



# Tennis Anti-Doping Programme 2019



# **TENNIS ANTI-DOPING PROGRAMME 2019**

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## **1. Introduction**

- 1.1 The purpose of this Tennis Anti-Doping Programme (together with any successor versions, the "**Programme**") is to maintain the integrity of tennis and to protect the health and rights of tennis players participating in Covered Events.
- 1.2 The ITF is a signatory to the World Anti-Doping Code (the "**Code**"). This Programme is adopted and implemented pursuant to the mandatory provisions of the 2015 version of the Code, as part of the ITF's continuing efforts to keep doping out of tennis.
- 1.3 The Programme, which includes the appendices hereto, encompasses:
  - 1.3.1 incorporation of the Anti-Doping Rule Violations identified in the Code, based on the List of Prohibited Substances and Prohibited Methods that is maintained by WADA, as described in Code Article 4.1 (the "**Prohibited List**");
  - 1.3.2 collection of Samples both In-Competition and Out-of-Competition for Doping Control purposes;
  - 1.3.3 investigation of Atypical Findings, Atypical Passport Findings and other matters that may evidence or lead to the discovery of evidence of Anti-Doping Rule Violations;
  - 1.3.4 review by an independent Review Board of Adverse Analytical Findings, Adverse Passport Findings and/or other evidence of possible Anti-Doping Rule Violations, to confirm that there is a case to answer before anyone is charged with commission of such a violation;
  - 1.3.5 the hearing and determination of any such charges by an independent and impartial anti-doping tribunal (the "**Independent Tribunal**"), with the right to appeal from the decision of the Independent Tribunal to the Court of Arbitration for Sport in Lausanne, Switzerland ("**CAS**"); and
  - 1.3.6 where it is found that an Anti-Doping Rule Violation has been committed under the Programme, imposition of Consequences of the nature and scope specified in the Code.
- 1.4 Terms in this Programme beginning with capital letters have the meaning given to them in Appendix One to this Programme.
- 1.5 The effective date of this Programme is 1 January 2019 (the "**Effective Date**").
- 1.6 Transitional provisions:
  - 1.6.1 The Programme shall apply in full to all cases where the alleged Anti-Doping Rule Violation occurs after the Effective Date.

- 1.6.2 Any case pending prior to the Effective Date, or brought after the Effective Date but based on an Anti-Doping Rule Violation that occurred before the Effective Date, shall be governed by the predecessor version of the Programme in force at the time the Anti-Doping Rule Violation occurred, save that (i) Article 10.7.5 of this Programme shall apply retroactively; (ii) Article 15 of this Programme shall also apply retroactively, unless the statute of limitations applicable under the predecessor version of the Programme has already expired by the Effective Date; and (iii) the Independent Tribunal may decide to apply other provisions from this Programme as well where doing so benefits the Participant alleged to have committed the Anti-Doping Rule Violation, based on the principle of *lex mitior*.
- 1.6.3 Anti-Doping Rule Violations committed prior to the Effective Date, whether under predecessor versions of the Programme and/or other relevant rules, count as prior offences for purposes of determining sanctions under Article 10, including Article 10.7 and especially Article 10.7.5. If the sanction for the first violation was determined based on rules that pre-dated the 2015 Code, then for purposes of Article 10.7.1, that sanction shall be disregarded and instead the sanction that would have been imposed for the first violation if rules compliant with the 2015 Code had applied will be used.
- 1.6.4 Filing Failures and Missed Tests committed under the predecessor of this Programme, prior to the Effective Date, shall count for purposes of Article 2.4 until 12 months after they were committed.
- 1.7 The Programme shall be interpreted in a manner that is consistent with the Code. The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any Signatory or government. The comments annotating various provisions of the Code, the International Standards and the Programme shall be used to interpret the Programme.
- 1.8 Subject to Article 1.7, this Programme is governed by and shall be construed in accordance with English law. Strictly without prejudice to the arbitration provisions of Articles 8 and 12 of the Programme, disputes relating to the Programme shall be subject to the exclusive jurisdiction of the English courts.
- 1.9 The Board of Directors of the ITF may amend this Programme from time to time. Such amendments shall come into effect on the date specified by the Board of Directors.
- 1.10 For purposes of this Programme, the following are "**Covered Events**": the Grand Slam tournaments, Davis Cup, Fed Cup, Hopman Cup, the Olympic Tennis event, the Paralympic Tennis event, other IOC-recognised International Events, WTA tournaments and WTA Finals and WTA Elite Trophy, ATP Tour

tournaments and ATP Finals, Next Gen ATP Finals, ATP Challenger Tour tournaments, ITF Pro Circuit events, ITF World Tennis Tour events, ITF Juniors events, ITF Seniors events, ITF Wheelchair events, and ITF Beach Tennis Tour events

- 1.11 Any player who enters or participates in a Covered Event or who has an ATP or WTA ranking (including any 'protected' or 'special' ranking) in the 2019 calendar year (a "**Player**") is automatically bound by and required to comply with all of the provisions of this Programme, including making him/herself available upon request for Testing both In-Competition and Out-of-Competition. Save as set out in Article 3.5.2(a), each such Player shall be deemed an "**International-Level Athlete**" for purposes of the Code and the International Standards.
- 1.12 It is the sole responsibility of each Player:
  - 1.12.1 to acquaint him/herself, and to ensure that each Person from whom he/she takes advice (including medical personnel) is acquainted, with all of the requirements of the Programme;
  - 1.12.2 to know what constitutes an Anti-Doping Rule Violation under this Programme and what substances and methods are prohibited;
  - 1.12.3 to be available for Sample collection at all times upon request;
  - 1.12.4 to ensure that anything he/she ingests or Uses, as well as any medical treatment he/she receives, does not give rise to an Anti-Doping Rule Violation;
  - 1.12.5 to disclose to the ITF and his/her NADO any decision by a non-Signatory finding that he/she infringed anti-doping rules within the previous ten years; and
  - 1.12.6 to cooperate with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.
- 1.13 It is also the sole responsibility of each Player to ensure that the ITF is able to communicate with him/her efficiently and reliably in relation to matters arising under this Programme. To that end, each Player shall be deemed to be immediately contactable at the postal address and telephone number (and e-mail address, if any) that he/she has specified on any Doping Control form that he/she completes, and it shall be the Player's responsibility to complete such contact details (to be referred to herein as the "**Player's Nominated Address**") as necessary to ensure that he/she is immediately contactable at the Player's Nominated Address. Any notice required to be given to the Player under this Programme, if delivered by courier service to the Player's Nominated Address, shall be deemed to have been received by the Player on the date of delivery to such address reflected in the confirmation of delivery provided by the courier service company. At its discretion, as an alternative to or in conjunction with

such courier delivery, the ITF may use any other method of secure and confidential communication available, including but not limited to facsimile and/or e-mail; provided that if the Player denies receipt of such notice then (subject only to Article 3.5.6) the burden will be on the ITF to prove that he/she did receive it.

#### 1.14 Retirement:

- 1.14.1 A Player shall continue to be bound by and required to comply with the Programme for all purposes, including submitting to Testing and (if requested by the ITF) providing whereabouts information, unless and until he/she gives written notice to the ATP, WTA, or ITF (as applicable) that he/she will not be competing in any Covered Events with effect from a given date. If he/she gives such notice, he/she shall be deemed to have retired (and to be no longer subject to the Programme) with effect from that given date (the "**Retirement Date**").
- 1.14.2 The ITF shall continue to have jurisdiction over a retired Player under the Programme in respect of matters taking place prior to his/her Retirement Date.
- 1.14.3 After his/her Retirement Date, a Player may not return to compete in a Covered Event or a national-level event unless he/she has submitted again to the Programme, including making him/herself available for Testing, by giving six months of prior written notice to the ITF Anti-Doping Manager, to his/her NADO, and to his/her National Association of his/her intent to return to competition. The Player must acknowledge in that written notice that he/she is therefore again subject to the Programme, effective from the start of that six month period, and thereafter must comply with the Programme, including making him/herself available for Testing (including, if requested, by providing whereabouts information) during that six month period. WADA, in consultation with the ITF and relevant NADO, may grant an exemption to the requirement of six months of written notice of return from retirement where the strict application of that requirement would be manifestly unfair to a Player. WADA's decision may be appealed pursuant to Article 12.
- 1.14.4 A Player who retires while serving a period of Ineligibility may not return to compete in Covered Events or national-level Events until the Player has submitted again to the Programme, including making him/herself available for Testing, by giving six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six months) to the ITF Anti-Doping Manager, to his/her NADO, and to his/her National Association.



- 1.14.5 Where an Event that will take place after the applicable period set out in Article 1.14.3 or 1.14.4 has expired has an entry deadline that falls during such period, the Player may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application the applicable period has not yet expired.
- 1.14.6 Any competitive results obtained in violation of Article 1.14.3 or 1.14.4 shall be Disqualified.
- 1.15 Any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, parent or any other Person working with, treating or assisting a Player who is participating in or preparing to participate in a Covered Event (a "**Player Support Person**" or, in plural form, "**Player Support Personnel**") is also automatically bound by and required to comply with all of the provisions of this Programme.
- 1.16 It is the sole responsibility of each Player Support Person:
  - 1.16.1 to acquaint him/herself with all of the provisions of the Programme;
  - 1.16.2 to know what constitutes an Anti-Doping Rule Violation under this Programme and what substances and methods are prohibited;
  - 1.16.3 to cooperate with the Testing of Players;
  - 1.16.4 to use his/her influence on Player values and behaviour to foster anti-doping attitudes;
  - 1.16.5 to disclose to his/her NADO and to the ITF any decision by a non-Signatory finding that he/she infringed applicable anti-doping rules within the previous ten years;
  - 1.16.6 to cooperate with the ITF and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations; and
  - 1.16.7 not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

## **2. Anti-Doping Rule Violations**

Doping is defined as the occurrence of one or more of the following (each, an "**Anti-Doping Rule Violation**"):

- 2.1 The presence of a Prohibited Substance or any of its Metabolites or Markers in a Player's Sample, unless the Player establishes that such presence is consistent with a TUE granted in accordance with Article 3.5.
  - 2.1.1 It is each Player's personal duty to ensure that no Prohibited Substance enters his/her body. A Player is responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in

his/her Sample. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article 2.1; nor is the Player's lack of intent, Fault, negligence or knowledge a defence to a charge that an Anti-Doping Rule Violation has been committed under Article 2.1.

- 2.1.2 Except in the case of those substances for which a quantitative threshold is specifically identified in the Prohibited List, and subject to the special criteria established in the Prohibited List (and/or other International Standards) to distinguish between endogenous and exogenous production of certain substances, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample constitutes an Anti-Doping Rule Violation under Article 2.1, unless the Player establishes that such presence is consistent with a TUE granted in accordance with Article 3.5.
- 2.2 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method, unless the Player establishes that such Use or Attempted Use is consistent with a TUE granted in accordance with Article 3.5.
  - 2.2.1 It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or a Prohibited Method under Article 2.2; nor is the Player's lack of intent, Fault, negligence or knowledge a defence to a charge that an Anti-Doping Rule Violation of Use has been committed under Article 2.2.
  - 2.2.2 Without prejudice to Article 2.2.1, it is necessary that intent on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation of Attempted Use under Article 2.2.
  - 2.2.3 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. For an Anti-Doping Rule Violation to be committed under Article 2.2, it is sufficient that the Player Used or Attempted to Use the Prohibited Substance or Prohibited Method.
  - 2.2.4 Notwithstanding Article 2.2.3, a Player's Use or Attempted Use of a substance Out-of-Competition shall not constitute an Anti-Doping Rule Violation under Article 2.2 where the Use of that substance Out-of-Competition is not prohibited (see Article 4.4.3). However, if that substance (or any of its Metabolites or Markers) is still present in a Sample collected from the Player when he/she is next In-Competition, that is an Anti-Doping Rule Violation under Article 2.1.

- 2.3 Evading Sample collection, or (without compelling justification) refusing or failing to submit to Sample collection after notification as authorised in applicable anti-doping rules.
- 2.4 Failing three times in any 12-month period (a) to file whereabouts information in accordance with Article I.3 of the International Standard for Testing and Investigations (a "**Filing Failure**"); and/or (b) to be available for Testing at the declared whereabouts in accordance with Article I.4 of the International Standard for Testing and Investigations (a "**Missed Test**").
- 2.5 Tampering or Attempted Tampering with any part of Doping Control. This Article prohibits conduct that subverts or Attempts to subvert the Doping Control process but that would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation, or intimidating or attempting to intimidate a potential witness.
- 2.6 Possession of a Prohibited Substance or a Prohibited Method:
  - 2.6.1 Possession by a Player at any time or place of a substance that is prohibited at all times or of a Prohibited Method is an Anti-Doping Rule Violation under Article 2.6, unless the Player establishes that such Possession is consistent with a TUE granted in accordance with Article 3.5 or other acceptable justification.
  - 2.6.2 Possession by a Player In-Competition of any Prohibited Substance that is only prohibited In-Competition is an Anti-Doping Rule Violation under Article 2.6, unless the Player establishes that such Possession is consistent with a TUE granted in accordance with Article 3.5 or other acceptable justification.
  - 2.6.3 Possession by a Player Support Person at any time or place of a substance that is prohibited at all times or of a Prohibited Method, in connection with a Player, Competition or training, is an Anti-Doping Rule Violation under Article 2.6, unless the Player Support Person establishes that such Possession is consistent with a TUE to the Player in accordance with Article 3.5 or other acceptable justification.
  - 2.6.4 Possession by a Player Support Person In-Competition of any Prohibited Substance that is only prohibited In-Competition, in connection with a Player, Competition or training, is an Anti-Doping Rule Violation under Article 2.6, unless the Player Support Person establishes that such Possession is consistent with a TUE granted to the Player in accordance with Article 3.5 or other acceptable justification.
- 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.

