



THE WORLD ANTI-DOPING *CODE*

E-Version 2.0

Annotated with Explanatory Comments

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INTRODUCTION TO THE *CODE*

PURPOSE, SCOPE AND ORGANIZATION OF THE WORLD ANTI-DOPING PROGRAM AND THE *CODE*

The purposes of the World Anti-Doping Program and the *Code* are:

- to protect the *Athletes'* fundamental right to participate in doping-free sport and thus ensure fairness and equality for *Athletes* worldwide and
- to ensure harmonized and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping

The World Anti-Doping Program

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in national and international anti-doping programs. The main elements are:

Level 1: The *Code*

Level 2: International Standards

Level 3: Models of Best Practice

The *Code*

The *Code* is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed upon anti-doping principles are implemented.

International Standards

International Standards for different technical and operational areas within the anti-doping program will be developed in consultation with the Signatories and governments and approved from time to time by *WADA*. The purpose of these standards is harmonization among *Anti-Doping Organizations* responsible for specific technical and operational parts of the anti-doping programs. The standards are mandatory for all *Signatories* to the *Code*.

[Comment: *International Standards will contain much of the technical detail necessary for*

implementing the Code. This would include, for example, the detailed requirements for Sample collection, laboratory analysis and laboratory accreditation currently found in the OMADC. International Standards, while expressly incorporated into the Code by reference, will, in consultation with the Signatories and governments, be developed by experts and set forth in separate technical documents. It is important that the technical experts be able to make timely changes to the International Standards without requiring any amendment of the Code or individual stakeholder rules and regulations.

All applicable International Standards will be in place by January 1, 2004.]

Models of Best Practice

Models of Best Practice based on the Code will be developed to provide state of the art solutions in different areas of anti-doping. The Models will be recommended by WADA but will not be mandatory. In addition to providing models of anti-doping documentation, WADA will also make some training assistance available to the Signatories.

[Comment: WADA will prepare model anti-doping rules and regulations tailored to the needs of each of the major groups of Signatories (e.g., the IOC, International Federations, National Anti-Doping Organizations, etc.). These model rules and regulations will conform with and be based on the Code, will be state of the art examples of best practices and will contain all of the detail (including reference to International Standards) necessary to conduct an effective anti-doping program.

These model rules and regulations will provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and regulations and other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules and regulations consistent with the general principles and specific requirements set forth in the Code.

Other model documents for specific parts of the anti-doping work may be developed based on generally recognized stakeholder needs and expectations. This could include models for national anti-doping programs, national legislation, Sample collection, results management, long term education programs, etc. These models will represent state of the art examples of best practice that stakeholders may elect to adopt and implement. All Models of Best Practice will be reviewed and approved by WADA before they are included in the World Anti-Doping Program.]

FUNDAMENTAL RATIONALE FOR THE WORLD ANTI-DOPING CODE

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Fair play and honesty
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Health
- Respect
- Courage
- Community and solidarity

Doping is fundamentally contrary to Olympism, health and the spirit of sport.

GENERAL DESCRIPTION OF DOPING

Doping is the involvement of prohibited drugs or methods in sport to enhance sport performance. Doping includes the *use*, or the presence in an *Athlete's* bodily specimen, of any *Prohibited Substance* or *prohibited method*. Substances and methods are prohibited because they have the potential to enhance sport performance and either pose a risk of harm to *Athletes* or are otherwise contrary to the spirit of sport. Substances that mask the use of other *Prohibited Substances* or methods are also prohibited. Violations of other anti-doping rules are also considered doping.

[Comment: The existing Olympic Movement Anti-Doping Code ("OMADC") definition of doping uses similar criteria and seeks to achieve the same end. The specific conduct which shall be the basis for determining anti-doping violations and sanctions in individual cases is set forth in Article 1.2.1. Because a comprehensive list of anti-doping rule violations has been provided in Article 1.2.1, it is no longer necessary to have an all encompassing "definition of doping" on which legal cases will be based. The purpose of the general description of doping provided in this Introduction is to give Athletes and the public a general understanding of what is meant by doping. This general description is not intended to have any legal significance.]

PART ONE

DOPING CONTROL

INTRODUCTION

Part One of the *Code* sets forth specific anti-doping rules and principles that are to be followed by organizations responsible for adopting, implementing or enforcing anti-doping rules within their jurisdiction - - e.g., governments, the International Olympic Committee, International Paralympic Committee, International Federations, *Major Event Organizations*, and *National Anti-Doping Organizations*. All of these organizations are collectively referred to as *Anti-Doping Organizations*.

Part One of the *Code* does not replace, or eliminate the need for, comprehensive anti-doping rules adopted by each of these *Anti-Doping Organizations*. While some provisions of Part One of the *Code* must be adopted verbatim by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of Part One establish guiding principles that allow flexibility in implementation by each *Anti-Doping Organization*. The following Articles must be adopted verbatim: All of Articles 1.1, 1.2, 1.3, 1.9 (except Articles 1.9.2.2 and 1.9.2.9), 1.10, 5 and Definitions.

[Comment: For example it is critical to harmonization that all Signatories base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same sanctions for the same anti-doping rule violations. These substantive rules must be the same whether a hearing takes place before an International Federation, at the national level or before CAS. On the other hand, it is not necessary for effective harmonization to force all Signatories to use one single results management and hearing process. At present, there are many different, yet equally effective processes for results management and hearing within different International Federations and different national bodies. The Code does not require absolute uniformity in results management and hearing procedures; it does, however, require that the diverse approaches of the Signatories satisfy principles stated in the Code which address fairness and effectiveness.]

ARTICLE 1 DOPING CONTROL

1.1 Acceptance by Participants. *Athletes, including Minors, and Athlete support Personnel* are bound by Article 1 by virtue of their membership, or accreditation, or participation in sport or sport organizations.

[Comment: This Article makes it clear that Athletes need not sign any document in order to be bound by the Code. Participation in activities to which the Code applies is sufficient. This does not prevent Signatories from obtaining direct confirmation of Athletes' and Athlete support Personnel's acknowledgment of this acceptance, and thereby further educating them concerning the Code.]

1.2 Anti-Doping Rule Violations

[Comment: The purpose of this Article is to specify the circumstances and conduct which constitute violations of anti-doping rules. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated. Most of the circumstances and conduct on this list of violations can be found in some form in the OMADC or other existing anti-doping rules.]

1.2.1 Rule Violations. The following constitute anti-doping rule violations:

1.2.1.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's* bodily specimen.

1.2.1.1.1 It is each *Athlete's* *Personal* duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* found to be present in their bodily specimens. Accordingly, it is not necessary that intent, fault or knowing use on the *Athlete's* part be demonstrated in order to establish an anti-doping violation under Article 1.2.1.1.

[Comment: The Code adopts the rule of strict liability which is found in the OMADC and the vast majority of existing anti-doping rules. Under the strict liability principle, an anti-doping rule violation occurs whenever a Prohibited Substance is found in an Athlete's bodily specimen. The violation occurs whether or not the Athlete intentionally or unintentionally used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-competition test, then the results of that competition are automatically invalidated (Article 1.9.1). However, the Athlete then has the possibility to reduce, or even avoid, sanctions if the positive test was the consequence of "exceptional circumstances" (Article 1.9.2.3.2).]

The strict liability rule for the finding of a Prohibited Substance in an Athlete's specimen, with a possibility that sanctions may be modified in exceptional circumstances, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the unique circumstance where a Prohibited Substance entered an Athlete's system through no intent, negligence or fault on the Athlete's part. It is important to emphasize that while the determination of whether the rule has been violated is based on strict liability, the imposition of sanctions is not based on strict liability.

The rationale for the strict liability rule was well stated by the Court of Arbitration for Sport in the case of Quigley v. UIT.

"It is true that a strict liability test is likely in some sense to be unfair in an individual case, such as that of Q., where the Athlete may have

taken medication as the result of mislabeling or faulty advice for which he or she is not responsible - particularly in the circumstances of sudden illness in a foreign country. But it is also in some sense "unfair" for an Athlete to get food poisoning on the eve of an important competition. Yet in neither case will the rules of the competition be altered to undo the unfairness. Just as the competition will not be postponed to await the Athlete's recovery, so the prohibition of banned substances will not be lifted in recognition of its accidental absorption. The vicissitudes of competition, like those of life generally, may create many types of unfairness, whether by accident or the negligence of unaccountable Persons, which the law cannot repair.

Furthermore, it appears to be a laudable policy objective not to repair an accidental unfairness to an individual by creating an intentional unfairness to the whole body of other competitors. This is what would happen if banned performance-enhancing substances were tolerated when absorbed inadvertently. Moreover, it is likely that even intentional abuse would in many cases escape sanction for lack of proof of guilty intent. And it is certain that a requirement of intent would invite costly litigation that may well cripple federations - particularly those run on modest budgets - in their fight against doping.

