

# 2021 World Anti-Doping Code – Changes from November 2019 to June 2020

 Any references to numbers (for example, references to days or years) has been put in the following format: written number (#).
Example: ten (10) days; or, six (6) years.

## 2. Page 2:

A change was made to show that the World Anti-Doping Code has been amended <u>four</u> times.

The World Anti-Doping *Code* was first adopted in 2003 and took effect in 2004. It was subsequently amended three <u>four</u> times, the first time effective 1 January 2009, the second time effective 1 January 2015 <u>and</u> the third time effective 1 April 2018 (compliance amendments) <u>and the fourth time effective 1 June 2019 (reporting of certain endogenous substances as *Atypical Findings*). The revised 2021 World Anti-Doping *Code* is effective as of 1 January 2021.</u>

## 3. Introduction:

In paragraph three, the following has been removed to be consistent with the requirements in Article 20 as approved in Katowice: "...and volunteers of Signatories...."

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. Athletes, Athlete Support Personnel or other Persons (including board members, directors, officers, and specified employees—and volunteers of Signatories, and Delegated Third Parties and their employees) accept these rules as a condition of participation or involvement in sport and shall be bound by these rules. Each Signatory shall establish rules and procedures to ensure that all Athletes, Athlete Support Personnel or other Persons under the authority of the Signatory and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant Anti-Doping Organizations.



## 4. Article 5.3.1:

#### 5.3 Event Testing

Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-AmericanPanam Sports-Organization for the Pan American Games) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.<sup>36</sup>

## 5. Article 6.5:

In the title, removed "..or Hearing Process" because *Results Management* encompasses hearings.

6.5 Further Analysis of a Sample Prior to or During Results Management or Hearing Process

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time an *Anti-Doping Organization* notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification the *Anti-Doping Organization* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

## 6. Article 6.8:

Throughout the entire paragraph, added "or data" after *Sample* to be consistent with rest of the Article.

Anti-Doping Organization. Upon request by WADA, the laboratory or Anti-Doping Organization in possession of the Sample or data shall immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to the laboratory or Anti-Doping Organization before taking possession of a Sample or data, it shall provide such notice to the laboratory and to each Anti-Doping Organization whose Samples or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized Sample or data, WADA may direct another Anti-Doping Organization with authority to test the Athlete to assume Results Management responsibility for the Sample or data if a potential anti-doping rule violation is discovered.



## 7. Comment to Article 7 – Footnote 45:

Reference to Article 14.2.2. and 14.3.2 have been changed to Article 14 and Article 14.3.

[Comment to Article 7: Various Signatories have created their own approaches to Results Management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for Results Management. The Code does not supplant each of the Signatories' Results Management systems. This Article and the International Standard for Results Management do, however, specify basic principles in order to ensure the fundamental fairness of the Results Management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.214 and published as provided in Article 14.3.214.3.]

## 8. Article 7.1.3:

Removed "...and the conduct of hearings" and replaced it with "purposes" because Results Management encompasses hearings.

7.1.3 In circumstances where the rules of a National Anti-Doping Organization do not give the National Anti-Doping Organization authority over an Athlete or other Person who is not a national, resident, license holder, or member of a sport organization of that country, or the National Anti-Doping Organization declines to exercise such authority, Results Management shall be conducted by the applicable International Federation or by a third party with authority over the Athlete or other Person as directed by the rules of the International Federation. For Results Management and the conduct of hearingspurposes, for a test or a further analysis conducted by WADA on its own initiative, or an anti-doping rule violation discovered by WADA, WADA shall designate an Anti-Doping Organization with authority over the Athlete or other Person.46

## 9. Article 7.6:

Reference to Article 14.2 have been changed to Article 14.

7.6 Notification of *Results Management* Decisions

Athletes, other Persons, Signatories and WADA shall be notified of Results Management <u>Decisions decisions</u> as provided in Article <u>14.214</u> and the International Standard for Results Management.