- 2.8 Administration or Attempted Administration to any Player at any time or place of a substance that is prohibited at all times or of a Prohibited Method, or Administration or Attempted Administration to any Player In-Competition of any Prohibited Substance that is only prohibited In-Competition, unless the Participant alleged to have committed this Anti-Doping Rule Violation establishes that such Administration or Attempted Administration was consistent with a TUE granted in accordance with Article 3.5.
- 2.9 Complicity: assisting, encouraging, aiding, abetting, conspiring to commit, covering up or any other type of intentional complicity involving an Anti-Doping Rule Violation, an Attempted Anti-Doping Rule Violation, or a violation of Article 10.11.1 by another Person.
- 2.10 Prohibited Association:
- 2.10.1 Association by a Participant subject to the authority of an Anti-Doping Organisation in a professional or sport-related capacity with any Player Support Person who:
- (a) (if subject to the authority of an Anti-Doping Organisation) is serving a period of Ineligibility; or
  - (b) (if not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to this Programme or the Code) has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct that would have constituted a violation of Code-compliant anti-doping rules if such rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
  - (c) is serving as a front or intermediary for an individual described in Article 2.10.1(a) or 2.10.1(b).
- 2.10.2 For the avoidance of doubt, this Article 2.10 applies even when the Player Support Person's disqualifying conduct occurred prior to the Effective Date. However, in order for Article 2.10 to apply, it is necessary that (a) the Participant who is associating with the Player Support Personnel has previously been advised in writing by the ITF, by another Anti-Doping Organisation with jurisdiction over the Participant, or by WADA, of the Player Support Person's disqualifying status and the potential Consequences of prohibited association; and (b) the Participant can reasonably avoid the association. The ITF or other Anti-Doping Organisation shall also use reasonable efforts to advise the Player Support Person who is the

subject of the notice to the Participant that he/she may, within 15 days, come forward to the ITF or other Anti-Doping Organisation to explain why the criteria described in Articles 2.10.1(a) and 2.10.1(b) do not apply to him/her.

- 2.10.3 The burden shall be on the Participant to establish that any association with a Player Support Person described in Article 2.10.1(a) or 2.10.1(b) is not in a professional or sport-related capacity.
- 2.10.4 If the ITF or other Anti-Doping Organisation becomes aware of any Player Support Personnel who meet the criteria described in Articles 2.10.1(a), 2.10.1(b), or 2.10.1(c), it shall submit that information to WADA.

### **3. Prohibited Substances, Prohibited Methods, and TUEs**

#### **3.1 Incorporation of the Prohibited List:**

- 3.1.1 This Programme incorporates and is based upon the Prohibited List.
- 3.1.2 A copy of the Prohibited List in effect as from 1 January 2017 is set out at Appendix Three to this Programme. WADA may amend the Prohibited List as set out in Code Article 4.1. Unless provided otherwise by WADA in the Prohibited List or a revision thereto, amendments by WADA to the Prohibited List shall come into effect under this Programme automatically three months after publication of such amendments by WADA on its website, without the need for any further action by the ITF. It is the responsibility of each Player and each Player Support Personnel to be familiar with the most current version of the Prohibited List.
- 3.1.3 Without prejudice to the last sentence of Article 3.1.2, the ITF shall take reasonable steps to publicise any amendments made by WADA to the Prohibited List.

#### **3.2 Criteria for Including Substances and Methods on the Prohibited List:**

The criteria for including substances and methods on the Prohibited List are set out in Code Article 4.3. Such substances and methods may be included by general category (e.g., anabolic agents) or by reference to a particular substance or method. In accordance with Code Article 4.3.3, WADA's determination of the substances and methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, and the classification of a substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by a Participant based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk, or violate the spirit of sport.

### 3.3 Players and other Persons are reminded that:

- 3.3.1 Many Prohibited Substances may appear (either as listed ingredients or otherwise, e.g., as unlisted contaminants) within supplements and/or medications that may be available with or without a physician's prescription. Since Players are strictly liable for any Prohibited Substances present in Samples collected from them (see Article 2.1.1), they are responsible for ensuring that Prohibited Substances do not enter or come to be present in their bodies by any means and that Prohibited Methods are not Used.
- 3.3.2 There are often synonyms for substances that are mentioned by name on the Prohibited List, but not all of those synonyms are necessarily included on the Prohibited List. In addition, the Prohibited List is not a 'closed list' of Prohibited Substances but instead also encompasses substances that are not mentioned by name on the Prohibited List but instead are incorporated onto the Prohibited List by category and/or by reference to 'substances with a similar chemical structure or similar biological effect(s)'. As a result, the fact that a particular substance does not appear by name on the Prohibited List does not mean that the substance is not a Prohibited Substance. It is the Player's responsibility to determine the status of the substance, e.g., by contacting IDTM (via the contact details set out in the inside front cover of the Programme).
- 3.3.3 As described in Code Article 4.2.1, WADA may expand the Prohibited List for the sport of tennis, and/or the ITF may request that WADA include additional substances or methods that have the potential for abuse in the sport of tennis in the monitoring programme described in Code Article 4.5.

### 3.4 Specified Substances:

- 3.4.1 For purposes of this Programme all Prohibited Substances shall be considered "**Specified Substances**" except (a) substances in the class of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.
- 3.4.2 In the event that WADA expands the Prohibited List by adding a new class of Prohibited Substances, WADA's Executive Committee shall determine whether any or all of the Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances within the meaning of Article 3.4.1. This determination may not be challenged by any Participant.

### 3.5 Therapeutic Use Exemptions:

3.5.1 In certain circumstances (set out in the International Standard for Therapeutic Use Exemptions), Players may be granted permission to Use one or more Prohibited Substances or Prohibited Methods for therapeutic purposes (a "**Therapeutic Use Exemption**" or "**TUE**"). The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession, or Administration or Attempted Administration, of a Prohibited Substance or Prohibited Method shall not be considered an Anti-Doping Rule Violation if it is consistent with the provisions of a TUE granted to the Player in accordance with the International Standard for Therapeutic Use Exemptions.

3.5.2 Ordinarily, the Player must obtain a TUE prior to the presence, Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method. A TUE may only be granted retroactively in the following limited circumstances:

- (a) Where the Player applying for the TUE had not played in the qualifying draw or main draw of any Covered Event prior to the Covered Event at which he/she was required to submit to Testing.

*Comment to Article 3.5.2(a): If a Player is participating in his/her first ever Covered Event, he/she is deemed not to be an International Level Athlete for purposes of the Code and therefore is not required to have an advance TUE. Therefore, if such Player is tested at that event, and a Prohibited Substance or a Marker or Metabolite of a Prohibited Substance is found to be present in his/her Sample, and/or evidence of his/her Use of a Prohibited Method is found, he/she may apply for a retroactive TUE to Use that substance or method. If the TUE is granted on terms consistent with the presence/Use found, then no further action will be taken against the Player. But if the TUE is not granted on terms consistent with that presence/Use, then proceedings may be brought against the Player for an Anti-Doping Rule Violation.*

- (b) Where emergency treatment or treatment of an acute medical condition was necessary;
- (c) Where, due to other exceptional circumstances, there was insufficient time or opportunity for the Player to submit, or for the TUE Committee to consider, an application for the TUE prior to Sample collection; or
- (d) Where it is agreed by the ITF and by WADA that fairness requires the grant of a retroactive TUE.

- 3.5.3 If a Player has a TUE granted by his/her NADO that he/she wishes to have recognised by the ITF for the purposes of the Programme, the Player should apply to the TUE Committee for recognition of the TUE (c/o the APA), in accordance with the procedure set out in Article 7 of the International Standard for Therapeutic Use Exemptions. The request must be accompanied by all of the information specified in Article 7 of the International Standard for Therapeutic Use Exemptions, and the TUE Committee may require that further information be provided as necessary. Unless and until such recognition is granted in writing, the Player uses the Prohibited Substance or Prohibited Method in issue entirely at his/her own risk.
- 3.5.4 If the TUE Committee agrees that the TUE granted to the Player by his/her NADO meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the ITF shall recognise it. If the TUE Committee considers that the TUE does not meet those criteria and so refuses to recognise it, the ITF shall notify the Player and his/her NADO promptly, with reasons. The Player and/or the NADO shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by the NADO remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for Covered Events) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose upon expiry of the 21-day review deadline.

*Comment to Article 3.5.4: If the TUE Committee declines to recognise a TUE granted by a NADO only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed by the Player (referring back to his/her NADO as necessary) and re-submitted to the TUE Committee.*

- 3.5.5 If the Player does not already have a TUE granted by his/her NADO for the substance or method in question, the Player must apply directly to the TUE Committee (c/o the APA) for a TUE as soon as the need arises, in accordance with the procedure set out in Article 6 of the International Standard for Therapeutic Use Exemptions. The request must be accompanied by all of the information specified in Article 6 of the International Standard for Therapeutic Use Exemptions, and the TUE Committee may require that further information be provided as necessary. If the TUE Committee denies the Player's application, the ITF must notify the Player promptly, with reasons. If the TUE Committee grants the Player's application, the ITF must notify not only the Player but also his/her NADO. If the NADO considers that the TUE does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review. If the NADO refers the matter



to WADA for review, the TUE granted by the ITF remains valid for Covered Events and Out-of-Competition Testing (but is not valid for national-level events) pending WADA's decision. If the NADO does not refer the matter to WADA for review, the TUE granted by the ITF becomes valid for all purposes (i.e., including national-level events as well) upon expiry of the 21-day review deadline.

- 3.5.6 It shall be the Player's responsibility: (a) to ensure that the application for a TUE is complete and accurate; (b) to ensure that the application for a TUE contains an up-to-date and accurate postal address and facsimile number or e-mail to which notification of the approval or denial of the application can be communicated to the Player; and (c) to make appropriate arrangements to ensure that any postal or facsimile communication made to the address or facsimile number specified by the Player on the TUE application comes to his/her immediate attention. For the avoidance of doubt, for the purposes of this Article 3.5, any communication made by courier service to the postal address specified by the Player on his/her TUE application shall be deemed to have been received by the Player on the date of delivery to such address reflected in the confirmation of delivery provided by the courier service company, and any communication made to the facsimile number specified by the Player on his/her TUE application shall be deemed to have been received by the Player on the day of such transmission. In the event of a change of address or facsimile number while a TUE application is pending, it is the responsibility of the Player to notify the APA of the new details.
- 3.5.7 A Player may not assume that his/her application for a TUE (or for renewal or recognition of a TUE) will be granted. The TUE Committee will evaluate an application for the grant (or renewal or recognition) of a TUE in accordance with the criteria set out in Article 4 of the International Standard for Therapeutic Use Exemptions. The application will be processed as quickly as is reasonably practicable, but Players should note that the procedure normally takes at least seventy-two hours from receipt of the complete application, and may take significantly longer.
- 3.5.8 All decisions by the TUE Committee (whether for the grant/denial, renewal/non-renewal, or recognition/non-recognition of a TUE) will be notified in writing to the Player and will be reported in accordance with Article 5.4 of the International Standard for Therapeutic Use Exemptions. In the event that an application is granted, the decision shall specify the dosage(s), frequency, route and duration of Administration of the Prohibited Substance or Prohibited Method in question that the TUE Committee is permitting, reflecting the clinical circumstances, as well as any conditions imposed in connection with the TUE. In the event than an application for the grant or renewal or

recognition of a TUE is denied, the decision shall include an explanation of the reason(s) for the denial.

- 3.5.9 Unless and until a Player receives notice in writing of a decision granting or recognising a TUE, the Player uses the Prohibited Substance or Prohibited Method in issue entirely at his/her own risk.
- 3.5.10 If a TUE is granted, it will become effective as of the date specified in the notice of such grant. If the application is denied, the Player may apply to WADA to review that denial in accordance with Article 3.5.12.
- 3.5.11 The TUE Committee will grant a TUE with effect for a specified period. The TUE may also be granted subject to such conditions or restrictions as the TUE Committee may see fit. A Player who wishes to continue to use the Prohibited Substance or Prohibited Method in question beyond the period for which the TUE has been granted must make a new application for a further TUE in accordance with the provisions of this Article 3.5. A Player who wishes to have any conditions or restrictions imposed by the TUE Committee removed or varied must apply to WADA in accordance with Article 3.5.12.
- 3.5.12 Review by WADA:
  - (a) WADA shall review any decision by the ITF not to recognise a TUE granted by the NADO that is referred to WADA by the Player or the NADO. In addition, WADA shall review any decision by the ITF to grant a TUE that is referred to WADA by the Player's NADO. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative.
  - (b) If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.
  - (c) If WADA reverses the grant of a TUE, that reversal shall not apply retroactively, but rather only from the point that the Player receives notice of the reversal. Therefore, the Player's results obtained from the date that the TUE came into effect until the date that the Player receives notice of WADA's reversal of the grant of the TUE shall not be Disqualified, nor shall the Player be subject to any other Consequences based on his/her Use of the Prohibited Substance or Prohibited Method in question during such period.

- (d) A failure by WADA to take action within a reasonable time on a properly submitted application for review of a TUE decision shall be considered a denial of the application.