For these reasons, the Panel would as a matter of principle be prepared to apply a strict liability test. The Panel is aware that arguments have been raised that a strict liability standard is unreasonable, and indeed contrary to natural justice, because it does not permit the accused to establish moral innocence. It has even been argued that it is an excessive restraint of trade. The Panel is unconvinced by such objections and considers that in principle the high objectives and practical necessities of the fight against doping amply justify the application of a strict liability standard."

The strict liability rule, like competition rules, is a sport rule governing the conditions under which sport is played. The only automatic consequence of the rule is that the Athlete is disqualified from the competition which produced the positive test. That is not unlike other sporting Disqualifications and penalties where the competitor's conduct may not have been intentional. However, before a sanction is imposed on account of a positive test (for example, a two-year period of Ineligibility for steroids), the hearing panel may reduce or eliminate the stated sanction where the Athlete can clearly establish exceptional circumstances as described in Article 1.9.2.3.2.]

1.2.1.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the detected presence of any quantity of a *Prohibited Substance* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

1.2.1.1.3 When a detected *Prohibited Substance* can also be endogenously produced, the *Athlete* shall, subject to any quantitative reporting threshold or other

requirement set forth in the *Prohibited List* described in Article 1.4, have the burden of establishing that the presence of the substance in his or her *Specimen* was the result of a *Physiological or Pathological Condition*.

[Comment: There may be circumstances where the *Prohibited List* requires a particular type of investigation to be performed by the Anti-Doping Organization, e.g., the OMADC requirement that longitudinal testing be conducted (in the absence of GCIRMS analysis) when an Athlete's T/E ratio is > 6:1. Generally, it is up to the Athlete to demonstrate that he or she has a unique *Physiological or Pathological Condition*.]

1.2.1.2 Use or Attempted use of a *Prohibited Substance* or a *Prohibited Method*.

1.2.1.2.1 The success or failure of the use of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was used or Attempted to be used for an anti-doping rule violation to be committed.

[Comment: The prohibition against "use" has been expanded from the text in the OMADC to include *Prohibited Substances* as well as *Prohibited Methods*. With this inclusion there is no need to specifically delineate "admission of use" as a separate anti-doping rule violation. "Use" can be proved, for example, through admissions, third party testimony or other evidence.

Demonstrating the "Attempted use" of a *Prohibited Substance* may require proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the strict liability principle established for violations of Article 1.2.1.1.]

1.2.1.3 Failing or refusing to submit to *Sample* collection after notification as authorized in applicable anti-doping rules or otherwise evading *Sample* collection.

[Comment: Failure or refusal to submit to *Sample* collection after notification is prohibited in almost all existing anti-doping rules. This Article expands the typical rule to include "otherwise evading *Sample* collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control official who was Attempting to conduct a test.]

1.2.1.4 Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition* testing including missed tests and failure to provide required whereabouts information.

[Comment: Unannounced *Out-of-Competition* testing is at the core of effective Doping Control. Without accurate Athlete location information such testing is inefficient and

sometimes impossible. This Article, which is not typically found in most existing anti-doping rules, requires Athletes to be responsible for providing and updating information on their whereabouts so that they can be located for No Advance Notice Out-of-Competition testing.]

- 1.2.1.5** *Tampering, or Attempting to tamper, with any part of the process of Sample collection or Sample analysis.*

[Comment: This Article prohibits conduct which subverts the Doping Control process but which would not be included in the typical definition of Prohibited Methods. For example, altering identification numbers on a Doping Control form during testing or breaking the B Bottle at the time of B Sample analysis.]

- 1.2.1.6** Possession of *Prohibited Substances*:

1.2.1.6.1 Possession by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition* testing unless the possession is pursuant to a therapeutic use exemption granted in accordance with Article 1.4.2.3.

1.2.1.6.2 Possession of such substance by *Athlete support Personnel* in connection with an *Athlete*, competition or training, unless that *Person* can establish that the possession is pursuant to a therapeutic use exemption granted in accordance with Article 1.4.2.3 or other acceptable justification for such possession.

- 1.2.1.7** *Trafficking in any Prohibited Substance.*

1.2.1.8 Administration or *Attempted* administration of a *Prohibited Substance* or *Prohibited Method* to any *Athlete*, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any *Attempted* violation.

1.3 Proof of Doping

1.3.1 **Burden of Proof.** The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation which is made. The standard of proof to be applied to establish whether the *Anti-Doping Organization* has met this burden is greater than a mere balance of probabilities but less than proof beyond a reasonable doubt. The burden of establishing exceptional

circumstances or other mitigating facts shall be on the *Person* alleged to have committed the anti-doping rule violation to establish to the degree of proof specifically set forth in the applicable Article.

[Comment: This burden of proof is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and tribunals in doping cases.]

1.3.2 Methods of Establishing Facts and Presumptions. Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

1.3.2.1 WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the standards established by WADA and other prevailing and acceptable standards of scientific practice. The approved laboratory shall have no onus in the first instance to show that it conducted the procedures other than in accordance with its customary practices. The *Athlete* may rebut this presumption by showing by convincing evidence that a departure from the established standards or other irregularity occurred in the laboratory *Sample* analysis or custodial procedures.

If the *Athlete* has rebutted the presumption by showing that a departure from the established standards or other irregularity occurred in the laboratory *Sample* analysis or custodial procedures, then the *Anti-Doping Organization* shall have the burden to establish that such irregularity or departure cannot reasonably be considered to have affected the positive test result.

[Comment: This presumption is similar to a presumption found in the OMADC. The Anti-Doping Organization need not present lengthy evidence in its opening case establishing that every element of the standards has been followed. If, however, the Athlete demonstrates in his or her response that there are irregularities in the Sample analysis then the Anti-Doping Organization shall have the burden to demonstrate that these irregularities could not have effected the positive test result.]

1.3.2.2 Minor irregularities, which cannot reasonably be considered to have affected the results of otherwise valid tests, shall have no effect on such results. If the *Athlete* establishes by convincing evidence that irregularities or departures from established standards occurred during the *Doping Control* process, then the *Anti-Doping Organization* shall have the burden to establish that such

irregularity or departure cannot reasonably be considered to have affected the positive test result or the factual basis for the anti-doping rule violation.

[Comment: This general presumption is carried over from the OMADC, however, minor irregularities in chain of custody are no longer excluded from the benefit of the presumption. The consequence of this presumption is that doping cases will not be dismissed on account of technicalities that cannot reasonably be considered to have affected the factual basis of the case. For example, it should not be fatal to an Anti-Doping Organization's case that it failed to follow its written Sample collection procedures unless that failure creates a significant doubt that the tested Sample did not belong to the Athlete in question or that it was contaminated or its integrity was otherwise compromised.]

1.4 The Prohibited List

The Signatories agree that *Prohibited Substances, Prohibited Methods, Health and Safety Substances* and other substances to be detected in *Doping Control* shall be identified as provided below:

1.4.1 Publication and Revision of the Prohibited List. WADA shall, no less often than annually, publish the *Prohibited List* as an International Standard. The *Prohibited List* shall include a *Doping Control Category* and a *Health and Safety Category*. Revisions to the *Prohibited List* shall be circulated for comment before publication to all *Signatories*. The content of the *Prohibited List* and all revisions shall be provided in writing promptly to each *Signatory* for comment and consultation and shall, unless specified otherwise, automatically go into effect as the *Prohibited List* of each anti-doping organization accepting the Code three months after publication of the *Prohibited List* on WADA's website without requiring any further action by *anti-doping organizations* accepting the Code.

[Comment: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new list will be published every year whether or not changes have been made. The virtue of the IOC practice of publishing a new list every January is that it avoids confusion over which list is the most current. To address this issue, WADA will always have the most current Prohibited List published on its website.

Because the Code will not be accepted by Signatories to go into effect until January 1, 2004, the January 1, 2003 List of Prohibited Substances and Prohibited Methods will be recommended by WADA and approved by the IOC as provided in the OMADC. The OMADC will continue to be applicable until the Code is accepted by the International Olympic Committee.]

1.4.2 Doping Control Category of Prohibited Substances and Prohibited Methods Identified on the Prohibited List. The *Doping Control Category* of the *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are

prohibited as doping at all times (both *In-competition* and *Out-of-Competition*) and those substances and methods which are prohibited *In-competition* only. Upon the recommendation of an International Federation, the *Doping Control Category* of the *Prohibited List* may be expanded by WADA for particular sports (e.g., the inclusion of beta-blockers). *Prohibited Substances* and *Prohibited Methods* may be included in the *Doping Control Category* of the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.

[Comment: There will be one *Prohibited List* with two categories: the "*Doping Control Category*" described in the Article and the "*Health and Safety Category*" described in Article 1.4.3. In the *Doping Control Category*, the substances which are prohibited at all times would include masking agents and those substances which, when used in training, may have long term performance enhancing effects such as anabolics. All substances and methods on the *Prohibited List* are prohibited *In-competition*. This distinction between what is tested for *In-competition* and what is tested for *Out-of-Competition* is carried over from the OMADC.