#### 10. Article 8.4:

Reference to Article 14.2.1 have been changed to Article 14. Reference to Article 14.5.3 have been changed to Article 14.3.

## 8.4 Notice of Decisions

The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the *Anti-Doping Organization* with *Results Management* responsibility to the *Athlete* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2.114 and published in accordance with Article 14.5.314.3.

## 11. Comment to Article 8.5 - Footnote 54:

The text of Article 8.5 was changed before Katowice but the corresponding Comment was inadvertently left unchanged. The Comment has been modified to be consistent with the text.

"..that wants to" was replaced with "may".

"a party or as.... may condition its approval of a single hearing on being granted that right." Was removed.

<sup>54</sup> [Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization that wants tomay participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

#### 12. Article 10.2:

The word "elimination" was added to be consistent with the referenced Articles.

10.2 Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method

The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential <u>elimination</u>, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:



## 13. Article 10.2.1:

"..or a Specified Method" was added after Specified Substance to be consistent with the addition of Specified Method in Article 4.2.

- 10.2.1 The period of *Ineligibility*, subject to Article 10.2.4, shall be four (4) years where:
  - 10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.<sup>58</sup>
  - 10.2.1.2 The anti-doping rule violation involves a *Specified Substance* or a <u>Specified Method</u> and the *Anti-Doping Organization* can establish that the anti-doping rule violation was intentional.

## 14. Article 10.4:

"Complicity or *Attempted*" was added to include the full name of the referenced Article consistent with the other referenced Articles.

10.4 Aggravating Circumstances which may Increase the Period of Ineligibility

If the Anti-Doping Organization establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) or 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting) that Aggravating Circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased by an additional period of Ineligibility of up to two. (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that he or she did not knowingly commit the anti-doping rule violation. 64



## 15. Article 10.7.1.1:

The International Standard referenced in this article was changed from the ISTI to the ISL (International Standard for Laboratories).

10.7.1 Substantial Assistance in Discovering or Establishing Code Violations<sup>68</sup>

10.7.1.1

An Anti-Doping Organization with Results Management responsibility for an anti-doping rule violation may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organization discovering or bringing forward an anti-doping rule violation by another Person; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the Person providing Substantial Assistance is made available to the Anti-Doping Organization with Results Management responsibility; or (iii) which results in WADA initiating a proceeding against a Signatory, WADA-accredited laboratory or Athlete passport management unit (as the International Standard for Testing and Investigations Laboratories) for non-compliance with the Code, International Standard or Technical Document; or (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organization may only suspend a part of the otherwise applicable Consequences with the approval of WADA and the applicable International Federation.

#### 16. Article 10.7.1.3:

Reference to Article 14.2 was changed to Article 14.

10.7.1.3 If an Anti-Doping Organization suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.214.



## 17. Article 10.9.1.1:

- 10.9.1 Second or Third Anti-Doping Rule Violation
  - 10.9.1.1 For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:
    - (a) A six -month period of *Ineligibility*; or
    - (b) A period of *Ineligibility* in the range between:
    - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
    - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, with the.

<u>The</u> period of *Ineligibility* within this range <u>toshall</u> be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

#### 18. Article 10.9.3.4:

Added "...an Athlete or other..." to be consistent with language used in rest of Article 10.9.3.

10.9.3.4 If an Anti-Doping Organization establishes that an Athlete or other Person has committed a second or third anti-doping rule violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.



## 19. Comment to Article 13 – Footnote 82:

Replaced "federations" by "National Federations".

[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations National Federations, who might benefit from having another competitor Disqualified.]

#### 20. Article 13.2.3.2:

Replaced "national-level appeal" with "appellate" to be consistent with terminology in Article 15.1.

## 13.2.3.2 Appeals Involving Other Athletes or Other Persons

In cases under Article 13.2.2, the parties having the right to appeal to the national-level appealappellate body shall be as provided in the National Anti-Doping Organization's rules but, at a minimum, shall include the following parties: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the National Anti-Doping Organization of the Person's country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.