3.5.13 TUE decisions may be appealed as set out in Article 12.3.

3.5.14 Players are warned that TUEs granted by the ITF may not be automatically recognised by Major Event Organisations (e.g., the IOC, for the Olympic Games). In case of doubt, Players should contact the ITF Anti-Doping Manager for advice.

#### **4. Testing**

4.1 A Player must submit upon request to Testing at any time or place by or on behalf of the ITF or by or on behalf of any other Anti-Doping Organisation with Testing authority over such Player. For the avoidance of doubt, nothing in the Programme limits the Testing authority given to the ITF and other Anti-Doping Organisations under Article 5 of the Code.

4.1.1 For purposes of the Code, the "**Event Period**" shall be deemed to start at the same time as the In-Competition period and to end at midnight on the day of the last match played in the Event.

4.1.2 For purposes of the Code, the "**Event Venue**" shall be deemed to be the area that is the greater of (a) the city in which the Covered Event takes place; and (b) the area within a twenty-mile radius of the venue of the Covered Event.

4.2 Testing shall only be undertaken under the Programme for anti-doping purposes, i.e., to obtain analytical evidence as to the Player's compliance (or non-compliance) with the Programme's strict prohibition on the presence/Use of Prohibited Substances and Prohibited Methods. For the avoidance of doubt, the ITF may select Players for Target Testing so long as such Target Testing is not used for any purpose other than legitimate anti-doping purposes. All Testing under this Programme shall be conducted by qualified persons duly authorised by the ITF. Such Testing shall be conducted in accordance with (a) the International Standard for Testing and Investigations, (b) the Tennis Testing Protocols, and (c) (in the case of ABP Testing) the ABP Guidelines. Players must familiarise themselves with, and must comply with, all of the requirements of the International Standard for Testing and Investigations, the Tennis Testing Protocols, and the ABP Guidelines, because a failure to comply with those requirements may constitute an Anti-Doping Rule Violation.

4.3 In-Competition Testing:

4.3.1 Players shall be subject to Testing on behalf of the ITF at Covered Events. The selection of the Events at which Testing is to take place shall be made by the ITF, and shall remain confidential except to those Persons with a reasonable need to know of such selection in order to

facilitate such Testing. The actual timing of the Testing at a selected Event, and the selection of Players to be tested at that Event, shall be at the discretion of the ITF.

4.3.2 Save where Article 4.3.2(a) applies, a Player may be notified that he/she has been selected for In-Competition Testing in conjunction with an Event in which he/she is participating at any time from 00:01 local time on the day of the first match of the main draw (or of the qualifying draw, if he/she is participating in the qualifying draw) of the Competition in question (a) until 60 minutes after the completion of the Player's last match in the Event (120 minutes if the Player's last match in the Event is the final match in the Competition in question) (or, where he/she is participating in the Event as a nominated member of the team, 60 minutes after the completion of his/her team's last match in the Event) (120 minutes if the team's last match in the Event is the final match in the Competition in question); or (b) further to Article 4.3.3, until his/her withdrawal, no-show, retirement or default from the Competition. Such periods (and only such periods) shall be deemed "**In-Competition**" periods for purposes of this Programme and the Code, and Samples collected pursuant to notifications made in such periods shall be deemed to have been collected In-Competition.

(a) Where a Player is participating in the ATP World Tour Finals, the WTA season-ending championships, the Davis Cup or Junior Davis Cup, the Fed Cup or Junior Fed Cup, or the Hopman Cup, the Player may be notified that he/she has been selected for In-Competition Testing in conjunction with that Event at any time in the following period:

- (i) from 00:01 local time on
  - (A) the day of the first match of the Event; or (if earlier)
  - (B) the first day that the Player is required to attend the Event (e.g., for the official draw ceremony);
- (ii) until:
  - (A) 60 minutes after the completion of the Player's last match in the Event (120 minutes if the Player's last match in the Event is the final match in the Competition in question) (or, where he/she is participating in the Event as a nominated member of the team, 60 minutes after the completion of his/her team's last match in the Event) (120 minutes if the team's last match in the Event is the final match in the Competition in question); or

(B) (further to Article 4.3.3) the Player's withdrawal, no-show, retirement or default from the Competition;

and (for these events only) that period (rather than the period set out in Article 4.3.2) shall be the **"In-Competition Period"**.

4.3.3 Any Player who retires, is a no-show, is defaulted from a match or withdraws from the Competition at any time after 00:01 local time on the day of the first match of the main draw (or of the qualifying draw, if he/she is participating in the qualifying draw) of the Competition (or any earlier day that applies by virtue of Article 4.3.2(a)) must submit to Testing upon or after such retirement/no show/default/withdrawal if requested to do so. If the Competition in question is a doubles Competition, then his/her doubles partner must also submit to Testing at the same time if requested to do so. If the Player in question is not on-site at the time of the request, the ITF may require that the Player appear for Testing at a specified time and location, in which case the Player may be required to contribute to the cost of the Sample collection in an amount not exceeding US\$5,000. All Samples collected in accordance with this Article 4.3.3 (i.e., where collection of the Sample is triggered by the Player's retirement, no-show, default or withdrawal from Competition) that are collected as part of a test commenced prior to midnight of the day following the Player's retirement, no-show, default or withdrawal from Competition will be deemed to have been collected In-Competition for purposes of this Programme, whether or not the Player has actually played a match or part of a match in the Competition.

4.3.4 Where a Sample is collected In-Competition, the Player may be charged with an Anti-Doping Rule Violation under Article 2.1 and/or Article 2.2 if analysis of the Sample establishes that any Prohibited Substance (or any of its Metabolites or Markers) is present in the Sample, or if such analysis reveals evidence of Use of any Prohibited Substance or Prohibited Method.

4.3.5 The ITF may authorise independent observers appointed by WADA to observe any Testing conducted under the Programme as part of the Independent Observer Programme.

#### 4.4 Out-of-Competition Testing:

4.4.1 Any period that is not an In-Competition period shall be deemed an **"Out-of-Competition"** period for purposes of this Programme and the Code. Any Sample collected pursuant to a notification given to a Player outside of an In-Competition period shall therefore be considered to have been collected Out-of-Competition. Save in

exceptional and justifiable circumstances, all such Testing shall take place without advance notice to the Player in question.

- 4.4.2 The ITF may select any Player for Out-of-Competition Testing, whether or not he/she has been included in the International Registered Testing Pool. The timing of such Out-of-Competition Testing shall be at the discretion of the ITF. Decisions relating to timing and selection of Players for Out-of-Competition Testing shall remain confidential except to those with a reasonable need to know of them in order to facilitate such Testing.
- 4.4.3 Where a Sample is collected during an Out-of-Competition period, there shall only be an Anti-Doping Rule Violation under Article 2.1 and/or Article 2.2 if analysis of the Sample establishes that a substance (or any of its Metabolites or Markers) that is prohibited during Out-of-Competition periods (i.e., it is listed in the section of the Prohibited List entitled "Substances and Methods Prohibited At All Times (In-and Out-of-Competition)") is present in the Sample, or if such analysis reveals evidence of Use of such a substance or of a Prohibited Method.
- 4.4.4 A reasonable effort will be made to avoid inconvenience to a Player who is subjected to Out-of-Competition Testing. However, the ITF shall not be liable for any inconvenience or loss caused to the Player as a result of such Testing.
- 4.5 Additional Obligations on Players Included in the International Registered Testing Pool:
  - 4.5.1 The ITF may from time to time designate any Player or Players for inclusion in a pool of Players to be known as the "**International Registered Testing Pool**". Any Player designated for inclusion in (or removed from) the International Registered Testing Pool will be notified of such inclusion or removal in accordance with Article I.2 of the International Standard for Testing and Investigations.
  - 4.5.2 A Player who is included in the International Registered Testing Pool is required:
    - (a) to advise the ITF (or, if the ITF agrees or WADA so specifies, his/her NADO) of his/her whereabouts on a quarterly basis, in the manner set out in Article I.3 of the International Standard for Testing and Investigations; and
    - (b) to be available for Testing at such whereabouts, in accordance with Article I.4 of the International Standard for Testing and Investigations.
  - 4.5.3 In accordance with Article I.3.3 of the International Standard for Testing and Investigations, a Player in the International Registered

Testing Pool is not required to provide a 60-minute time-slot for dates falling within the In-Competition Period of a Covered Event in which the Player is scheduled to compete ("**In-Competition Dates**"). However:

- (a) This does not apply to Events organised by a Major Event Organisation. The Player must continue to provide a 60-minute time-slot for all dates falling within the In-Competition Periods of those Events.
- (b) In respect of Covered Events to which Article 4.5.3 does apply, if circumstances change such that dates that the Player has identified in his/her whereabouts filing as In-Competition Dates no longer qualify as such (for example, because the Player withdraws or retires from or is knocked out of a Covered Event), the Player must update his/her whereabouts filing to provide a 60-minute time-slot for each of the dates that no longer qualifies as an In-Competition Date, in accordance with Article I.3.2 of the International Standard for Testing and Investigations. Failure to do so may be treated as a Filing Failure.

4.5.4 Subject to the results management procedure referenced at Article 4.5.6 of this Programme:

- (a) a Player's failure to advise the ITF (or, if the ITF agrees or WADA so specifies, his/her NADO) of his/her whereabouts shall be deemed a Filing Failure for the purposes of this Programme where the conditions of Article I.3.6 of the International Standard for Testing and Investigations are met; and
- (b) a Player's failure to be available for Testing at his/her declared whereabouts shall be deemed a Missed Test for the purposes of this Programme where the conditions of Article I.4.3 of the International Standard for Testing and Investigations are met.

4.5.5 Whereabouts information provided by a Player to the ITF pursuant to Article 4.5.2 will be accessible, through ADAMS or another system approved by WADA, to WADA and to other Anti-Doping Organisations having authority to test the Player as provided in Code Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential Anti-Doping Rule Violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed in accordance with the International

Standard for the Protection of Privacy and Personal Information once it is no longer relevant for those purposes.

4.5.6 Results management in relation to an Anti-Doping Rule Violation under Article 2.4:

- (a) The ITF shall have results management authority in relation to potential Whereabouts Failures by any Player who files his/her whereabouts information with the ITF.
- (b) If a Whereabouts Failure by a Player who is subject to the ITF's result management authority is uncovered through an attempt by or on behalf of an Anti-Doping Organisation other than the ITF to test that Player, then the ITF shall procure the requisite information and assistance from that other Anti-Doping Organisation pursuant to Article I.5.2 of the International Standard for Testing and Investigations, so that the ITF may conduct its results management in respect of that Whereabouts Failure in accordance with Article 4.5.6(c). Upon request, the Player shall assist the ITF in obtaining such information and assistance.
- (c) Results management in relation to potential Whereabouts Failures shall be conducted by the ITF in accordance with Article I.5.2 of the International Standard for Testing and Investigations (with the administrative review, if any, carried out by the Review Board in accordance with Article 7.7) in order to determine whether all of the requirements of Article I.3.6 of the International Standard for Testing and Investigations (in the case of a Filing Failure) or all of the requirements of Article I.4.3 of the International Standard for Testing and Investigations (in the case of a Missed Test) are met.
- (d) Where a Player who is subject to the ITF's Article 4.5.6(a) results management authority is declared to have committed three Whereabouts Failures (i.e., any combination of Filing Failures and/or Missed Tests adding up to three) within any 12-month period, then the matter shall be referred to the Review Board to determine, in accordance with Article 7.7 of this Programme and Article I.5.4 of the International Standard for Testing and Investigations, whether the Player has a case to answer under Article 2.4.

*Comment to Article 4.5.6(d): In the event that a Player who is removed from the International Registered Testing Pool after having recorded one or two Whereabouts Failures remains (or is put into) his/her NADO's registered testing pool, the ITF shall provide full information regarding such Whereabouts Failures to the NADO so*



*that if any other Whereabouts Failures are recorded against that Player, the NADO will have all the information it needs to bring proceedings against the Player for violation of Article 2.4. The same principle will apply in reverse if a Player who has one or two Whereabouts Failures from his/her time in a national registered testing pool is designated for inclusion in the International Registered Testing Pool.*

4.5.7 A Player in the International Registered Testing Pool shall continue to be subject to the requirements of this Article 4.5 unless and until:

- (a) the Player retires in accordance with the requirements of Article 1.14; or
- (b) the Player is notified in writing that he/she no longer satisfies the criteria established by the ITF pursuant to Article 4.5.1 for inclusion in the International Registered Testing Pool.

#### 4.6 ABP Testing:

4.6.1 The ITF will designate one or more person(s), within or outside the ITF, to administer and manage the ABP Programme on behalf of the ITF (the "**Athlete Passport Management Unit**", or "APMU"). The ITF will also appoint suitably qualified, independent experts to form the Expert Panel for purposes of the ABP Programme.

4.6.2 The ITF will decide, in its sole discretion, which Players will be selected for ABP Testing. The ITF will also decide (consulting as appropriate with the Expert Panel, via the APMU) on the timing of such Testing. The ITF will also coordinate as necessary with other competent Anti-Doping Organisations carrying out ABP Testing in relation to any Player(s). All Players subject to this Programme shall be deemed to have agreed to the ITF and such other Anti-Doping Organisations sharing their data in relation to such ABP Testing with each other for purposes of their respective ABP Programmes.

4.6.3 Blood Samples that are intended to be part of the haematological module of the ABP Programme will be collected, transported and analysed in accordance with the International Standard for Testing and Investigations, the International Standard for Laboratories, and the mandatory protocols set out in Appendices A to C of the ABP Guidelines. For the avoidance of doubt, all urine Samples collected under the Programme may be evaluated in accordance with the steroid module of the ABP Programme.