There will be only one document called the "*Prohibited List*." WADA may add additional substances or methods to the *Prohibited List* for particular sports (e.g. the inclusion of beta-blockers for shooting) but this will all be reflected on the single *Prohibited List*. Having all *Prohibited Substances* in the *Doping Control Category* on a single list will avoid some of the current confusion related to identifying which substances are prohibited in which sports. Individual sports are not permitted to seek exemption from the basic list of *Prohibited Substances* (e.g. eliminating anabolics from the *Prohibited List* for "mind sports"). The premise of this decision is that there are certain basic doping agents which anyone who chooses to call himself or herself a sportsPerson should not take.]

1.4.2.1 Criteria for Including Substances and Methods in the *Doping Control Category* of the *Prohibited List*.

WADA shall consider the following criteria in deciding whether to include a substance or method in the *Doping Control Category* of the *Prohibited List*:

1.4.2.1.1 Reasonable opinion, based on scientific evidence, pharmacological effect, or experience that the substance or method has the potential to enhance sport performance and either:

1.4.2.1.1.1 Reasonable opinion, based on therapeutic use evidence, that the *use* of the substance or method poses a potential health risk to the *Athlete*; or

1.4.2.1.1.2 Determination that the *use* of the substance or method violates the spirit of sport described in the Introduction to the *Code*.

[Comment: A substance will go on the Doping Control Category of the Prohibited List if it meets the following criteria, (a) it is a masking agent or (b) it has the potential to enhance sport performance and (1) poses a potential health risk or (2) is contrary to the spirit of sport. None of the three criteria in subsection b above alone is a sufficient basis for adding a substance to the Doping Control Category of the Prohibited List. Using the potential to enhance performance as the sole criteria would include, for example, physical and mental training, red meat, carbohydrate loading and training at altitude. Risk of harm would include smoking. Contrary to the spirit of sport would include competing under the influence of hallucinogens. Requiring all three criteria would also be unsatisfactory. For example the use of genetic transfer technology to dramatically enhance sport performance should be prohibited as contrary to the spirit of sport even if it can not be demonstrated to be harmful.]

1.4.2.1.2 A reasonable opinion, based on scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the use of other *Prohibited Substances and Prohibited Methods*.

1.4.2.2 WADA's determination of the *Prohibited Substances and Prohibited Methods* that will be included in the *Doping Control Category* of the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person* on the basis that the substance or method was not a masking agent or did not have the potential to enhance performance, pose a risk of harm, or violate the spirit of sport.

[Comment: The question of whether a substance meets the criteria in Article 1.4.2.1 in a particular case cannot be raised. For example, it cannot be argued that the *Prohibited Substance* detected would not have been performance enhancing in that particular sport. Rather, doping occurs when a substance in the *Doping Control Category* of the *Prohibited List* is found in an *Athlete's* bodily specimen. The same principle is found in the *OMADC*.]

1.4.2.3 **Therapeutic Use.** WADA shall adopt standards for the process of granting Therapeutic Use exemptions.

Each International Federation shall ensure that a process is in place whereby *Athletes* with documented medical conditions requiring the use of a *Prohibited Substance* or a *Prohibited Method* may request a therapeutic use exemption. Such requests will be evaluated in accordance with the standards adopted by WADA.

[Comment: It is important that the processes for granting therapeutic use exemptions become more harmonized. *Athletes* who use medically prescribed *Prohibited Substances* may be subject to sanctioning unless they have previously obtained a therapeutic use exemption. However, many sporting bodies have no rules permitting therapeutic use exemptions; others follow unwritten policies; and only a few have written policies incorporated into their anti-doping rules. This Article seeks to harmonize the basis upon which therapeutic use exemptions will be granted and gives responsibility for granting or denying exemptions to the International Federations. Examples of commonly prescribed

Prohibited Substances which might justify special therapeutic use exemption standards would include medications prescribed for asthma and Attention Deficit Disorder. When a therapeutic use exemption has been denied or granted in contravention of the WADA standards, that decision may be appealed as provided in Article 1.10.]

1.4.3 Category of Substances Which May Violate Health and Safety Rules. WADA shall establish a separate *Health and Safety Category* on the *Prohibited List* of those *Health and Safety Substances* that may violate the health and safety rules of the *Signatories*. In addition, upon recommendation of an International Federation, the *Health and Safety Category* may be expanded by WADA for particular sports. Laboratories and others authorized by WADA to conduct analysis of samples collected in *In-competition* testing shall identify *Health and Safety Substances* in the *Health and Safety Category* and shall report such substances to the relevant national and international Anti-Doping Organizations including the organization initiating the test. The detected presence of a *health and safety substance* shall not constitute doping, but may subject the *Athlete* to counseling or discipline in accordance with the rules of relevant national or international Anti-Doping Organizations.

[Comment: This second category of the Prohibited List addresses substances which are not performance enhancing, and are therefore not included in the Doping Control Category, but which should be included in the testing menu for health, safety or conduct reasons. Organizations that have health, safety or conduct rules should not have to conduct separate Sample collection and analysis for these non-doping substances. WADA will add substances to the Health and Safety Category after consultation with governments and the Signatories. There will be only one list but it may include special additions for certain sports. (For example, alcohol which poses a particular safety risk in motorcycle racing.)

Positive tests for substances in the Health and Safety Category are not anti-doping rule violations. The consequences of such positive tests would be addressed by the relevant sport organizations under their individual Codes of Conduct. These Codes of Conduct might provide for sanctions that are different than the sanctions specified for violations of anti-doping rules. For example, they might include rehabilitation programs which are more tailored to substances of abuse than the automatic Disqualification of results and lengthy periods of Ineligibility applicable in doping cases.]

1.4.4 Monitoring. WADA may also test for other substances which are not on the *Prohibited List*, but which WADA wishes to monitor in order to detect patterns of abuse in sport. The detected presence of these other substances shall be reported by the laboratories to WADA on an aggregate statistical basis by sport without identifying specific *Sample* numbers. WADA shall implement measures to ensure that strict anonymity is maintained with respect to such reports.

1.5 Testing

1.5.1 Test Distribution Planning. *Anti-Doping Organizations* conducting testing shall:

- 1.5.1.1 Plan and implement an effective number of tests based on an assessment of the relative risk of doping in each sport and discipline.
- 1.5.1.2 Establish a pool of *Athletes* for *Doping Control* based on stated criteria and priority for testing given to those *Athletes* assessed as being at a higher risk of doping.

Make *No Advance Notice* testing a priority and conduct *Target Testing*.

[*Comment: Random testing, or even weighted random testing, does not ensure that all of the appropriate Athletes will be tested. (For example: world class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purpose other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing.*]

1.5.2 Notification, Collection of Samples and Transport. *Anti-Doping Organizations* conducting testing shall maintain the integrity, identity and security and validity of *samples* from notifying the *Athlete* to transporting *samples* to the laboratory.

1.5.3 Standards. *Anti-Doping Organizations* conducting testing shall utilize procedures for test distribution planning, notification of *Athletes*, collection of *samples* and transport which comply with standards approved by *WADA*.

[*Comment: The standards for notification of Athletes and collection of samples are International Standards. These standards will give detailed direction on how notification and Sample collection should be conducted. Compliance with the Code requires compliance with these standards.*]

1.5.4 Ownership of Samples/Research. All *Doping Control specimens* shall immediately become the property of the *Anti-Doping Organization* initiating the test. However, no *Specimen* may be used for any purpose other than the detection of substances on the *Prohibited List*, or as otherwise identified by *WADA* pursuant to Article 1.4.4, without the *Athlete's* written consent.

1.6 Analysis Of Samples

Doping Control specimens shall be analyzed only in WADA-accredited laboratories or as otherwise approved by WADA in accordance with the following principles:

[Comment: The phrase "or as otherwise approved by WADA" is intended to cover, for example, mobile blood testing procedures which WADA has reviewed and considers to be reliable.]

1.6.1 Substances Subject to Detection. *Doping Control samples* shall be analyzed to detect substances and methods identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to Article 1.4.4.

1.6.2 Standards for Sample Analysis and Reporting. Laboratories shall analyze *Doping Control samples* and report results in conformity with laboratory analysis and reporting standards established by WADA.

[Comment: The standards for Sample analysis are International Standards on Level 2 of the World Anti-Doping Program. These standards will give detailed direction on how Sample analysis should be conducted.]

1.7 Results Management

[Comment: Various of the Signatories have created their own approaches to results management for Adverse Analytical Findings. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for results management. The Code does not supplant each of the Signatories' results management systems. This Article does, however, specify basic principles in order to ensure the fundamental fairness of the results management process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles.]

1.7.1 Procedures Regarding Adverse Analytical Findings. Upon receipt of an A Sample Adverse Analytical Finding, the Anti-Doping Organization shall promptly notify the Athlete, in the manner set out in its rules, of: (a) the Adverse Analytical Finding; (b) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis will be deemed waived; and (c) the right of the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis.

