need to further strengthen the requirements?

Or

- Only a need to be more descriptive of current requirements?

- Impact on all tiers – balance requirements with reality
 - No one size fits all

- Need to expand discussion to other Anti-Doping Organizations?

PLAY true