4.6.4 The data arising from analysis of such Samples will be processed and reviewed in accordance with the ABP Guidelines to identify Atypical Passport Findings that warrant referral to a single expert from the Expert Panel, and thereafter (if appropriate) to two further experts

from the Expert Panel, for consideration in accordance with Appendix E of the ABP Guidelines.

- 4.6.5 Where the three experts from the Expert Panel unanimously conclude that, subject to any explanation provided by the Player, it is highly likely that the Player Used a Prohibited Substance or Prohibited Method, and it is unlikely that there is any other plausible explanation for the Atypical Passport Finding, that conclusion (which should include the reasons for the conclusion) (an "**Adverse Passport Finding**"), shall be notified by the ITF to the Player and WADA. The ITF shall send the Player a copy of the relevant ABP Documentation Package, invite him/her to provide (by a specified deadline) an explanation for the data on which the Adverse Passport Finding is based, and explain that in the absence of a satisfactory explanation the matter will be referred to the Review Board to determine whether the Player has a case to answer under Article 2.2.
- 4.6.6 The ITF will forward any explanation provided by the Player in response to that notice, together with any information supplied by the Player in support of that explanation, to the three experts from the Expert Panel, for consideration (along with any other information that the three experts deem necessary) in accordance with the ABP Guidelines. Following such consideration:
- (a) If the three experts are no longer unanimously of the view that it is highly likely that the Player Used a Prohibited Substance or Prohibited Method, and unlikely that there is any other plausible explanation for the data on which the Adverse Passport Finding is based, the ITF shall notify the Player, WADA and the Player's NADO and (subject to the rights of appeal set out at Article 12) the matter shall not proceed any further.
  - (b) If the three experts maintain, notwithstanding the Player's explanation, that it is highly likely that the Player Used a Prohibited Substance or Prohibited Method, and unlikely that there is any other plausible explanation for the data on which the Adverse Passport Finding is based, then the ITF shall refer the Adverse Passport Finding to the Review Board for consideration in accordance with Article 7.5.

## 5. Sample Analysis

### 5.1 Substances Subject to Detection:

Subject to Article 4.4.3, Samples collected under this Programme may be analysed (a) to detect the presence of Prohibited Substances (and/or their Metabolites or Markers) and/or evidence of the Use of Prohibited Substances or Prohibited Methods; (b) to assist the ITF in profiling relevant parameters in

a Player's Sample, including for DNA or genomic profiling (e.g., as part of the ABP Programme); and/or (c) for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis.

## 5.2 Use of Accredited and Approved Laboratories:

5.2.1 For purposes of detecting the presence of a Prohibited Substance or its Metabolites or Markers and/or evidence of the Use of a Prohibited Substance or a Prohibited Method, the ITF shall send Samples for analysis only to laboratories that have been accredited or otherwise approved by WADA.

5.2.2 For purposes of screening a blood (or other non-urine) Sample to determine whether the Player's corresponding urine Sample should be analysed as set out at Article 5.2.1, the ITF may send Samples either to laboratories that have been accredited or approved by WADA or to any other entity approved by WADA (e.g., a local hospital or a mobile testing unit).

5.2.3 For purposes of ABP Testing, the ITF may send Samples to a laboratory or laboratories that has/have been accredited or otherwise approved by WADA or to the satellite facility of a WADA-accredited laboratory or using mobile units operated under applicable ISO accreditation by a WADA-accredited laboratory.

5.2.4 Subject to the foregoing provisions of this Article 5.2, the laboratory or laboratories or other facility or facilities used for the analysis of Samples collected under this Programme shall be chosen exclusively by the ITF.

## 5.3 Restrictions on Use of Samples:

5.3.1 All Samples provided by a Player for the purposes of Testing under this Programme shall be the property of the ITF, and the ITF shall be entitled to determine all matters regarding the analysis and disposal of such Samples.

5.3.2 No Sample may be used for research without the Player's written consent. A Sample used (with the Player's consent) for purposes other than as described in Article 5.2 shall have the identity code removed or shall be transferred into an anonymous container so that it cannot be traced back to the Player who provided it.

- 5.4 Standards for Sample Analysis and Reporting:
- 5.4.1 Laboratories shall analyse Samples and report results to the APA and the ITF Anti-Doping Manager in accordance with the Code and the International Standard for Laboratories.
  - 5.4.2 Subject to Article 4.3.3, the ITF shall pay the costs of collection and analysis of Samples under this Programme.
  - 5.4.3 Any Adverse Analytical Findings reported by the laboratory shall be dealt with as set out in Article 7.3.
  - 5.4.4 Any Atypical Findings reported by the laboratory shall be dealt with as set out in Article 7.4.
- 5.5 Further Analysis of Samples:
- 5.5.1 A Player's Sample may be subject to further analysis at any time before both the A and B Sample analytical results (or the A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the ITF to the Player as the asserted basis for an Article 2.1 violation.
  - 5.5.2 A Sample collected under this Programme may be stored and subjected to further analyses for the purposes described in Article 5.2 at any time exclusively at the direction of the ITF or WADA. The circumstances and conditions for further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **6. Investigations**

- 6.1 In addition to conducting the Testing referenced at Article 4 of this Programme, the ITF shall have the power to gather anti-doping intelligence and conduct investigations in accordance with the requirements of the Code and the International Standard for Testing and Investigations into matters that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation. Such investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other Signatories and/or other relevant authorities. The ITF shall have discretion, where it deems appropriate, to stay its own investigation pending the outcome of investigations being conducted by other Signatories and/or other relevant authorities.
- 6.2 Where a Participant knows or suspects that any other Participant has committed an Anti-Doping Rule Violation, it shall be the obligation of the first Participant to report such knowledge or suspicion to the ITF Anti-Doping Manager as soon as possible. The first Participant shall have a continuing obligation to report

any new knowledge or suspicion regarding any Anti-Doping Rule Violation to the ITF Anti-Doping Manager, even if his/her prior knowledge or suspicion has already been reported. In cases of refusal or failure to comply with any of the foregoing without acceptable justification, Article 16 shall apply.

- 6.3 Players and other Persons must cooperate fully with investigations conducted pursuant to this Article 6 (and in cases of refusal or failure to do so without compelling justification, Article 16 shall apply). In particular (but without limitation):

- 6.3.1 The ITF Anti-Doping Manager may make a written demand to a Participant (a "**Demand**") to furnish to the ITF Anti-Doping Manager any information that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation, including (without limitation) requiring the Participant to attend an interview and/or to provide a written statement setting forth his/her knowledge of the relevant facts and circumstances. The Participant must furnish such information within seven business days of the making of such Demand, or within such other deadline as may be specified by the ITF Anti-Doping Manager. Any information furnished to the ITF Anti-Doping Manager shall be kept confidential except when it becomes necessary to disclose such information to further the investigation of and/or to bring proceedings relating to an Anti-Doping Rule Violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.

*Comment to Article 6.3.1: Where a Participant provides information to the ITF pursuant to Article 6.3.1 that may evidence or lead to the discovery of evidence of one or more Anti-Doping Rule Violation(s) by one or more other Persons, the ITF will not reveal to third parties the identity of the Participant who has furnished the information unless absolutely necessary to enable the ITF to pursue the investigation of, and/or to bring proceedings in relation to, the Anti-Doping Rule Violation(s), or to enable administrative, professional or judicial authorities to pursue the investigation or prosecution of non-sporting laws or regulations. Otherwise, the ITF will use all reasonable endeavours only to use the information provided in a manner that does not reveal the identity of that Participant.*

- 6.3.2 Each Player and other Person waives and forfeits any rights, defences and privileges provided by any law in any jurisdiction to withhold information requested in a Demand. If a Participant refuses or fails to produce such information, then if (a) disciplinary proceedings are brought against him/her under Article 16, or (b) the Review Board confirms, in accordance with Article 7.8, that there is a good faith basis for the Demand, the eligibility of the Participant to compete in Covered Events (or, in the case of a Player Support Personnel, to assist Players participating in Covered Events) may be withdrawn, and he/she may be denied credentials and access to Covered Events, pending compliance with the Demand.

- 6.4 If the Participant subverts or Attempts to subvert the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), proceedings may be brought against him or her for violation of Article 2.5 (Tampering or Attempted Tampering).
- 6.5 Where, as the result of an investigation under this Article 6, the ITF forms the view that a Participant has a case to answer for commission of an Anti-Doping Rule Violation, the ITF shall refer the matter to the Review Board, to be dealt with as set out in Article 7.6.

## **7. Review Board**

- 7.1 The ITF shall have results management authority as provided in Article 4.5.6 of this Programme, in this Article 7, and in Article 7.1 of the Code.
- 7.2 Responsibilities of the Review Board:
- 7.2.1 The Review Board shall carry out the functions assigned to it under this Article 7 and elsewhere in this Programme.
- 7.2.2 Where a matter is referred to the Review Board under this Programme, where necessary the Review Board may request that the ITF provide additional information for the Review Board's consideration. However, in a case involving an Adverse Analytical Finding or Atypical Finding, at no point during its deliberations should the Review Board be advised of the identity of the Player involved.
- 7.2.3 There shall be no obligation for the Review Board to meet in person to deliberate. However, any decision by the Review Board that the Participant has a case to answer under Article 2 of this Programme must be unanimous.
- 7.3 Review of Adverse Analytical Findings:
- 7.3.1 Upon receipt of an Adverse Analytical Finding in relation to an A Sample, the ITF shall proceed in accordance with the following provisions of this Article 7.3.
- 7.3.2 Notwithstanding any other provision in this Programme, at any point in the results management process (including, without limitation, after any further analysis of the Sample conducted in accordance with Article 5.1.1, and/or any further Testing, or any further investigation conducted in accordance with Article 6), the ITF may decide, following due consultation with WADA, not to bring the Adverse Analytical Finding forward as an Anti-Doping Rule Violation (or not to bring it forward as an Anti-Doping Rule Violation at that stage). The ITF shall notify the Player of that decision (with reasons), as well as all other parties with a right of appeal against that decision under Article 12.

- 7.3.3 Where an application for a retroactive TUE is made in accordance with Article 3.5.2 of this Programme for the Prohibited Substance in question, no further action shall be taken in respect of the Adverse Analytical Finding pending a decision on the application.
- 7.3.4 Subject to the foregoing, the ITF shall:
- (a) identify three Review Board members (who shall include one technical, one legal and one medical expert) to consider the matter; and
  - (b) send the relevant papers to the three Review Board members. Where it appears that the Adverse Analytical Finding may be consistent with a TUE previously granted to the Player, in the first instance only the laboratory's certificate of analysis of the A sample and anonymised copies of the TUE application and decision shall be sent to the three Review Board members. However, if there is no potentially applicable TUE, or if the Review Board determines that the Adverse Analytical Finding is not consistent with the TUE in question, the APA shall send the entire A Sample laboratory documentation package to the three Review Board members, along with any other relevant papers.
- 7.3.5 The three Review Board members shall conduct a review to determine whether:
- (a) the Adverse Analytical Finding is consistent with a TUE that has been granted or recognised in accordance with Article 3.5; or
  - (b) the Player should be invited to make an application to the TUE Committee for a retroactive TUE in accordance with Article 3.5.2; or
  - (c) there is any departure from the International Standard for Testing and Investigations or from the International Standard for Laboratories that caused the Adverse Analytical Finding.
- 7.3.6 If the Review Board determines that (b) in Article 7.3.5 applies, the matter shall be suspended until either the Player fails to make an application to the TUE Committee on a timely basis, or the TUE Committee has ruled on the Player's application. At that point the Review Board will consider the matter again in light of the Player's failure or the TUE Committee's ruling (as applicable).
- 7.3.7 If the Review Board determines that either (a) or (c) in Article 7.3.5 applies, it shall advise the ITF that there is no case to answer. The ITF shall notify the Player, WADA and the Player's NADO and (subject

to the rights of appeal set out at Article 12) the matter shall not proceed any further.

- 7.3.8 If the Review Board determines that neither (a) nor (b) nor (c) in Article 7.3.5 applies, it shall advise the ITF that there is a case to answer under Article 2, and the ITF shall send the Player a Notice of Charge in accordance with Article 8.1.1.

#### 7.4 Review of Atypical Findings:

- 7.4.1 In accordance with the applicable provisions of the Code and the International Standards, in certain circumstances where a Prohibited Substance that is detected in a Sample may also be produced endogenously, the laboratory may report the presence of such substance as an Atypical Finding that should be investigated further.

- 7.4.2 If a laboratory reports an Atypical Finding in respect of a Sample collected from a Player under this Programme, then (save where an application for a retroactive TUE is made in accordance with Article 3.5.2 of this Programme for the Prohibited Substance in question, in which case no action shall be taken pending a decision on the application) if the ABP Guidelines apply, the Atypical Finding will be processed in accordance with the ABP Guidelines. Otherwise, however, the ITF shall refer the Atypical Finding to three suitably qualified Review Board members, who shall conduct an initial review to determine whether:

- (a) the Atypical Finding is consistent with a TUE that has been granted or recognised in accordance with Article 3.5; or
- (b) there is any departure from the International Standard for Testing and Investigations or from the International Standard for Laboratories that caused the Atypical Finding.

- 7.4.3 If the Review Board determines that either (a) or (b) in Article 7.4.2 applies, it shall advise the ITF that there is no case to answer. The ITF shall notify the Player, WADA and the Player's NADO, and (subject to the rights of appeal set out at Article 12) the matter shall not proceed any further.