1.7.2 Consideration Prior to the *Anti-Doping Organization's* Decision to Assert that an Anti-Doping Rule has been Violated. Before an *Anti-Doping Organization* asserts that an anti-doping rule has been violated, the following principles will be respected:

1.7.2.1 Notification. The *Anti-Doping Organization* shall give the *Athlete* or other *Person* subject to sanction notice, in the manner set out in its rules, of the anti-doping rule which appears to have been violated, and the basis of the violation.

1.7.2.1.1 After an *Adverse Analytical Finding* on the B sample, or if the B Sample analysis has been waived, the *Athlete* shall also be given, upon request, a copy of the laboratory documentation package which includes information as required by standards approved by WADA.

1.7.2.2 Opportunity to Present a Statement. After notification, as provided in Article 1.7.2.1, the *Athlete* or other *Person* subject to sanction shall have the opportunity to present promptly a statement to the *Anti-Doping Organization* or other reviewing body which may be established by the *Anti-Doping Organization*.

1.7.2.3 Review. The *Anti-Doping Organization* or other reviewing body established by such organization shall:

- (a) inquire whether an applicable therapeutic use exemption has been granted pursuant to Article 1.4.2.3;
- (b) consider whether there is any irregularity in the testing process or laboratory analysis which casts substantial doubt on the *Adverse Analytical Finding*;
- (c) consider any explanation provided by the *Athlete* or other *Person* subject to sanction; and
- (d) conduct any follow up investigation which may be required under applicable anti-doping policies and rules adopted pursuant to the *Code* or which the *Anti-Doping Organization* otherwise considers appropriate.

[Comment: The process described in Article 1.7 involves an administrative review by the *Anti-Doping Organization*. It is not a hearing. The *Athlete's* opportunity for a hearing is described in Article 1.8.]

1.7.3 Principles Applicable to *Provisional Suspensions*. A *Signatory* may adopt rules, applicable to any event for which the *Signatory* is the ruling body or for any team selection process for which the *Signatory* is responsible, permitting *Provisional*

Suspensions to be imposed after the review described in Article 1.7.2 but prior to any hearing as described in Article 1.8.

[*Comment: This Article continues to permit the possibility of a Provisional Suspension pending hearing. Provisional Suspensions are currently authorized in the OMADC and by the rules of many International Federations. However, before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed.*]

1.7.3.1 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, then the *Athlete* shall not be subject to any further disciplinary action and, subject to Article 1.7.3.2, any sanction previously imposed shall be rescinded.

[*Comment: This provision is taken from the OMADC.*]

1.7.3.2 In circumstances where the *Athlete* or the *Athlete's* team has been removed from a competition and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if, without otherwise affecting the competition, it is still possible for the *Athlete* to be reinserted, the *Athlete* may continue to take part in the competition. (For example, if an *Athlete* is entered in more than one event and the second has not commenced, it may be possible to enter the second event. Similarly, depending upon the relevant rules of the International Federation in a team sport, if the team is still in competition, the *Athlete* may be able to take part in future games.)

[*Comment: This provision is taken from the OMADC.*]

1.8 Right to a Fair Hearing

[*Comment: Following the administrative review described in Article 1.7, the Person asserted to have violated an anti-doping rule shall be entitled to a hearing. This Article contains basic principles relative to ensuring a fair hearing for Persons asserted to have violated anti-doping rules. This Article is not intended to supplant each Signatory's own rules for hearings but rather to ensure that each Signatory provides a hearing process consistent with these principles.*]

1.8.1 Principles for a Fair Hearing. Each *Signatory* shall provide a hearing process for any *Person* who is asserted to have committed an anti-doping rule violation that respects the following principles:

- a timely hearing;

- fair and impartial hearing body;
- the right to be represented by counsel at the *Person's* own expense;
- the right to be fairly informed of the asserted anti-doping rule violation;
- the right to respond to the asserted anti-doping rule violation;
- the right of each party to call, examine, and cross-examine witnesses (subject to the hearing body's discretion to accept testimony by written submission);
- the *Person's* right to an interpreter at the hearing, where necessary, at no cost to the *Person*; and
- a timely, written, reasoned decision.

[Comment: This Article sets forth the requirements for those internal doping hearings which are conducted by stakeholders. The right to appeal to CAS, set forth in Article 1.10, provides the opportunity for a full new hearing before an independent body.]

1.9 Consequences of Anti-Doping Rules Violations

- 1.9.1 Automatic Disqualification of Results in a Competition During which an Anti-Doping Rule Violation Occurs.** An anti-doping rule violation in connection with an *In-competition* test automatically leads to *Disqualification* of the individual result obtained in that competition with all resulting consequences, including forfeiture of any medals, points and prizes. (For purposes of this Article and Article 1.9.2.1, a competition would include a single race, match, game or similar singular athletic contest.)

[Comment: This principle is currently found in the OMADC and was most notably applied in the case of the Romanian gymnast (Raducan) in Sydney. For team sports, see 1.9.2.2. When an Athlete wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Athletes in that competition regardless of whether the gold medalist was at fault in any way.]

1.9.2 Sanctions.

- 1.9.2.1 Disqualification of Results in Event During which an Anti-Doping Rule Violation Occurs.** Except with respect to circumstances described in Articles 1.9.2.3.1

and 1.9.2.3.2 and violations of Article 1.2.1.4, an anti-doping rule violation occurring during or in connection with an event may, upon the decision of the ruling body of the event, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that event with all consequences, including forfeiture of all medals, points and prizes. (For purposes of this Article, the term event means a series of individual competitions conducted as part of a larger event, for example, the Olympic Games.)

[Comment: Whereas Article 1.9.1 disqualifies the result in a single competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article disqualifies all results in all races during the event (e.g., the FINA World Championships).

Article 1.9.2.1 addresses an issue which arose during the Salt Lake Olympic Winter Games by very clearly providing that when an Athlete tests positive after one race in a multi-race event, such as the Olympic Games, or a world championships, all of the results achieved by the Athlete during that event are [may be] invalidated. (Exceptions are made for the inadvertent use of certain specified stimulants as in the Romanian gymnast case (Raducan) in Sydney and for "exceptional circumstances"). The question of whether the OMADC currently provides for this remedy is pending before CAS.]

1.9.2.2 Disqualification of Teams. For purposes of Articles 1.9.1 and 1.9.2.1, the consequence to the competitive results obtained by a team when any of the team members has been found to have committed an anti-doping rule violation shall be as provided in the rules of the applicable International Federation.

[Comment: This provision is taken from the OMADC.]

1.9.2.3 Imposition of Ineligibility for Prohibited Substances and Prohibited Methods. Except as provided in Articles 1.9.2.3.1 and 1.9.2.3.2, the period of *Ineligibility* imposed for a violation of Articles 1.2.1.1 or 1.2.1.2 shall be:

First violation: Two (2) years' *Ineligibility*.

Second violation: Lifetime *Ineligibility*.

[Comment: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Arguments against requiring harmonization of sanctions are based on differences between sports including for example the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g. artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g. equestrian and shooting); in individual sports (e.g. athletics) the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of harmonization is that it is simply not right that

two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting bodies to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.

The consensus of the World Conference on Doping in Sport held in Lausanne in February 1999 supported a two year period of Disqualification for a first serious anti-doping rule violation followed with a lifetime ban for a second violation. This consensus was reflected in the OMADC.

These Disqualification periods are not unduly harsh when compared to the discipline that is applied to other types of professional misconduct. A lawyer who misuses his client's funds, a psychiatrist who has sex with a patient, and an airline pilot who arrives drunk for a flight will, in most countries, be permanently banned from their professions. An Athlete who dopes commits a comparable breach of trust in his profession or avocation.]

1.9.2.3.1 For purposes of imposing sanctions under this Article 1.9.2.3 and Articles 1.9.2.3.1 and 1.9.2.4, a second anti-doping rule violation may be considered for purposes of imposing sanctions only if the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice, or the *Anti-Doping Organization* made a reasonable *Attempt* to give notice, of the first anti-doping rule violation.

1.9.2.3.2 Specified Stimulants. The *Prohibited List* may identify specified stimulants which are particularly susceptible to unintentional anti-doping rules violations because of their general availability in medicinal products and which are less likely to be successfully abused as doping agents. Where an *Athlete* can clearly establish that the use of such a specified stimulant was for therapeutic purposes and was not intended to enhance sport performance, the period of *Ineligibility* shall be:

First violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future events, and at a maximum, six (6) months' *Ineligibility*.

Second violation: Two (2) years' *Ineligibility*.

Third violation: Lifetime *Ineligibility*.

[Comment: This principle is carried over from the OMADC and allows some flexibility in disciplining Athletes who test positive as a result of the inadvertent use of therapeutic stimulants.]

1.9.2.3.1.1 Where an *Athlete*, based on a single test, is found to have committed an anti-doping rule violation involving both a specified stimulant under Article 1.9.2.3.1 and another *Prohibited Substance* or *method*, the *Athlete* shall be considered to have committed a single anti-doping rule violation, but the sanction imposed shall be based on the *Prohibited Substance* or *method* that carries the most severe sanction.