### 21. Article 13.5:

Reference to Article 14.2 was replaced with Article 14.

### 13.5 Notification of Appeal Decisions

Any Anti-Doping Organization that is a party to an appeal shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organizations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.214.



# 22. Article 14.1.3:

Added "... or other Person's" to be consistent with language used in rest of Article 14. Replaced the reference of ISTI to ISRM (International Standard for Results Management).

## 14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the *International Standard* for *Testing* and *Investigations Results Management*, or, for anti-doping rule

## 23. Comment to Article 14.6 - Footnote 93:

Changed "will" to "should" to be consistent with principle and language in Article 22 that the Signatories have certain expectations for actions by governments but governments are bound only by the relevant international intergovernmental treaties.

## 24. Article 15.1.2:

Removed "..by WADA".

15.1.2 Each Signatory is under the obligation to recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date the Signatory receives actual notice of the decision or the date the decision is placed by WADA into ADAMS.

### 25. Article 20.1.8:

20.1.8 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who has been Provisionally Suspended or is serving a period of

<sup>&</sup>lt;sup>93</sup> [Comment to Article 14.6: Note that Article 22.2 provides that "Each government will<u>should</u> put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organizations-and; sharing of data among Anti-Doping Organizations as provided in the Code." (...)



## 26. Article 20.2.8:

20.2.8 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who has been is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

#### 27. Article 20.3.5:

20.3.5 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who has been is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

#### 28. Article 20.4.9:

Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who has been *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

#### 29. Article 20.5.11:

20.5.11 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who has been is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.



# 30. Article 20.6.6

20.6.6 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who has been is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

## 31. Article 10.8.14:

programs) who has been Provisionally Suspended or is serving a period of Ineligibility under the Code or, if a Person was not subject to the Code, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person.

#### 32. Article 22.8:

Added WADA "-accredited or.."

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

#### 33. Article 22.9:

Added WADA-accredited "or approved"

22.9 Each government should not limit or restrict *WADA*'s access to any doping samples or anti-doping records or information held or controlled by any *Signatory*, member of a *Signatory* or *WADA*-accredited or approved laboratory.



#### 34. Article 24.1.12.1

Article 24.1.12.1 (e) has been removed from 24.1.12.1 and is now a stand-alone provision under 24.1.12 (i.e. Article 24.1.12.2). Therefore, the provisions after 24.1.12.2 have been re-numbered.

- 24.1.12.2 (e) the The Signatory's Representatives being ruled ineligible for a specified period to hold any office of or position as a member of the board or committees or other bodies of any other Signatory (or its members) or association of Signatories.
- <u>24.1.12.2</u> Special Monitoring of some or all of the Signatory's Anti-Doping Activities, until WADA considers that the Signatory is in a

## 35. Article 27.6:

"or methods" has been added after "substances".

"or Prohibited Method" has been added after "Prohibited Substance" to be consistent with the addition of *Specified Method* in Article 4.2.

## 27.6 Changes to the Prohibited List

Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to the *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.



# **Definitions**

# **Aggravating Circumstances:**

"or the hearing process" was removed because hearings are encompassed in *Results Management*.

Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management—or the hearing process. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

# **Anti-Doping Activities:**

"hearings" was removed because hearings are encompassed in Results Management.

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

## **Athlete Support Personnel:**

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



# **Doping Control:**

"hearings and appeals" was removed because hearings and appeals are encompassed in Results Management.

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

# **National Anti-Doping Organization:**

"of hearings" was removed because hearings are encompassed in Results Management.

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, the management of manage test results, and the conduct of hearings 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.

# No Significant Fault or Negligence:

No Significant Fault or Negligence: The Athlete or other Person's establishing that any Fault or negligence Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.

## Comment to Tampering:

"and hearing" was removed because hearings are encompassed in Results Management.

<sup>131 [</sup>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.]