- 7.4.4 If the Review Board determines that neither (a) nor (b) in Article 7.4.2 applies, the ITF shall conduct the follow-up investigation required by the International Standards.

- 7.4.5 If, following the investigation, the Review Board concludes that the Atypical Finding should be considered an Adverse Analytical Finding, and that there is a case to answer under Article 2, the matter shall proceed in accordance with Article 7.3.8.



7.4.6 Pending the outcome of the investigation, the ITF will keep the Atypical Finding confidential, save that:

- (a) if it determines that the B Sample should be analysed as part of the investigation, it shall notify the Player in accordance with Article 8.1.1(c), and such notice shall additionally include a description of the Atypical Finding and specify the Player's right to request copies of the A and B Sample laboratory documentation packages; and
- (b) if requested by a Major Event Organisation in the lead-up to its Event, or by a sports organisation about to select Players for an International Event, it may confirm that the Player has a pending Atypical Finding, after telling the Player.

7.4.7 If the ITF decides not to pursue the Atypical Finding as an Adverse Analytical Finding, it shall so notify the Player, WADA and the Player's NADO and any other Anti-Doping Organisation with the right to appeal that decision under Article 12.

## 7.5 Review of Adverse Passport Findings:

7.5.1 If an Adverse Passport Finding is confirmed by the three experts from the Expert Panel in accordance with Article 4.6.6, then (save where an application for a retroactive TUE for the Prohibited Substance or Prohibited Method in question is made in accordance with Article 3.5.2 of this Programme, in which case no action shall be taken pending a decision on the application) the ITF shall refer that finding (together with a copy of the associated ABP Documentation Package) to three suitably qualified Review Board members, who shall conduct a review to determine whether:

- (a) the Adverse Passport Finding is consistent with a TUE that has been granted or recognised in accordance with Article 3.5; or
- (b) there is any departure from the International Standard for Testing and Investigations, or from the International Standard for Laboratories, or from the mandatory protocols set out in Appendices A to C of the ABP Guidelines, that invalidates the Adverse Passport Finding; or
- (c) there are any other issues that concern the Review Board and that it would wish to discuss with the experts referred to in Article 4.6.5.

The Review Board may consult on these issues (via the APMU) with the group of three experts referred to in Article 4.6.5.

- 7.5.2 If the Review Board determines that either (a) or (b) in Article 7.5.1 applies, or if (c) applies and the experts are not able to satisfy the Review Board's material concerns, the Review Board shall advise the ITF that there is no case to answer. The ITF shall notify the Player, WADA and the Player's NADO and (subject to the rights of appeal set out at Article 12) the matter shall not proceed any further.
- 7.5.3 If the Review Board determines that neither (a) nor (b) nor (c) in Article 7.5.1 applies, it shall advise the ITF that there is a case to answer under Article 2.2, and the ITF shall send the Player a Notice of Charge in accordance with Article 8.1.1.
- 7.6 Referrals to the Review Board that involve evidence other than Adverse Analytical Findings or Atypical Findings or Adverse Passport Findings:
- 7.6.1 Where a matter is referred to the Review Board that involves evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding or an Atypical Finding or an Adverse Passport Finding:
- (a) the ITF shall identify three Review Board members who have the expertise required by the nature of the particular case, to review the evidence to determine whether there is a case to answer under Article 2; and
  - (b) the ITF shall send the entire dossier of evidence to each of those three Review Board members.
- 7.6.2 Where the Review Board concludes that there is no case to answer under Article 2, then the ITF shall notify the Player, WADA, the Player's NADO and any other Anti-Doping Organisation with a right of appeal under Article 12, and (subject to the rights of appeal set out at Article 12.2) the matter shall not proceed any further.
- 7.6.3 Where the Review Board concludes that there is a case to answer under Article 2, the ITF shall send the Player a Notice of Charge in accordance with Article 8.1.1.
- 7.7 Review of Whereabouts Failures:
- 7.7.1 Where (in accordance with Article I.5.2 of the International Standard for Testing and Investigations) a Player requests an administrative review of a Filing Failure or Missed Test declared by the ITF (pursuant to Article 4.5.6), the ITF Anti-Doping Manager shall refer the file to one or more suitably qualified members of the Review Board, who shall carry out that administrative review in accordance with the applicable Article of the International Standard for Testing and Investigations.

- 7.7.2 If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, the ITF shall so advise WADA, the Player's NADO, (if applicable) the Anti-Doping Organisation that uncovered the Whereabouts Failure, and any other Anti-Doping Organisation with a right of appeal against that decision under Article 12, giving reasons for that decision. Subject to any such appeal, the matter shall not proceed any further.
- 7.7.3 If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are met, or if the Player does not request an administrative review, the ITF shall notify the Player and shall record the notified Whereabouts Failure against him/her.
- 7.7.4 The ITF shall report a decision to record a Whereabouts Failure against a Player to WADA and all other relevant Anti-Doping Organisations, as well as the ATP or WTA (as applicable), on a confidential basis, via ADAMS or other system approved by WADA.
- 7.7.5 Where two Whereabouts Failures have already been recorded against the Player in the 12-month period prior to the alleged Whereabouts Failure under administrative review, if the Review Board determines that the alleged Whereabouts Failure under review should be recorded against the Player as well, then Article 4.5.6(d) shall apply, and if the Review Board determines there is a case to answer under Article 2.4, then the ITF shall send the Player a Notice of Charge in accordance with Article 8.1.1.

## 7.8 Review of Demands:

- 7.8.1 Where the ITF Anti-Doping Manager wishes to apply the consequences set out in Article 6.3.2 for a Participant's failure to comply with a Demand, the ITF Anti-Doping Manager shall first refer the Demand to one or more members of the Review Board to determine whether there is a good faith basis for the Demand, such that withdrawing eligibility for, access to, and accreditation for Covered Events in the case of non-compliance with the Demand is justified. This reference to the Review Board may be made before the Demand is made of the Participant, or after the Demand has been made and the Participant has failed to comply, but in any event no consequences may be applied until the Review Board has determined that there is a good faith basis for the Demand.
- 7.8.2 In considering the Demand, the Review Board shall have the discretion but not the obligation to invite such submissions from the ITF Anti-Doping Manager and the Participant in question as it sees fit.

7.8.3 If the Review Board determines that there is no good faith basis for the Demand, then (a) the ITF Anti-Doping Manager shall not pursue the Demand with the Player; and (b) there shall be no consequences imposed on the Player for not complying with the Demand.

7.8.4 If the Review Board determines that there is a good faith basis for the Demand, then if the Player fails to produce the information requested in the Demand the consequences set out at Article 6.3.2 shall apply.

7.9 Results Management for Tests Initiated During the Olympic Games or the Paralympic Games:

Where a Player commits an Anti-Doping Rule Violation at the Olympic Games, the International Olympic Committee shall determine the question of Disqualification from the Olympic Games. Where a Player commits an Anti-Doping Rule Violation at the Paralympic Games, the International Paralympic Committee shall determine the question of Disqualification from the Paralympic Games. In each case, however, the question of further Consequences, if any, to be imposed in relation to such Anti-Doping Rule Violation shall be determined in accordance with this Programme.

7.10 Results Management for Anti-Doping Rule Violations Discovered By Another Anti-Doping Organisation:

Unless otherwise agreed by the ITF, where another Anti-Doping Organisation tests a Player under its own rules, and that test results in an Adverse Analytical Finding, or if that Anti-Doping Organisation uncovers or receives other evidence of an Anti-Doping Rule Violation by a Participant, then (save for cases involving Whereabouts Failures where the ITF has results management authority pursuant to Article 4.5.6) it shall be the responsibility of that Anti-Doping Organisation to investigate and pursue the matter, including bringing proceedings against the Participant (if appropriate) under its rules, failing which the ITF may take responsibility over the matter and/or may require the Participant's National Association to pursue the matter.

## 8. **Proceedings Before an Independent Tribunal**

8.1 Notice of Charge:

8.1.1 When the Review Board determines, pursuant to Article 7, that a Participant has a case to answer under Article 2, the ITF Anti-Doping Manager shall send a written notice to the Participant (the "**Notice of Charge**"), with copies to the Chairman of the Independent Panel and the Anti-Doping Organisations set out in Article 13.4, setting out:

- (a) the Anti-Doping Rule Violation(s) alleged to have been committed, including the specific Article(s) of this Programme alleged to have been infringed, a summary of the facts upon which such allegations are based (and if the charge has resulted

from an Adverse Analytical Finding, a copy of the laboratory documentation pack supporting that Adverse Analytical Finding should be enclosed with the Notice of Charge), and any other information required by the International Standard for Testing and Investigations;

- (b) the Consequences applicable under the Programme if it is determined that the alleged Anti-Doping Rule Violation has been committed;
- (c) where the charge is brought under Article 2.1, the right of the Player and/or the Player's representative to attend the opening and analysis of the B Sample, on a specified date (usually within seven working days of the Player's receipt of the Notice of Charge) and at a specified time and place, for purposes of Article 8.2 (B Sample analysis);
- (d) (where applicable) the matters relating to Provisional Suspension specified at Article 8.3; and
- (e) the Participant's entitlement to respond to the Notice of Charge in one of the following ways:
  - (i) to admit the Anti-Doping Rule Violation(s) charged, and accede to the Consequences specified in the Notice of Charge;
  - (ii) to admit the Anti-Doping Rule Violation(s) charged, but to dispute and/or seek to mitigate the Consequences specified in the Notice of Charge, and to have the Independent Tribunal determine the Consequences at a hearing conducted in accordance with Article 8; or
  - (iii) to deny the Anti-Doping Rule Violation(s) charged, and to have the Independent Tribunal determine the charge and (if the charge is upheld) any Consequences, at a hearing conducted in accordance with this Article 8;
  - (iv) provided that if the Participant wishes to exercise his/her right to a hearing before the Independent Tribunal, he/she must submit a written request for such a hearing so that it is received by the Chairman of the Independent Panel (with a copy to the ITF Anti-Doping Manager) as soon as possible, but in any event within 10 days of the Participant's receipt of the Notice of Charge. The request must also state how the Participant responds to the charge in the Notice and must explain (in summary form) the basis for such response. In the event no such response is received by that deadline (or the Participant confirms that

he/she does not wish to request a hearing to dispute either the charge or the Consequences), the Participant will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and to have acceded to the Consequences specified in the Notice of Charge.

- 8.1.2 Upon receipt of a response from the Participant indicating that he/she disputes any matter(s) set out in the Notice of Charge, the Chairman of the Independent Panel will appoint three people from the Independent Panel to form an Independent Tribunal to hear and determine the dispute, consisting of a legally qualified member acting as Chairman of the Independent Tribunal and (subject always to Article 8.4.2(a)) two other suitably qualified members.
- 8.1.3 In the Notice of Charge, or at any other time prior to the determination of the charge by the Independent Tribunal, the ITF may invite the Participant to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences.
- 8.1.4 In the event that the ITF withdraws the Notice of Charge, or the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the ITF (or is deemed to have done so in accordance with Article 8.1.1), a hearing before the Independent Tribunal shall not be required. Instead the ITF shall promptly issue a decision confirming (as applicable) its withdrawal of the Notice of Charge or the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences (including, if applicable, a justification for why the maximum potential sanction was not imposed), shall Publicly Report that decision in accordance with Article 8.8, and shall send a copy of the decision to the Participant and to any other party that has a right, further to Article 12, to appeal the decision (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision).

## 8.2 B Sample Analysis:

- 8.2.1 If the Player admits the presence in his/her Sample of the Prohibited Substance (or any of its Metabolites or Markers) detected by the laboratory, the Player shall be deemed (a) to have waived his/her right to have the B Sample analysed; and (b) to have accepted the Adverse Analytical Finding based on the A Sample analysis only.
- 8.2.2 If the Player does not admit the presence in his/her Sample of the Prohibited Substance (or any of its Metabolites or Markers) detected by the laboratory, the analysis of the B Sample shall proceed on the date and at the time and venue specified pursuant to Article 8.1.1(c). The Player and/or his/her representative shall be entitled to be present

at the analysis of the B Sample at the Player's cost. A representative of the ITF may also be present. There shall be no right to an adjournment of the date scheduled for analysis of the B Sample; instead, any such adjournment shall be at the absolute discretion of the ITF. In the event that neither the Player nor any representative of the Player attends the B Sample analysis, the laboratory shall appoint an independent witness, in accordance with the International Standard for Laboratories, to verify that the B Sample container shows no signs of tampering and that the identifying numbers correspond to those on the collection documentation.

8.2.3 If the analysis of B Sample does not confirm the Adverse Analytical Finding in respect of the A Sample, then (unless the ITF charges the Player with Use under Article 2.2) the entire test shall be considered negative and the Player shall be so informed. In such circumstances, the proceedings instituted against the Player shall be discontinued, any Provisional Suspension previously imposed shall be deemed vacated with immediate effect, in accordance with Article 8.3.1(b), and no further action shall be taken against the Player.

8.2.4 If the analysis of the B Sample confirms the Adverse Analytical Finding in respect of the A Sample to the satisfaction of the ITF, then the matter shall proceed to a hearing in accordance with the provisions of Article 8.