1.9.2.3.1.2 Where an *Athlete* is found to have committed two separate anti-doping rule violations, one involving a specified stimulant governed by the sanctions set forth in Article 1.9.2.3.1 (Specified Stimulants) and the other involving a *Prohibited Substance* or *method* governed by the sanctions set forth in Article 1.9.2.3 or a violation governed by the sanctions in Article 1.9.2.4, the period of *Ineligibility* imposed for the second offense shall be at a minimum two years' *Ineligibility* and at a maximum two years and six months' *Ineligibility*. Any *Athlete* found to have committed a third anti-doping rule violation involving any combination of specified stimulants and any other anti-doping rule violation shall receive a sanction of lifetime *Ineligibility*.

[Comment: Article 1.9.2.3.1.2 deals with the situation where an *Athlete* commits two separate anti-doping rule violations, but one of the violations involves a specified stimulant governed by the lesser sanctions of Article 1.9.2.3.1. Without this Article in the Code, the second offense arguably could be governed by: the sanction applicable to a second violation for the *Prohibited Substance* involved in the second violation, the sanction applicable to a second offense for the substance involved in the first violation, or a combination of the sanctions applicable to the two offenses. This Article imposes a combined sanction calculated by adding together the sanctions for a first offense under 1.9.2.3 (two years) and a first offense under 1.9.2.3.1 (up to six months). This provides the same sanction to the *Athlete* that commits a first violation under 1.9.2.3 followed by a second violation involving a specified stimulant, and the *Athlete* that commits a first violation involving a specified stimulant followed by a second violation under 1.9.2.3. In both cases, the sanction shall be from two years to two years and six months' *Ineligibility*.]

1.9.2.3.3 Exceptional Circumstances. The periods of *Ineligibility* provided above may be lessened or eliminated in proportion to the exceptional circumstances of a particular case, but only if the

Athlete can clearly establish that the anti-doping rule violation was not the result of his or her fault or negligence. The *Athlete's* age and competitive experience may be considered in determining whether the anti-doping rule violation was the result of the *Athlete's* fault or negligence. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 1.2.1.1, the *Athlete* must also be able to demonstrate how the *Prohibited Substance* entered his or her system.

[Comment: The trend in doping cases has been to recognize that the hearing body must have some opportunity to consider the unique facts and circumstances of each particular case in imposing sanctions. This principle was accepted at the World Conference on Doping in Sport and was incorporated into the OMADC which provides that sanctions can be reduced in "exceptional circumstances." The Code also provides for the reduction of sanctions in "exceptional circumstances." However, in the Code "exceptional circumstances" are narrowly limited to circumstances where the *Athlete* is not negligent or otherwise at fault. The *Athlete's* youth and lack of experience may be considered in assessing fault. This approach to exceptional circumstances as a method by which sanctions may be reduced or avoided for "innocent" *Athletes* provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two year suspension based on a range of other factors even when the *Athlete* was admittedly at fault. This "exceptional circumstances" Article applies only to the imposition of sanctions, it is not applicable to the determination of whether an anti-doping rule violation has occurred.]

1.9.2.4 Ineligibility for other Anti-Doping Rule Violations.

The period of *Ineligibility* for other anti-doping rule violations shall be:

1.9.2.4.1 For violations of Article 1.2.1.3, Article 1.2.1.5, and Article 1.2.1.6, the *Ineligibility* periods set forth in Article 1.9.2.3 shall apply.

1.9.2.4.2 For violations of Articles 1.2.1.7 or 1.2.1.8, the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*. An anti-doping rule violation involving a *Minors* shall be considered a particularly serious violation, and, if committed by *Athlete support Personnel* for violations other than specified stimulants referenced in Article 1.9.2.3.1, shall result in lifetime *Ineligibility* for such *Athlete support Personnel*. In addition, violations of such Articles which also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.

[Comment: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete support Personnel to competent authorities is an important step in the deterrence of doping.]

1.9.2.4.3 For violations of Article 1.2.1.4, the period of *Ineligibility* shall be at a minimum 3 months and at a maximum 2 years.

[Comment: The whereabouts and missed test policies of different Anti-Doping Organizations may vary considerably, particularly at the outset as these policies are being put into place. Thus, considerable flexibility has been provided for sanctioning these anti-doping rule violations. Those Anti-Doping Organizations with more sophisticated policies including built in safeguards, and those organizations with longer track records of Athlete experience with a whereabouts policy could provide for Disqualification periods at the longer end of the specified range.]

1.9.2.5 **Disqualification of Results in Competitions Subsequent to Sample Collection.** All competitive results obtained from the date a positive *Sample* was collected, or other doping violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall be *disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

1.9.2.6 **Commencement of *Ineligibility* Period.** The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date going as far back as the date of *Sample* collection.

[Comment: Currently, many Anti-Doping Organizations start the two-year period of *Ineligibility* at the time a hearing decision is rendered. Those Anti-Doping Organizations also frequently invalidate results retroactively to the date a positive *Sample* was collected. Other Anti-Doping Organizations simply start the two-year suspension on the date the positive *Sample* was collected. The OMADC, as clarified by its Explanatory Document, does not mandate either approach. The approach provided in the Code gives Athletes a strong disincentive to dragging out the hearing process while they compete in the interim. It also encourages them to voluntarily accept *Provisional Suspensions* pending a hearing. On the other hand, the body imposing the sanction can start the sanction running before the date

the hearing decision is reached so that an Athlete is not penalized by delays in the Doping Control process which are not his or her fault, for example, inordinate delay by the laboratory in reporting a positive test or delays in scheduling the hearing caused by the Anti-Doping Organization.]

1.9.2.7 Status During Provisional Suspension or Ineligibility. No Person who has been declared *ineligible* or *provisionally suspended* may, during the period of *Ineligibility* or *suspension*, participate in any capacity in an event or activity authorized or organized by any *Signatory* or receive any financial support or other sport-related benefit from any *Signatory* or government.

1.9.2.8 Reinstatement Testing. As a condition to regaining eligibility, an *Athlete* must, during any period of *suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition* testing by any *Anti-Doping Organization* having testing jurisdiction, including providing current and accurate whereabouts information.

[Comment: The rules of some Anti-Doping Organizations only ban an Athlete from "competing" during a period of Ineligibility. For example, an Athlete in those sports could still coach during the Ineligibility period. This Article adopts the position set forth in the OMADC that an Athlete who is made ineligible for doping should not participate in any capacity in an authorized event or activity during the Ineligibility period. This would preclude, for example, practicing with a national team, or acting as a coach or sport official. Sanctions in one sport will also be recognized by other sports (see Article 1.12.4).]

1.9.2.9 Sanctions Against Sporting Bodies. Nothing in this Code precludes any *Signatory* or government accepting the Code from enforcing its own rules for the purpose of imposing sanctions on another sporting body over which the *Signatory* or government has legal competence.

[Comment: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]

1.10 Appeals

Decisions rendered in the application of the *Code*, or in the application of the anti-doping policies or rules of any *Anti-Doping Organization* which has accepted the *Code* and which affect any *Person's* competitive status or opportunity to participate in sport, may be appealed to the Court of Arbitration for Sport ("CAS") in accordance with the provisions applicable before such court.¹ Except as CAS may entertain jurisdiction on an emergency basis, appeals shall not be considered until any available internal appellate procedures are exhausted. Except as provided in Article 1.10.3 below, the right to appeal to CAS shall be the exclusive recourse for challenging such decisions.

[Comment: The comparable OMADC Article is actually broader in that it provides that any dispute arising out of the application of the OMADC may be appealed to CAS.]

1.10.1 Context. Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes* accept these rules as a condition of participation. Anti-doping rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the *Code* represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

1.10.2 Persons Entitled to Appeal. The following *Signatories* and *Persons* shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of a decision being appealed and all other parties in that case; (b) the applicable International Federation; (c) the *Athlete's* or other *Person's National Anti-Doping Organization*; and (d) WADA.

[Comment: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal to CAS. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 1.11. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions to CAS. Note, that the definition of interested Persons and organizations with a right to appeal does not include Athletes, or their federations, who might benefit from having another competitor disqualified.]

1.10.3 Law Applicable to Review. CAS decisions shall be subject to judicial review as provided by Swiss law.

¹ Various issues still need to be resolved with CAS before it is designated as the exclusive appellate body under the *Code*.

1.11 Confidentiality And Reporting

The *Signatories* agree to the principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy interests of individuals alleged to have violated anti-doping rules as provided below:

1.11.1 Information Concerning Negative Test Results. The *Anti-Doping Organization* with results management responsibility shall promptly report negative test results to WADA. WADA shall make such information available to the *Athlete* and other *Anti-Doping Organizations* in accordance with the provisions of Article 1.11.6.

Anti-Doping Organizations may, after notifying WADA, also publish negative test results on their websites, or otherwise.

1.11.2 Information Concerning Adverse Analytical Findings and Other Potential Anti-Doping Rule Violations. An *Athlete* whose *Sample* has resulted in an *Adverse Analytical Finding*, or an *Athlete* or other *Person* who may have violated an anti-doping rule, shall be notified as provided in Article 1.7.1. The *Athlete's National Anti-Doping Organization* and International Federation and WADA shall also be notified not later than the completion of the process described in Article 1.7.2. Notification shall include: the *Athlete's* name, country and sport, whether the test was *In-competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory. The same *Persons* and *Anti-Doping Organizations* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 1.7, 1.8 or 1.10.

1.11.3 Public Disclosure. The identity of *Athletes* whose *samples* have resulted in *Adverse Analytical Findings*, or *Athletes* or other *Persons* who are alleged to have violated other anti-doping rules, shall not be publicly disclosed until completion of the administrative review described in Article 1.7.2. After it has been determined in a hearing in accordance with Article 1.8 that an anti-doping rule violation has occurred, or such hearing has been waived, or a *Provisional Suspension* has been imposed or the assertion of an anti-doping rule violation has not been timely challenged, the *Anti-Doping Organization* responsible for results management must publicly report the disposition of the anti-doping matter.

- 1.11.4 Athlete Whereabouts Information.** *Athletes* who have been identified by their International Federation or *National Anti-Doping Organization* for inclusion in an *Out-of-Competition* testing location pool shall provide accurate, current location information. The *National Anti-Doping Organization* shall be responsible for collecting this information and submitting it to WADA. WADA shall make this information accessible to other *Anti-Doping Organizations* having competence to test the *Athlete* as provided in Article 1.12. This information shall be maintained in strict confidence at all times and shall be used exclusively for purposes of planning, coordinating or conducting testing.
- 1.11.5 Statistical Reporting.** *Anti-Doping Organizations* shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities with a copy provided to WADA.
- 1.11.6 Doping Control Information Clearing House.** WADA shall act as a central clearing house for all *Doping Control* testing data and results, and shall make this information accessible to the *Athlete*, the *Athlete's* National Federation, *National Olympic Committee* or *National Paralympic Committee*, *National Anti-Doping Organization*, International Federation, and the International Olympic Committee or International Paralympic Committee. WADA shall, at least annually, publish statistical reports summarizing such information. To avoid unnecessary duplication in testing by the various *Anti-Doping Organizations* with authority to test an *Athlete*, each *Anti-Doping Organization* shall report all *Out-of-Competition* tests to the WADA clearinghouse promptly after such tests have been conducted, and WADA shall make this information accessible to all other *Anti-Doping Organizations* with authority to test the *Athlete*.

1.12 Clarification of *Doping Control* Responsibilities

[Comment: To be effective, the anti-doping effort must involve many Anti-Doping Organizations conducting strong programs at both the international and national levels. Rather than limiting the responsibilities of one group in favor of the exclusive competency of the other, the Code manages potential problems associated with overlapping responsibilities, first by creating a much higher level of overall harmonization and second, by establishing rules of precedence and cooperation in specific areas.]

- 1.12.1 In-competition Testing.** The collection of *samples* for *Doping Control* does and should take place at both international and national events. However, only a single organization should be responsible for initiating and directing *In-competition* testing at an event. At international events, the collection of *In-*

competition Doping Control samples shall be initiated and directed by the international organization which is the ruling body for the event (e.g., the IOC for the Olympic Games, the International Federation for a World Championship, and PASO for the Pan American Games). If an international organization decides not to conduct any testing at such an event, the *National Anti-Doping Organization* for the country where the event occurs may initiate and conduct such testing. At national events, the collection of *In-competition Doping Control samples* shall be initiated and directed by the designated *National Anti-Doping Organization* of that country.

[Comment: The Anti-Doping Organization "initiating and directing testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]

1.12.2 Out-of-Competition Testing. *Out-of-Competition* testing is and should be initiated and directed by both international and national organizations. *Out-of-Competition* testing may be initiated and directed by: (a) WADA; (b) the IOC or IPC prior to the Olympic Games or Paralympic Games; (c) the *Athlete's International Federation*; (d) the *Athlete's National Anti-Doping Organization*; or (e) the *National Anti-Doping Organization* of any country where the *Athlete* is present. *Out-of-Competition* testing should be coordinated as provided in Article 1.11.6.

1.12.3 Results Management, Hearings and Sanctions. Except as provided in Article 1.12.3.1 below, results management and hearings shall be the responsibility of and shall be governed by the procedural rules of the organization that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the organization which discovered the violation). Regardless of which organization conducts results management or hearings, the principles set forth in Articles 1.7 and 1.8 shall be respected and the rules identified in the Introduction to Part One to be incorporated verbatim must be followed.

1.12.3.1 Results management and the conduct of hearings for anti-doping rule violations arising from a test by a *National Anti-Doping Organization* involving an *Athlete* that is not a citizen of that country shall be referred to the applicable International Federation. Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a *Major Event Organization*, shall be referred to the applicable International Federation for purposes of imposing any sanctions beyond

Disqualification from the event or the results of the event.

- 1.12.4 Mutual Recognition.** Subject to the right to appeal provided in Article 1.10, the *Sample* collection and handling procedures, results management, and hearing process and results, of any *Signatory* which are consistent with the *Code* and are within that *Signatory's competence*, shall be recognized and respected by all other *Signatories*. *Signatories* may recognize the actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

1.13 Protection Against Claims

- 1.13.1** No *Signatory* or its agent shall be liable for any loss or damage resulting from its act or failure to act, where its conduct was in good faith, was authorized by the *Code*, and was consistent with the *Code*.

[Comment: By accepting the Code, the parties expressly agree to this limitation of liability. It is in the interest of all governments, Signatories and Participants, and in particular "clean" Athletes, that the specified sanctions and other requirements of the Code be firmly and uniformly enforced. One explanation given for why Anti-Doping Organizations have not enforced their anti-doping rules in the past is fear of damage claims. This Article seeks to allay that fear and encourages firm and uniform application of the rules in the Code, which both governments and the sports movement have agreed are fair, by protecting Anti-Doping Organizations that act in good faith and follow the Code.]

PART TWO

Education and Research

ARTICLE 2 EDUCATION

- 2.1 Basic Principle and Primary Goal.** The basic principle for information and education programs shall be to preserve the values of sport, and the health of the *Athletes*, as described in the Introduction to the *Code*, from being undermined by doping. The primary goal shall be to prevent *Athletes* from using *Prohibited Substances* and *Prohibited Methods*.

- 2.2 Program and Activities.** *International Federations, National Olympic Committees, National Anti-Doping Organizations, and WADA* should plan, implement and monitor information and education programs. The programs should provide *Athletes* and their *Athlete support Personnel* with updated and accurate information on the following issues:

- Substances on the *Prohibited List*
- Health consequences of doping

- *Doping Control* procedures
- *Athletes'* rights and responsibilities

The programs should promote the values of sport and the permitted alternatives to doping in order to establish an anti-doping environment which influences behavior among *Athletes* and *Athlete support Personnel*.

Athlete support Personnel should educate and counsel *Athletes* regarding anti-doping policies and rules adopted pursuant to the *Code* and permitted alternatives to doping.

2.3 Coordination and Cooperation. All *Signatories*, *Participants* and governments shall cooperate and strive to coordinate their efforts in anti-doping information and education.

[Comment: The principles in this Article, and Article 3 (Research) which follows, are of a more general character compared, for instance, to some of the Subarticles found in Article 1. The Signatories responsible for education, information and research are expected to implement programs in compliance with these general principles. This Article represents an example of harmonization through proximity based on general principles.

In particular, it is important that the International Olympic Committee and the International Paralympic Committee emphasize the importance of anti-doping during the Olympic Games and Paralympic Games.]

ARTICLE 3 RESEARCH

3.1 Purpose of Anti-Doping Research. Anti-Doping research contributes to the development and implementation of efficient programs within *Doping Control* and to anti-doping information and education.

3.2 Types of Research. Anti-doping research may include, for example, sociological, behavioral and ethical studies in addition to medical, analytical and physiological investigation.

3.3 Coordination. Anti-doping research is encouraged and should be coordinated with *WADA*. Subject to intellectual property rights, copies of anti-doping research results should be provided to *WADA*.

3.4 Research Practices. Anti-doping research shall comply with internationally recognized ethical practices.

3.5 Administration of *Prohibited Substances* and *Prohibited Methods*. Anti-doping research shall not involve the administration of a *Prohibited Substance* or *Prohibited Method* to an *Athlete* who currently competes, or in the future is likely to compete, at a sufficiently high level of sport to be subject to testing.

- 3.6 Misuse of Results.** Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping.

PART THREE

Roles and Responsibilities

[Comment: Responsibilities for Signatories and Participants are addressed in various articles in the Code and the responsibilities listed in this part are additional to these responsibilities. A complete overview of all responsibilities for Signatories, Participants and governments can be found in Appendix 2.]