### 8.3 Provisional Suspension:

#### 8.3.1 Mandatory Provisional Suspension:

- (a) If (and only if) each of the following conditions is met:
  - (i) an Adverse Analytical Finding is issued against a Player for a Prohibited Substance other than a Specified Substance or a Prohibited Method, or an Adverse Passport Finding is issued; and
  - (ii) the Review Board has completed its review in accordance with Articles 7.3 or 7.5 (as applicable) and has concluded that the Player in question has a case to answer under Article 2;

then the ITF shall notify the Player, in the Notice of Charge sent to the Player in accordance with Article 8.1, that he/she will be Provisionally Suspended with effect from the date 10 days after the date of deemed receipt of the Notice of Charge, pending determination of the charge against him/her at a full hearing pursuant to Article 8. However, the ITF shall at the same time notify the Player of his/her right, at his/her election, to make an application in accordance with Article 8.3.3 to the

Chairman of the Independent Tribunal convened to hear his/her case, either immediately or at any time prior to the full hearing, showing cause why the Provisional Suspension should not be imposed (or, where it has been imposed, why it should be vacated) in advance of the full hearing.

- (b) If the B Sample analysis does not confirm the A Sample analysis, then Article 8.2.3 shall apply, and no Provisional Suspension shall be imposed on the Player. If a Provisional Suspension was imposed on the Player prior to receipt of the results of the B Sample analysis, then in accordance with Article 8.2.3 it shall be deemed automatically vacated with immediate effect, without any need for any further order.
- (c) If, within 10 days of the date of deemed receipt of the Notice of Charge, the results of the B Sample analysis are not received, or they are received and they confirm the A Sample results, and the Player does not exercise his/her right to apply in accordance with Article 8.3.3 for an order that a Provisional Suspension should not be imposed prior to 17:00 (GMT) on the tenth day after the date of deemed receipt of the Notice of Charge, then the Provisional Suspension will come into effect automatically at that point and will remain in place (subject to the Player's right at any time to apply to the Chairman of the Independent Tribunal for it to be vacated) pending determination of the charge against the Player.

#### 8.3.2 Discretionary Provisional Suspension:

If (and only if):

- (a) the Participant has pleaded guilty to, or otherwise admitted (for example, in response to a Notice of Charge) engaging in, conduct that constitutes an Anti-Doping Rule Violation; and
- (b) the Review Board has completed its review in accordance with Article 7 and has concluded that the Participant in question has a case to answer in respect of that Anti-Doping Rule Violation;

then the ITF may notify the Player in writing that he/she will be Provisionally Suspended with effect from the date 10 days after the date of deemed receipt of the notice, pending a full hearing pursuant to Article 8. (Where applicable, that notice may be given in the Notice of Charge sent to the Participant in accordance with Article 8.1). However, the ITF shall at the same time notify the Participant of his/her right, at his/her election, to make an application in accordance with Article 8.3.3 to the Chairman of the Independent Tribunal convened to hear his/her case, either immediately or at any time prior



to the full hearing, for an order that the Provisional Suspension should not be imposed (or, if the Provisional Suspension has been imposed, that it should be vacated). If the Participant does not exercise his/her right to apply for an order that a Provisional Suspension should not be imposed prior to 17:00 (GMT) on the tenth day after the date of deemed receipt of the notice, then the Provisional Suspension will come into effect automatically at that point and will remain in place (subject to the right of the Participant at any time to apply to the Chairman of the Independent Tribunal for it to be vacated) pending determination of the charge against the Participant.

### 8.3.3 Challenging a Provisional Suspension.

- (a) If the Participant exercises his/her right to apply to the Chairman of the Independent Tribunal for an order that a Provisional Suspension should not be imposed (or, if already in place, that it should be vacated), then:
  - (i) any submissions that the Participant wishes to make (personally or through a representative) in support of the application must be made in writing to the Chairman of the Independent Tribunal at the same time as the application is made, with a copy sent simultaneously to the ITF Anti-Doping Manager;
  - (ii) any submissions that the ITF Anti-Doping Manager wishes to make (personally or through a representative) must be made in writing to the Chairman of the Independent Tribunal as soon as possible after receipt of the Participant's submissions, with a copy sent simultaneously to the Participant;
  - (iii) the Chairman of the Independent Tribunal, sitting alone, will rule on the application as soon as reasonably practicable. The Chairman shall have discretion, where fairness requires, to invite or to allow the parties to make oral submissions, either by a telephone conference call or in person, prior to rendering his/her decision on the application. For the avoidance of doubt, however, neither party shall have the right to make such submissions if the Chairman in his/her discretion does not invite or allow such submissions;
  - (iv) if the application of the Participant is received prior to 17:00 GMT on the tenth day after the date of deemed receipt of the written notice referred to in Article 8.3.2, the Provisional Suspension will not come into effect unless and until that application is rejected;

- (v) if the application of the Participant is made after the Provisional Suspension has come into effect, the Provisional Suspension will remain in effect pending the Chairman's decision on the application; and
- (vi) where the Provisional Suspension is to be imposed (or has been imposed) pursuant to Article 8.3.1 (Mandatory Provisional Suspension), the Provisional Suspension shall be imposed (or shall not be vacated) unless the Player establishes to the comfortable satisfaction of the Chairman (on the balance of probabilities) that, notwithstanding the matters set out in Article 8.3.1(a):
  - (A) the charge has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the charge is based; or
  - (B) the Player has a strong arguable case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation(s) charged, so that any period of Ineligibility that might otherwise be imposed for such offence is likely to be completely eliminated by application of Article 10.4; or
  - (C) the violation is likely to have involved a Contaminated Product; or
  - (D) other facts exist that make it clearly unfair, in all of the circumstances of the case, to impose a Provisional Suspension prior to determination of the charge against the Player. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Player competing in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.
- (vii) where the Provisional Suspension is to be imposed (or has been imposed) pursuant to Article 8.3.2 (Discretionary Provisional Suspension), the Provisional Suspension shall not be imposed (or shall be vacated) unless the ITF establishes to the comfortable satisfaction of the Chairman that:
  - (A) there is a strong arguable case that the Player has pleaded guilty to or otherwise admitted engaging

in conduct that constitutes the Anti-Doping Rule Violation(s) charged;

- (B) any plea of No Fault or Negligence is unlikely to succeed;
  - (C) the violation is not likely to have involved a Contaminated Product; and
  - (D) no other facts exist that make it clearly unfair, in all of the circumstances of the case, to impose a Provisional Suspension prior to determination of the charge against the Participant. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Participant participating in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.
- (b) Where the Chairman grants the Participant's application and rules that no Provisional Suspension should be imposed on the Player, or that a Provisional Suspension previously imposed on the Participant should be vacated, then (subject only to the possibility of reconsideration in light of new evidence) that decision will be final and binding on the parties, and the ITF shall have no right of appeal against it.
- (c) Where no such application is made, or it is made but the Chairman rejects the application, and a Provisional Suspension is therefore imposed (or is not vacated), the Participant has:
- (i) a right to appeal immediately to CAS against the rejection of the application (if any) in accordance with Article 12 (save that there shall be no right to appeal a decision by the Chairman not to eliminate a mandatory Provisional Suspension on account of the Participant's assertion that the violation is likely to have involved a Contaminated Product), provided however that the Provisional Suspension shall remain in effect pending a decision by CAS on the merits of the appeal;
  - (ii) the right to have the proceedings before the Independent Tribunal expedited so that the hearing is held, and the charge against him/her is determined, as soon as possible, consistent with the requirements of due process; and
  - (iii) the right, if the charge against him/her is upheld by the Independent Tribunal and a period of Ineligibility is

imposed, to have the period of any Provisional Suspension that he/she has already served credited against that period of Ineligibility, in accordance with Article 10.10.3(a).

8.3.4 Prohibition against Participation during Provisional Suspension.

- (a) A Participant may not, during the period of any Provisional Suspension, play, coach or otherwise participate in any capacity (or, if the Person is a Player Support Personnel, assist any Player playing, coaching or otherwise participating in any capacity) in:
  - (i) any Covered Event;
  - (ii) any other Event or Competition or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Major Event Organisation; or
  - (iii) any Event or Competition authorised or organised by any professional league or any other international or national-level Event organisation.
- (b) Without prejudice to the generality of Article 8.3.4(a), a Participant shall not, during the period of any Provisional Suspension, be given accreditation for, or otherwise granted access to, any Covered Event or other Event or Competition, or other function, event or activity, to which access is controlled by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Major Event Organisation, and any accreditation previously issued shall be withdrawn.
- (c) In addition, the ITF will take the necessary steps to have the Provisional Suspension recognised and enforced by other relevant organisations in accordance with Code Article 15 (Application and Recognition of Decisions).

8.3.5 For the avoidance of doubt, no Provisional Suspension may be imposed on a Participant under this Programme except in the circumstances set out in Article 8.3.1 or Article 8.3.2, and in accordance with the provisions of Article 8.3.3. In other cases where a Notice of Charge is issued, however:

- (a) the Participant shall be offered the opportunity to accept a voluntary Provisional Suspension. If the Participant accepts

that offer in writing in accordance with Article 10.10.3 and thereby foregoes any form of involvement in any Covered Event or other Event or Competition that is authorised or organised by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Major Event Organisation, or any professional league or other international or national level Event Organisation, pending determination of the charge against him/her (including but not limited to playing, coaching and/or participating in any capacity at such Events or Competitions) (or, if the Person is a Player Support Personnel, assisting any Player playing, coaching or otherwise participating in any capacity at such Events or Competitions), and does not seek accreditation for, or otherwise seek access to, any Covered Event or other Event or Competition, or other function, event or activity, to which access is controlled by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Major Event Organisation, then that period of voluntary Provisional Suspension will be credited (in accordance with Article 10.10.3(a)) against any period of Ineligibility subsequently imposed on the Participant; and

- (b) if a Player continues to compete in Events pending determination of the charge against him/her, where requested by the ITF the organisers of the relevant Events shall pay to the ITF upon demand the following proportions of any Prize Money won by the Player subsequent to his/her receipt of the Notice of Charge (taken in aggregate, across all of the relevant Events), to be held in escrow pending the determination of the charge:

<u>Total Aggregate Prize Money</u>	<u>Percentage Withheld</u>
US\$0-7,500	0%
US\$7,501-27,500	50%
US\$27,501+	100%

If the final decision of the Independent Tribunal does not require the forfeiture of such escrowed Prize Money, then it shall be returned without delay to the Player, together with any interest earned on the money while it was in escrow. If such forfeiture is required, any interest earned shall be retained by the ITF.

- 8.3.6 No admission shall be inferred, or other adverse inference drawn, from the decision of a Participant (a) not to make an application under Article 8.3.3 to avoid (or to vacate) a Provisional Suspension; or (b) to accept a voluntary Provisional Suspension under Article 8.3.5(a).

8.3.7 Once a Provisional Suspension has come into effect in accordance with Article 8.3.1 or 8.3.2 or 8.3.5(a).

- (a) Where the Athlete who has been Provisionally Suspended is a Minor, the ITF may publicly announce the Provisional Suspension if it considers it proportionate to the facts and circumstances of the case to do so.
- (b) In all other cases, the ITF will publicly announce the Provisional Suspension.

#### 8.4 Preliminary Meeting with the Chairman of the Independent Tribunal:

8.4.1 If the Participant charged exercises his/her right to a hearing, the Chairman of the Independent Tribunal shall convene a preliminary meeting with the ITF and its legal representatives, and with the Participant and/or his/her legal representatives (if any). The meeting may be held in person or by telephone conference call. The non-attendance of the Participant or his/her representative at the meeting, after proper notice of the meeting has been provided, shall not prevent the Chairman of the Independent Tribunal from proceeding with the meeting in the Participant's absence, whether or not any written submissions are made on the Participant's behalf.

8.4.2 The purpose of the preliminary meeting shall be to allow the Chairman to address any pre-hearing issues. In particular (but without limitation), the Chairman shall:

- (a) consider any request by either party that the Chairman hear the matter sitting alone;
- (b) consider any request by either party that the case be consolidated for hearing with any other pending case(s);
- (c) determine the date(s) (which must be at least 21 days after the meeting, unless the parties consent to a shorter period) upon which the hearing shall be held. Subject to the foregoing sentence, the hearing shall be commenced as soon as practicable after the Notice of Charge is sent, and ordinarily within 60 days of the date that the Participant requests a hearing. It shall be completed expeditiously;
- (d) establish dates reasonably in advance of the date of the hearing at which:
  - (i) the ITF shall submit a brief with argument on all issues that the ITF wishes to raise at the hearing and written witness statements from each fact and/or expert witness that the ITF intends to call at the hearing, setting out the

evidence that the ITF wishes the Independent Tribunal to hear from the witness, and enclosing copies of the documents that the ITF intends to introduce at the hearing;

- (ii) the Participant shall submit an answering brief, addressing the ITF's arguments and setting out argument on the issues that the Participant wishes to raise at the hearing, as well as written witness statements from the Participant and from each other witness (fact and/or expert) that the Participant intends to call at the hearing, setting out the evidence that the Participant wishes the Independent Tribunal to hear from the witness, and enclosing copies of the documents that the Participant intends to introduce at the hearing; and
- (iii) the ITF may submit a reply brief, responding to the Participant's answer brief and producing any rebuttal witness statements and/or documents; and
- (e) make such order as the Chairman shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that save for good cause shown no documents and/or other materials shall be ordered to be produced in relation to any Adverse Analytical Finding beyond the documents that the International Standard for Laboratories requires to be included in the laboratory documentation pack.

8.4.3 The parties shall be required to raise at the preliminary meeting any legitimate objection that they may have to any of the members of the Independent Tribunal convened to hear the case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of the Independent Panel shall rule on its legitimacy.

8.4.4 If, because of a legitimate objection or for any other reason, a member of the Independent Tribunal is, or becomes, unwilling or unable to hear the case, then the Chairman of the Independent Panel may, at his/her absolute discretion: (a) appoint a replacement member from the Independent Panel; or (b) authorise the remaining members to hear the case on their own.