Article 4 ADDITIONAL ROLES AND RESPONSIBILITIES OF SIGNATORIES

4.1 Roles and Responsibilities of the International Olympic Committee

- 4.1.1** To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code*.
- 4.1.2** To require as a condition of recognition, that International Federations are in compliance with the *Code*.
- 4.1.3** To stop all Olympic funding of International Federations and *National Olympic Committees* that are not in compliance with the *Code*.
- 4.1.4** To take appropriate action to discourage non-compliance with the *Code* as provided in Article 7.5.
- 4.1.5** To support the *Independent Observer* program.

[Comment: Implementation by an International Federation would include putting in place those policies, rules and programs described in Article 4.3.]

4.2 Roles and Responsibilities of the International Paralympic Committee

- 4.2.1** To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code*.

- 4.2.2 To require as a condition of recognition, that National Paralympic Committees are in compliance with the *Code*.
- 4.2.3 To stop all Paralympic funding of National Paralympic Committees that are not in compliance with the *Code*.
- 4.2.4 To take appropriate action to discourage non-compliance with the *Code* as provided in Article 7.5.
- 4.2.5 To support the *Independent Observer* program.

4.3 Roles and Responsibilities of International Federations

- 4.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code*.
- 4.3.2 To require as a condition of recognition that National Federations are in compliance with the *Code* in their domestic policies, rules and programs.
- 4.3.3 To require all *Athletes* and *Athlete support Personnel* within their jurisdiction to recognize and be bound by the *Code*.
- 4.3.4 To require *Athletes* who are not regularly members of a National Federation to be available for *Sample* collection and provide accurate and up-to-date whereabouts information on a regular basis if required during the year before the Olympic Games or the World Championships as a condition of participation.

[Comment: This would include, for example, *Athletes* from professional leagues.]

- 4.3.5 To monitor the anti-doping programs of National Federations.
- 4.3.6 To take appropriate action to discourage non-compliance with the *Code* as provided in Article 7.5.
- 4.3.7 To authorize and support the *Independent Observer* program at international events.

4.4 Roles and Responsibilities of *National Olympic Committees* and *National Paralympic Committees*

- 4.4.1 To ensure that their anti-doping policies and rules conform with the *Code*.
- 4.4.2 To require as a condition of membership or recognition that National Federations' anti-doping policies and rules are in compliance with the *Code*.

- 4.4.3 To cooperate with their *National Anti-Doping Organization*.
- 4.4.4 To stop funding, during any period of his or her *Ineligibility*, any *Athlete* who has violated anti-doping rules.

4.5 Roles and Responsibilities of *National Anti-Doping Organizations*

- 4.5.1 To adopt and implement anti-doping rules and polices which conform with the *Code*.
- 4.5.2 To cooperate with their *National Olympic Committee* and other relevant national organizations.
- 4.5.3 To encourage reciprocal testing between *National Anti-Doping Organizations*.
- 4.5.4 To promote anti-doping research.

4.6 Roles and Responsibilities of *Major Event Organizations*

- 4.6.1 To adopt and implement anti-doping policies and rules for their events which conform with the *Code* and to comply with those policies and rules during their events.
- 4.6.2 To take appropriate action to discourage non-compliance with the *Code* as provided in Article 7.5.
- 4.6.3 To authorize and support the *WADA Independent Observer* program.

4.7 Roles and Responsibilities of *WADA*

- 4.7.1 To adopt and implement policies and procedures which conform with the *Code*.
- 4.7.2 To monitor the processing of *Adverse Analytical Findings*.
- 4.7.3 To approve International Standards applicable to the implementation of the *Code*.
- 4.7.4 To accredit laboratories to conduct *Sample* analysis or to approve others to conduct *Sample* analysis.
- 4.7.5 To develop and approve Models of Best Practice.

- 4.7.6 To promote, conduct, commission, fund and coordinate anti-doping research.
- 4.7.7 To conduct an effective *Independent Observer* program.
- 4.7.8 To conduct on a contractual basis additional *Doping Control* activities on behalf of other *Anti-Doping Organizations*.

ARTICLE 5 ROLES AND RESPONSIBILITIES OF PARTICIPANTS

5.1 Roles and Responsibilities of *Athletes*

- 5.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules included in or adopted pursuant to the *Code*.
- 5.1.2 To be available for *Sample* collection.
- 5.1.3 To take responsibility, in the context of anti-doping, for what they ingest and use.
- 5.1.4 To inform medical *Personnel* of their obligation not to use *Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.

5.2 Roles and Responsibilities of *Athlete Support Personnel*

- 5.2.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules included in or adopted pursuant to the *Code*.
- 5.2.2 To cooperate with the *Athlete* testing program.
- 5.2.3 To be aware of their influence on *Athlete* values and behavior regarding anti-doping.

ARTICLE 6 ROLES AND RESPONSIBILITIES OF GOVERNMENTS

While not *Signatories* to the *Code*, governments shall sign a separate Memorandum of Understanding supporting the *Code* and reflecting their acknowledgment and acceptance of the following roles and responsibilities in anti-doping in the areas of:

- 6.1 Public anti-doping policies, laws and regulations conforming with the *Code*.
- 6.2 Coordination of approaches to anti-doping by public bodies.
- 6.3 Financial support to private and public bodies subject to the *Code*.
- 6.4 Public health including development and use of medical technologies.
- 6.5 Public funding of anti-doping programs including education and research.
- 6.6 Regulation of professions, such as doctors and pharmacists, who contribute to sport.
- 6.7 The welfare of *Minors* within the context of anti-doping.
- 6.8 The production, marketing and distribution of foods and drugs.
- 6.9 Border controls for *Prohibited Substances* and special consideration for *Doping Control* officials.

[Comment: This is a list of areas of government responsibility relevant to anti-doping. A Memorandum of Understanding, or other form of governmental agreement, in support of the Code should describe in detail particular actions a government commits to undertake in the public interest in these areas of responsibility. Those actions will complement the Code and contribute to anti-doping. A list of appropriate government actions includes:

1. *To ensure that their anti-doping policies, laws and regulations conform with the Code.*
2. *To coordinate the policies and actions of their departments and other public entities concerned with anti-doping in sport.*
3. *To assist and support the relevant national anti-doping entities in their acceptance, implementation and compliance with the Code.*
4. *To provide, within their means, financial support for the establishment and operation of a National Anti-Doping Organization which is responsible for the implementation of a national anti-doping program, including Doping Control (in competition and out of competition testing) and education and information activities.*

5. *To provide financial support for anti-doping research and assist in the international coordination of anti-doping research.*
6. *To withhold public funding and indirect support of any sport organization, any event organized by such sport organization and Athletes that are not in compliance with the Code.*
7. *To regulate the conduct of Athlete support Personnel who violate anti-doping rules including the possibility of professional discipline, penal sanctions and other punishment beyond that which sport bodies can impose.*
8. *To ensure that the protection of Minorss in the national anti-doping program is adequately addressed.*
9. *To put in place relevant measures addressing the health consequences of doping.*
10. *To restrict availability including importation, exportation, distribution, and manufacturing of Prohibited Substances (specified stimulants not included) and methods.*
11. *To prohibit Trafficking of Prohibited Substances (specified stimulants not included) and Prohibited Methods.*
12. *To prohibit the use of medical technologies (e.g. genetic transfer technology) for the purpose of enhancing sport performance.*
13. *To put in place regulatory and administrative measures for appropriate labeling of Prohibited Substances and Prohibited Methods, including those found in nutritional supplements.*
14. *To recognize the authority of WADA and other Anti-Doping Organizations operating under their auspices to conduct testing on their Athletes, whether on their territory or elsewhere.*
15. *To put in place procedures that enable WADA and other Anti-Doping Organizations operating under WADA auspices to fulfill testing functions, including provisions to permit authorized Doping Control officers to cross borders on short notice and to ship or carry bodily specimens obtained in Sample collection.*
16. *To encourage and support reciprocal testing arrangements between National Anti-Doping Organizations.*
17. *To the extent that a governmental department or entity is a designated National Anti-Doping Organization responsible for the implementation of the national anti-doping program, the government shall agree that such agency will comply with all applicable Articles of the Code.*
18. *To report to WADA on compliance with the Memorandum of Understanding.]*

PART FOUR

Acceptance, Compliance and Modification

ARTICLE 7 ACCEPTANCE, COMPLIANCE AND MODIFICATION

The following principles set out how the *Code* will be accepted, implemented and modified, and how compliance will be monitored:

7.1 Acceptance of the *Code*

- 7.1.1** *Athletes*, including *Minors*, and *Athlete support Personnel* are deemed to accept the *Code* by virtue of their entry, membership, accreditation, or participation in sport.

[Comment: In Article 1.1 Athletes and Athlete support Personnel are bound by Part One of the Code. In this Article they accept the rest of the Code as it applies to them.]

- 7.1.2** The following entities shall be *Signatories* accepting the *Code*: WADA, The International Olympic Committee, International Federations, The International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. These entities shall accept the *Code* by signing a declaration of acceptance upon approval by each of their respective governing bodies.

[Comment: Each accepting organization will separately sign an identical copy of the standard form common declaration of acceptance. The act of acceptance will be as authorized by the organic documents of each organization. For example, an International Federation by its Congress and WADA by its Foundation Board.]

- 7.1.3** Governments shall accept the *Code* by signing a Memorandum of Understanding. Governments shall continue to work toward the development of an International Intergovernmental instrument based on these Memoranda of Understandings.

[Comment: The method by which governments will accept the Code was discussed by the International Inter-Governmental Consultative Group on Anti-Doping in Sport ("IICGADS") at its meeting in Kuala Lumpur on 24-26 April 2002. Because many governments are not able to agree to be bound by a private, non-governmental agreement, the consensus at that meeting was that individual governments will accept the Code by executing a Memorandum of Understanding to be followed at a later date by the preparation of an International, Intergovernmental Instrument. IICGADS is scheduled to discuss this issue further at a meeting in Moscow in December 2002 prior to the World Conference to be held in March 2003.]

7.1.4 A list of all acceptances will be made public by WADA.

7.2 Implementation of the Code

7.2.1 The *Signatories* and governments shall implement the *Code* and applicable International Standards through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.

7.2.2 In implementing the *Code*, the *Signatories* are encouraged to use the Models of Best Practice recommended by WADA.

7.3 Acceptance and Implementation Deadlines

7.3.1 *Signatories* shall accept and implement the *Code* on or before the first day of the Athens Olympic Games.

7.3.2 Governments shall accept the *Code* on or before the first day of the Athens Olympic Games and shall implement the *Code* on or before the first day of the Turin Winter Olympic Games.

7.4 Monitoring Compliance with the Code

7.4.1 Compliance with the *Code* shall be monitored by WADA.

7.4.2 To facilitate monitoring, each *Signatory* shall report to WADA on its compliance with the *Code* every second year and shall explain reasons for noncompliance, and each government shall report to WADA every second year on its compliance with the Memorandum of Understanding signed by it and shall explain reasons for noncompliance.

7.4.3 WADA shall consider a *Signatory* or government's explanation for non-compliance and, in extraordinary situations, may recommend to the International Olympic Committee, International Paralympic Committee, International Federations, and *Major Event Organizations* that they provisionally excuse the *Signatory's* non-compliance.

[Comment: WADA recognizes that amongst the Signatories accepting the Code, there will be significant differences in anti-doping experience, resources, and the legal context in which anti-doping activities are carried out. In considering whether an organization is compliant, WADA will consider these differences.]

7.4.4 Any report by WADA that an organization is not compliant may be appealed pursuant to Article 1.10.

7.4.5 WADA shall make reports on compliance by *Signatories* and governments to the International Olympic Committee, The International Paralympic Committee, International Federations, and *Major Event Organizations*. These reports shall also be made available to the public.

7.5 Consequences of Noncompliance with the Code or a Government's Memorandum of Understanding

7.5.1 Noncompliance with the *Code* by either the government or *National Olympic Committee* of a country shall result in consequences with respect to Olympic Games, Olympic Winter Games, Paralympic Games, World Championships or the events of *Major Event Organizations* as determined by the ruling body for each event.

7.6 Modification of the Code

7.6.1 WADA, on behalf of all *Signatories*, shall be responsible for overseeing the evolution and improvement of the *Code*. All *Signatories* and governments accepting the *Code* shall be invited to participate in such process.

7.6.2 WADA shall initiate proposed amendments to the *Code* and shall ensure a consultative process to both receive and respond to recommendations and to facilitate review and feedback from *Signatories* and governments on recommended amendments.

7.6.3 Amendments to the *Code* shall, after appropriate consultation, be approved by a two-thirds majority of the WADA Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall go into effect three months after such approval.

7.6.4 *Signatories* shall implement any amendment to the *Code* within one year of approval by the WADA Foundation Board.

7.7 Withdrawal of Acceptance of the Code

7.7.1 *Signatories* accepting the *Code* may withdraw acceptance of the *Code* after providing WADA six-month's written notice of their intent to withdraw.

[Comment: A comparable provision shall be included in the applicable Memorandum of Understandings signed by governments.]

APPENDIX 1 DEFINITIONS

Adverse Analytical Finding. A report from a laboratory or other approved testing entity that identifies in a *Specimen* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or the use of a *Prohibited Method*.

Anti-Doping Organization. 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, WADA, International Federations, and *National Anti-Doping Organizations*.

Athlete. For purposes of *Doping Control*, any *Person* who participates in sport at a sufficiently high level to be selected for testing. For purposes of information and education, any *Person* who participates in sport.

[Comment: Children and adults who engage in lower levels of competitive sport should not have to worry about taking a cold medication before they compete which may contain ephedrine.]

Athlete support Personnel. Any coach, trainer, manager, team staff, official, medical or para-medical *Personnel* working with or treating *Athletes* participating in or preparing for sports competition.

Attempt. Engaging in conduct constituting a substantial step toward committing the anti-doping rule violation and that corroborates the *Person's* intent and purpose to complete the violation.

Code. The World Anti-Doping Code.

Consequences of Anti-Doping Rules Violations. 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* is barred from competing in any competition for a specified period of time; and (c) Provisional Suspension means the *Athlete* is barred temporarily from competing in any competition pending completion of a hearing.

Disqualification. See *Consequences of Anti-Doping Rules Violations* above.

Doping Control. The process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Doping Control Category. The category of *Prohibited Substances* and *Prohibited Methods* established by WADA pursuant to Article 1.4.2 contained in the *Prohibited List*.

Health and Safety Category. The category of *Health and Safety Substances* established by WADA pursuant to Article 1.4.5 contained in the *Prohibited List*.

Health and Safety Substances. A substance contained in the *Prohibited List* but only in the *Health and Safety Category*.

In-competition. A test which takes place [in the time period beginning eight hours before, and concluding eight hours after, an *Athlete's* participation or scheduled participation in a competition] [in the time period beginning a specified time before, and concluding a specified time after, an *Athlete's* participation or scheduled participation in a competition as specified in the rules of the applicable International Federation].

[Comment: The definition has two important consequences. First, the distinction between "In-competition" and "Out-of-Competition" testing is significant because the full *Prohibited List* is only tested for "In-competition." *Prohibited stimulants*, for example, are not tested for *Out-of-Competition* because they have no performance enhancing benefit unless they are in the *Athlete's* system while the *Athlete* is actually competing. So long as the prohibited stimulant has cleared the *Athlete's* system at the time the *Athlete* competes, it makes no difference whether that stimulant could have been found in the *Athlete's* urine the day before or the day after the competition. One advantage of the eight-hour definition is that it allows *Athletes* to continue taking prescribed medications containing stimulants during lengthy events in which they are not continually competing. (For example, a swimming event in which an *Athlete's* first race is on the 10th day of the event.) This definition is also significant in determining when different organizations have jurisdiction to test an *Athlete*, pursuant to Article 1.12.]

Independent Observers. A team of observers, under the supervision of WADA, who observe the *Doping Control* and results management process at certain events and report on observations. If WADA is testing *In-competition* at an event, the observers shall be supervised by an independent organization.

Ineligibility. See *Consequences of Anti-Doping Rules Violations* above.

Major Event Organizations. This term refers to 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 parameters that indicates the use of a *Prohibited Substance* or *Prohibited Method*.

Metabolite. Any substance produced by a biotransformation process.

Minor. A natural *Person* that has not reached his or her eighteenth birthday.

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 test results, and the conduct of hearings, all at the national level.

National Olympic Committee. The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

No Advance Notice. An *Out-of-Competition a Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

Out-of-Competition. Any *Doping Control* which is not *In-competition*.

Participant. Any *Athlete* or *Athlete support Personnel*.

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

Physiological or Pathological Condition. A physiological condition is the consistently naturally occurring physical state of a *Person* which has not been induced by any manipulation to create that state. A pathological condition is an abnormal physical state caused by disease.

Prohibited List. The List containing the *Doping Control Category of Prohibited Substances and Prohibited Methods* and the *Health and Safety Category*.

Prohibited Method. Any method so described in the *Code* or contained in the *Doping Control Category of the Prohibited List*.

Prohibited Substance. Any substance so described in the *Code* or contained in the *Doping Control Category of the Prohibited List*.

Provisional Suspension. See Consequences above.

Sample/Specimen. Any biological substance collected for the purposes of *Doping Control*.

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including the *InterNational Olympic Committee*, *International Federations*, *International Paralympic Committee*, *National Olympic Committees*, *National Paralympic Committees*, *Major Event Organizations*, *National Anti-Doping Organizations*, and *WADA*.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

Target Testing. Selection of *Athletes* for testing where specific *Athletes* or groups of *Athletes* in the *Athlete* testing pool are selected for testing at a specified time.

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* to an *Athlete* either directly or through one or more third parties or to be a party to any *Prohibited Method*, but excluding the sale or distribution (by medical *Personnel* or by *Persons* other than an *Athlete's support Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

WADA. The World Anti-Doping Agency.

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