## 8.5 Conduct of Hearings Before the Independent Tribunal:

8.5.1 Subject to the discretion of the Chairman of the Independent Tribunal to order otherwise for good cause shown by either party, hearings before the Independent Tribunal shall (a) take place in London; and (b) be conducted on a confidential basis.

- 8.5.2 Each of the ITF and the Participant has the right to be present and to be heard at the hearing. Each of the ITF and the Participant also has the right (at his/her/its own expense) to be represented at the hearing by legal counsel of his/her/its own choosing. Subject always to any contrary direction made by the Chairman of the Independent Tribunal for good cause shown, and also subject always to the confidentiality provisions of Article 13.4, (a) where the Player charged has an ATP ranking, an ATP representative may attend the hearing as an observer if the ATP so desires; (b) where the Player charged has a WTA ranking, a WTA representative may attend the hearing as an observer if the WTA so desires; and (c) where the charge is based on an Adverse Analytical Finding in respect of a Sample collected at a Grand Slam event, a representative of the Grand Slam Board may attend the hearing as an observer if the Grand Slam Board so desires.
- 8.5.3 Subject strictly to Article 8.7.6, the Participant may choose not to appear in person at the hearing, but rather to provide a written submission for consideration by the Independent Tribunal, in which case the Independent Tribunal shall consider the submission in its deliberations. However, the non-attendance of the Participant or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Independent Tribunal from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/ her behalf.
- 8.5.4 The procedure followed at the hearing shall be at the discretion of the Chairman of the Independent Tribunal, provided that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses), address the Independent Tribunal and present his/her case.
- 8.5.5 Save where the Chairman orders otherwise for good cause shown by either party, the hearing shall be in English, and certified English translations shall be submitted of any non-English documents put before the Independent Tribunal. The cost of the translation shall be borne by the party offering the document(s). If required by the Chairman, the ITF shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the Independent Tribunal). If requested by the Participant, the ITF shall also arrange for a translator to attend the hearing to translate oral questions and/or answers. The costs of such transcription and translation shall be paid by the ITF, subject to any costs-shifting order that the Independent Tribunal may make further to Article 8.8.4.

## 8.6 Burdens and Standards of Proof:

- 8.6.1 The ITF shall have the burden of establishing that an Anti-Doping Rule Violation has been committed. The standard of proof shall be



whether the ITF has established the commission of the alleged Anti-Doping Rule Violation to the comfortable satisfaction of the Independent Tribunal, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

- 8.6.2 Where this Programme places the burden of proof upon the Participant alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

## 8.7 Methods of Establishing Facts and Presumptions:

The Independent Tribunal shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an Anti-Doping Rule Violation may be established by any reliable means, including admissions. The following rules of proof shall be applicable at the hearing:

- 8.7.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and that have been the subject of peer review shall be presumed to be scientifically valid. Any Participant seeking to rebut this presumption shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS, on its own initiative, may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding, provided it gives notice thereof within 10 days of its receipt of the CAS file.
- 8.7.2 Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly.
- 8.7.3 WADA-accredited laboratories, and other laboratories approved by WADA, shall be presumed to have conducted Sample analysis and custodial procedures in compliance with the International Standard for Laboratories. The Participant may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding. In such an event, the ITF shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

- 8.7.4 Departures from any other International Standard, or other anti-doping rule or policy set out in the Code or this Programme that did not cause the facts alleged or evidence cited in support of a charge (e.g., an Adverse Analytical Finding) shall not invalidate such facts or evidence. If the Participant establishes the occurrence of a departure from an International Standard or other anti-doping rule or policy set out in the Code or this Programme that could reasonably have caused the Adverse Analytical Finding or other facts alleged to constitute an Anti-Doping Rule Violation, then the ITF shall have the burden to establish that such departure did not cause such Adverse Analytical Finding or other facts.
- 8.7.5 Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established (a) by an Adverse Analytical Finding in respect of a Player's A Sample if (i) the Player waives analysis of the B Sample and the B Sample is therefore not analysed; or (ii) the Player's B Sample is analysed, and that analysis confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample; or (b) by splitting the Player's B Sample into two bottles, if the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.
- 8.7.6 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that is not the subject of a pending appeal shall be irrebuttable evidence against the Participant to whom the decision pertained of those facts, unless that Participant establishes that the decision violated principles of natural justice.
- 8.7.7 The Independent Tribunal may draw an inference adverse to the Participant charged with an Anti-Doping Rule Violation based on the Participant's refusal or failure (a) to respond to a Demand or other questions put to him/her as part of an Article 6 investigation; or (b) after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the Independent Tribunal) and to answer questions from the ITF or the Independent Tribunal.
- 8.8 Decisions of the Independent Tribunal:
- 8.8.1 Once the parties have completed their respective submissions, the Independent Tribunal shall retire to deliberate in private as to whether an Anti-Doping Rule Violation has been committed and (if so) what the Consequence should be. Any decision that an Anti-Doping Rule Violation has been committed must be made unanimously, with no abstentions. Where Article 10 specifies a range of possible sanctions for the Anti-Doping Rule Violation found to have been committed, the

Independent Tribunal shall also fix the sanction within that range for the case at hand, after considering any submissions on the subject that the parties may wish to make.

- 8.8.2 The Independent Tribunal shall not make any verbal announcement of the decision but instead shall issue its decision in writing within 14 days after the conclusion of the hearing (or where, exceptionally, that deadline cannot be met, as soon thereafter as possible). Such decision will be sent to the parties and (subject strictly to the confidentiality provisions of Article 13.4) to WADA and to any other party that has a right to appeal the decision pursuant to Article 12 (and any such party may, within 15 days of receipt, request a copy of the full case file pertaining to the decision). The decision shall set out and explain:
- (a) with reasons, the Independent Tribunal's findings as to whether any Anti-Doping Rule Violation(s) has/have been committed;
  - (b) with reasons, the Independent Tribunal's findings as to what Consequences, if any, are (or are not) to be imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed;
  - (c) with reasons, the date that such Consequences shall come into force and effect pursuant to Article 10.10; and
  - (d) the rights of appeal applicable pursuant to Article 12.
- 8.8.3 The ITF shall pay the costs of convening the Independent Tribunal and of staging the hearing, subject to any costs-shifting order that the Independent Tribunal may make further to Article 8.8.4.
- 8.8.4 The Independent Tribunal has the power to make a costs order against any party, where it is proportionate to do so. If it does not exercise that power, each party shall bear its own costs, legal, expert, hearing, and otherwise. No recovery of costs may be considered a basis for reducing the period of Ineligibility or other sanction that would otherwise be applicable.
- 8.8.5 Subject only to the rights of appeal under Article 12, the Independent Tribunal's decision shall be the full, final and complete disposition of the case and will be binding on all parties. If the decision is that an Anti-Doping Rule Violation has been committed, (a) the decision shall be Publicly Disclosed in full without delay, and in any event no later than 20 days after its issue; and (b) the ITF may also publish such other parts of the proceedings before the Independent Tribunal as the ITF thinks fit. However, Public Disclosure shall not be required where the Participant who has been found to have committed an Anti-Doping Rule Violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and

circumstances of the case. If the Participant is exonerated of all charges, then the decision may only be Publicly Disclosed with the consent of the Participant who is the subject of the decision. In the absence of such consent, the confidentiality of the decision shall be strictly maintained by all parties (subject to Articles 8.8.2 and 12.6.7).

#### 8.9 Single Hearing Before CAS:

Charges asserting Anti-Doping Rule Violations may be heard directly by CAS, with no requirement for a prior hearing before the Independent Tribunal, if the Player, the ITF, WADA and any other Anti-Doping Organisation that would have had a right to appeal a decision of the Independent Tribunal to CAS all consent.

### 9. **Disqualification of Results**

- 9.1 An Anti-Doping Rule Violation committed by a Player in connection with or arising out of an In-Competition test automatically leads to Disqualification of the results obtained by the Player in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money obtained by the Player in that Competition. In addition, further results obtained by the Player in the same or subsequent Events may be Disqualified, in accordance with Article 10.1 (same Event) and/or Article 10.8 (subsequent Events).

#### 9.2 Disqualification of Results of Doubles Partner:

9.2.1 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article 9.1 because of that Player's Anti-Doping Rule Violation in connection with or arising out of that doubles Competition, the result of the Player's doubles partner in that Competition shall also be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, ranking points and Prize Money.

9.2.2 Where results obtained by a Player in a doubles Competition are Disqualified pursuant to Article 10.1 because of that Player's Anti-Doping Rule Violation in relation to another Competition at that Event, the result of the Player's doubles partner in that doubles Competition shall also be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, ranking points and Prize Money, unless the doubles partner establishes at a hearing, on the balance of probabilities, (a) that he/she was not implicated in the first Player's Anti-Doping Rule Violation; and (b) that the result in the doubles Competition was not likely to have been affected by the first Player's Anti-Doping Rule Violation.

9.2.3 Where results obtained by a Player in doubles Competition(s) in an Event played subsequent to the Competition that produced the positive

Sample are Disqualified pursuant to Article 10.8 because of that Player's Anti-Doping Rule Violation, the result of the Player's doubles partner(s) in such subsequent Competition(s) shall not be Disqualified unless the ITF establishes, to the comfortable satisfaction of the Independent Tribunal, that the doubles partner(s) was implicated in the first Player's Anti-Doping Rule Violation.

- 9.3 There will be no readjustment of medals, titles, ranking points or Prize Money for any Player who lost to a Player subsequently found to have committed an Anti-Doping Rule Violation, except where provision is made for such readjustment in the regulations of the relevant Competition.

## **10. Further Sanctions for Individuals**

- 10.1 Disqualification of Results in the Event During or in Connection with which an Anti-Doping Rule Violation Occurs:

10.1.1 Subject to Article 10.1.2, where a Player is found to have committed an Anti-Doping Rule Violation during or in connection with a Competition in an Event where the Player also participated in other Competitions (for example, the Anti-Doping Rule Violation was committed during or in connection with the doubles Competition and the Player also participated in the singles Competition at that Event), then in addition to the consequences set out at Article 9 (in relation to the Disqualification of results obtained in the particular Competition during or in connection with which the Anti-Doping Rule Violation was committed), the Anti-Doping Rule Violation will also lead to Disqualification of all of the Player's individual results obtained in the other Competitions in the Event, with all resulting consequences, including forfeiture of all medals, titles, ranking points and Prize Money.

10.1.2 If the Player establishes that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation, the Player's results obtained in the Competition(s) other than the Competition during or in connection with which the Anti-Doping Rule Violation occurred shall not be Disqualified unless the ITF establishes that the Player's results in the other Competition(s) were likely to have been affected by his/her Anti-Doping Rule Violation.

- 10.2 Imposition of a Period of Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method:

The period of Ineligibility imposed for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Participant's first anti-doping offence shall be as follows, subject to potential suspension pursuant to Article 10.6.

10.2.1 The period of Ineligibility shall be four years where:

- (a) The Anti-Doping Rule Violation involves a Prohibited Substance that is not a Specified Substance, unless the Participant establishes that the Anti-Doping Rule Violation was not intentional.
  - (b) The Anti-Doping Rule Violation involves a Specified Substance and the Anti-Doping Organisation establishes that the Anti-Doping Rule Violation was intentional.
- 10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6.
- 10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Participants who cheat. The term, therefore, requires that the Participant engaged in conduct that he/she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance that is only prohibited In-Competition (a) shall be rebuttably presumed to be not "intentional" if the substance is a Specified Substance and the Player can establish that it was Used Out-of-Competition; and (b) shall not be considered "intentional" if the Substance is not a Specified Substance and the Player can establish that it was Used Out-of-Competition in a context unrelated to sport performance.

### 10.3 Imposition of a Period of Ineligibility for Other Anti-Doping Rule Violations:

The period of Ineligibility imposed for Anti-Doping Rule Violations under provisions other than Articles 2.1, 2.2 and 2.6 shall be as follows, unless Article 10.5 or 10.6 is applicable:

- 10.3.1 For an Anti-Doping Rule Violation under Article 2.3 or Article 2.5 that is the Participant's first anti-doping offence, the period of Ineligibility imposed shall be four years unless, in a case of failing to submit to Sample collection, the Player can establish that the commission of the Anti-Doping Rule Violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.
- 10.3.2 For an Anti-Doping Rule Violation under Article 2.4 that is the Player's first anti-doping offence, the period of Ineligibility imposed shall be two years, subject to reduction down to a minimum of one year, depending on the Player's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Players where a pattern of last-minute whereabouts

changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.

- 10.3.3 For an Anti-Doping Rule Violation under Article 2.7 or Article 2.8 that is the Participant's first offence, the period of Ineligibility imposed shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a Minor shall be considered a particularly serious violation and, if committed by Player Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for such Player Support Personnel. In addition, significant violations of Article 2.7 or 2.8 that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.
  - 10.3.4 For an Anti-Doping Rule Violation under Article 2.9 that is the Participant's first offence, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
  - 10.3.5 For an Anti-Doping Rule Violation under Article 2.10 that is the first offence of the Participant, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the degree of Fault of the Participant and other circumstances of the case.
- 10.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence:
- If a Participant establishes in an individual case that he/she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.
- 10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence:
- 10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6:
    - (a) Specified Substances.

Where the Anti-Doping Rule Violation involves a Specified Substance, and the Participant can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the degree of Fault of the Participant.
    - (b) Contaminated Products.

In cases where the Participant can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the degree of Fault of the Participant.

10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1:

In an individual case where Article 10.5.1 is not applicable, if a Participant establishes that he/she bears No Significant Fault or Negligence, then (subject to further reduction or elimination as provided in Article 10.6) the otherwise applicable period of Ineligibility may be reduced based on the degree of Fault of the Participant, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.

10.6 Elimination, Reduction, or Suspension of the Period of Ineligibility or other Consequences for Reasons Other than Fault:

10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations:

- (a) The ITF may, prior to a final appellate decision under Article 12 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in any individual case in which it has results management authority where the Participant has provided Substantial Assistance to the ITF or other Anti-Doping Organisation, a criminal authority or a professional disciplinary body that results in (i) the ITF or other Anti-Doping Organisation discovering or bringing forward an Anti-Doping Rule Violation by another Person, or (ii) a criminal authority or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another Person and the information provided by the Participant providing Substantial Assistance is made available to the ITF. If the ITF's decision to suspend a part of the period of Ineligibility and/or other Consequences is made after a final appellate decision under Article 12 or the expiration of time to appeal, then WADA's approval is required for such suspension. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Anti-Doping Rule Violation committed by the Participant and the significance of the Substantial Assistance provided by the Participant to the effort



to eliminate doping in sport. No more than three quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight years. If the Participant fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the ITF shall reinstate the original period of Ineligibility. If the ITF decides to reinstate a suspended period of Ineligibility, or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any person entitled to appeal under Article 12.

- (b) To further encourage Participants to provide Substantial Assistance to Anti-Doping Organisations, at the request of the ITF or at the request of the Participant who has (or has been asserted to have) committed an Anti-Doping Rule Violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 12, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of Prize Money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 12, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.
- (c) If the ITF suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organisations with a right to appeal under Article 12. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise the ITF to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

#### 10.6.2 Reduction of Period of Ineligibility Based on Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence:

Where a Participant voluntarily admits the commission of an Anti-Doping Rule Violation before having received either (a) notification

of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Anti-Doping Rule Violation under Article 2.1), or (b) a Notice of Charge (in the case of any other Anti-Doping Rule Violation), and that admission is the only reliable evidence of the offence at the time of the admission, then the otherwise applicable period of Ineligibility may be reduced, but not by more than 50%.

10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1:

A Participant potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection) may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Participant's degree of Fault, by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and the ITF.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction:

Where a Participant establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6 the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the Participant establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

10.7 Multiple Violations:

10.7.1 For an Anti-Doping Rule Violation that is the second anti-doping offence of the Participant, the period of Ineligibility shall be the greater of:

- (a) six months;
- (b) one-half of the period of Ineligibility imposed for the first anti-doping offence without taking into account any reduction under Article 10.6; or
- (c) twice the period of Ineligibility that would be applicable to the second Anti-Doping Rule Violation if it were a first Anti-Doping Rule Violation, without taking into account any reduction under Article 10.6.

The period of Ineligibility established above may then be further reduced by the application of Article 10.6.

10.7.2 An Anti-Doping Rule Violation that is the third anti-doping offence of the Participant will always result in a lifetime period of Ineligibility, unless it fulfils the conditions for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4, in which case the period of Ineligibility shall be from eight years to lifetime Ineligibility.

10.7.3 An anti-doping offence for which a Participant has established No Fault or Negligence shall not be considered a prior anti-doping offence for purposes of this Article.

10.7.4 Additional Rules for Certain Potential Multiple Offences:

(a) For purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if the ITF can establish that the Participant committed the second Anti-Doping Rule Violation after the Participant received notice, or after the ITF made a reasonable attempt to give notice, of the first alleged Anti-Doping Rule Violation. If the ITF cannot establish this, the Anti-Doping Rule Violations shall be considered together as one single Anti-Doping Rule Violation for sanctioning purposes, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.

(b) If, after the imposition of a sanction for a first Anti-Doping Rule Violation, the ITF discovers a second Anti-Doping Rule Violation by the same Participant that occurred prior to notification of the first Anti-Doping Rule Violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two Anti-Doping Rule Violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be subject to Disqualification in accordance with Article 10.8.

10.7.5 Multiple Anti-Doping Offences During a Ten-Year Period:

Any prior anti-doping offence shall only be taken into account for purposes of Article 10.7 if it took place within ten years of the Anti-Doping Rule Violation under consideration.

10.7.6 For the avoidance of doubt, where a Participant is found to have committed two or more separate Anti-Doping Rule Violations, the Ineligibility periods for the separate offences shall run sequentially, not concurrently.

10.8 Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation:

In addition to the automatic Disqualification, pursuant to Article 9, of the results in the Competition that produced the Adverse Analytical Finding (if any), all other competitive results of the Player obtained from the date the Sample in question was collected (whether In-Competition or Out-of-Competition) or other Anti-Doping Rule Violation occurred through to the start of any Provisional Suspension or Ineligibility period shall be Disqualified (with all of the resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money), unless the Independent Tribunal determines that fairness requires otherwise.

10.9 Allocation of CAS Cost Awards and Forfeited Prize Money:

The priority for repayment of CAS cost awards and forfeited Prize Money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the ITF's expenses in relation to its results management in the case. For the avoidance of doubt, forfeited Prize Money will not be reallocated to other Players.

10.10 Commencement of Consequences:

Any Consequences imposed under this Programme shall come into force and effect on the date that the decision imposing the Consequences is issued, save that:

10.10.1 For purposes of forfeiture of ranking points, the decision shall come into effect at midnight on the Sunday nearest to the date that the decision is issued.

10.10.2 The ITF shall have absolute discretion, and in addition the Independent Tribunal shall have discretion where fairness requires, to establish an instalment plan for repayment of any Prize Money forfeited pursuant to Articles 9 and/or 10 of this Programme and/or for payment of any costs awarded further to Article 8.8.4. For the avoidance of doubt, the schedule of payments pursuant to such plan may extend beyond any period of Ineligibility imposed upon the Player, provided however that, in accordance with Article 10.12.3, default in payment under such plan shall automatically trigger a further period of Ineligibility until such default is cured.

10.10.3 The period of Ineligibility shall start on the date that the decision is issued, provided that:

- (a) any period of Provisional Suspension served by the Participant (whether imposed in accordance with Article 8.3 or voluntarily accepted by the Participant in accordance with Article 8.3.5(a)) shall be credited against the total period of Ineligibility to be

served. To get credit for any period of voluntary Provisional Suspension, however, the Participant must have given written notice at the beginning of such period to the ITF, in a form acceptable to the ITF (and the ITF shall provide a copy of that notice promptly to every other Person entitled to receive notice of a potential Anti-Doping Rule Violation by that Participant under Article 13.4) and must have respected the Provisional Suspension in full. No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension, regardless of the Participant's status during such period. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Participant shall receive a credit for such period of Ineligibility served against any period of Ineligibility that may ultimately be imposed on appeal;

- (b) where the Participant promptly (which for a Player means, in any event, before he/she competes again) admits the Anti-Doping Rule Violation after being confronted with it by the ITF, the period of Ineligibility subsequently imposed on him/her may be back-dated so that it is deemed to have commenced as far back as the date of last occurrence of the Anti-Doping Rule Violation (which, in the case of an Article 2.1 Anti-Doping Rule Violation, would be on the date of Sample collection). However, this discretion to back-date is subject to the following limit: the Participant must actually serve at least one-half of the period of Ineligibility, i.e., the commencement date of that period of Ineligibility cannot be back-dated such that he/she actually serves less than one-half of that period. This Article 10.10.3(b) shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3; and
- (c) where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Participant, the period of Ineligibility may be deemed to have started at an earlier date, commencing as early as the date of last occurrence of the Anti-Doping Rule Violation (e.g., under Article 2.1, the date of Sample collection). All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.

## 10.11 Status During Ineligibility:

### 10.11.1 Prohibition Against Participation During Ineligibility:

- (a) No Participant who has been declared Ineligible may, during the period of Ineligibility, play, coach or otherwise participate in any capacity in (or, if the Person is a Player Support Personnel, assist any Player playing, coaching or otherwise participating in any capacity in):
  - (i) any Covered Event;
  - (ii) any other Event or Competition or activity (other than authorised anti-doping education or rehabilitation programmes) authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a National Association, or any Signatory, Signatory's member organisation, or club or member organisation of that Signatory's member organisation;
  - (iii) any Event or Competition authorised or organised by any professional league or any international or national-level Event or Competition organisation; or
  - (iv) any elite or national-level sporting activity funded by a governmental agency.
- (b) The only exceptions to Article 10.11.1(a) are as follows:
  - (i) A Participant who is subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate as a player in local sport events not sanctioned or otherwise under the jurisdiction of a Code Signatory or member of a Code Signatory, but only so long as the local sports events are not at a level that could otherwise qualify such Participant directly or indirectly to compete in (or accumulate points towards) a national championship or International Event, and does not involve the Participant working in any capacity with Minors; and
  - (ii) A Player may return to train as part of a team or (subject always to Article 10.11.1(b)(ii)) to use the facilities of a club or other member organisation of a Signatory's member organisation during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.

10.11.2 Without prejudice to the generality of Article 10.11.1, a Participant shall not, during any period of Ineligibility, be given accreditation for, or otherwise granted access to, any Covered Event or any other Event or Competition or activity authorised, organised or sanctioned by the ITF, the ATP, the WTA, any National Association or member of a

National Association, and any such accreditation previously issued shall be withdrawn.

- 10.11.3 Without prejudice to the automatic application of the period of Ineligibility to the events, competitions and other activities of all Signatories (as set out in Article 10.11(a)(ii) and Code Article 10.12.1), the ITF will also take all necessary steps to have the Ineligibility of the Participant recognised and enforced by other relevant organisations in accordance with Code Article 15 (Application and Recognition of Decisions).
- 10.11.4 Where an Event that will take place after the period of Ineligibility has an entry deadline that falls during the period of Ineligibility, the Player may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application he/she is Ineligible.
- 10.11.5 A Player subject to a period of Ineligibility shall remain subject to Testing and must provide whereabouts information for that purpose upon request. If a Participant commits an Anti-Doping Rule Violation during a period of Ineligibility (including but not limited to an Anti-Doping Rule Violation under Article 2.1), this shall be treated as a separate Anti-Doping Rule Violation under the Programme.
- 10.11.6 If a Participant who has been declared Ineligible violates the prohibition on participation during Ineligibility described in Article 10.11.1, a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the degree of Fault of the Participant and other circumstances of the case. The determination of whether a Participant has violated the prohibition against participation while Ineligible, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation whose results management led to the imposition of the original period of Ineligibility, and such decision shall be subject to appeal in accordance with Article 12. In any case, any results obtained by the Participant in such Event(s), with all resulting consequences, including forfeiture of any medals, titles, ranking points and Prize Money obtained in such Event(s), shall be automatically Disqualified.
- 10.11.7 A Player Support Person or other Person who assists another Person in his/her violation of the prohibition against participation during Ineligibility thereby commits an Anti-Doping Rule Violation under Article 2.9 In addition, for any Anti-Doping Rule Violation not involving an eliminated or reduced period of Ineligibility pursuant to Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such Participant will be withheld by the ITF or any National Association.

## 10.12 Conditions of Reinstatement:

- 10.12.1 As a condition of reinstatement, a Player who is subject to a period of Ineligibility must respect the conditions of Article 10.11.5, failing which the Player shall not be eligible for reinstatement until he/she has made him/herself available for Testing (by notifying the ITF in writing) for a period of time equal to the period of Ineligibility remaining as at the date he/she first stopped making him/herself available for Testing, except that in the event that a Player retires while subject to a period of Ineligibility, the conditions set out in Article 1.14.4 shall apply.
- 10.12.2 The ITF may also make reinstatement subject to the review and approval of a Player's medical condition by the Review Board in order to establish the Player's fitness to be reinstated.
- 10.12.3 Once the period of a Player's Ineligibility has expired, and the Player has fulfilled the foregoing conditions of reinstatement, then provided that (subject to Article 10.10.2) the Player has paid in full all amounts forfeited under the Programme, and has satisfied in full any award of costs made against the Player by the Independent Tribunal further to Article 8.8.4 and/or by the CAS following any appeal made pursuant to Article 12.2, the Player will become automatically re-eligible and no application by the Player for reinstatement will be necessary. If, however, further amounts become due after a Player's period of Ineligibility has expired (as a result of an instalment plan established pursuant to Article 10.10.2), then any failure by the Player to pay all outstanding amounts on or before their respective due dates shall render the Player automatically Ineligible to participate in further Covered Events until all amounts due are paid in full.
- 10.12.4 Even if no period of Ineligibility is imposed, a Player may not participate in a Covered Event while any Prize Money ordered or agreed to be forfeit under the Programme, and/or any award of costs against the Player, remains unpaid, unless an instalment plan has been established pursuant to Article 10.10.2 and the Player has made all payments due under that plan. If any instalment(s) become(s) overdue under that plan, the Player may not participate in any Covered Event until such overdue instalments are paid in full.

## 11. **Consequences for Teams**

The consequences for a team entered in a Competition of the commission of an Anti-Doping Rule Violation by a Player in his/her capacity as the member of that team shall be as set out in the rules relating to that Competition, in accordance with Code Article 11.



## **12. Appeals**

### **12.1 Decisions Subject to Appeal:**

Decisions made under this Programme may be appealed only as set out in this Article 12, in an International Standard, or as otherwise provided under this Programme. Such decisions shall remain in effect while under appeal unless CAS orders otherwise.

### **12.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Recognition of Decisions and Jurisdiction:**

12.2.1 A decision that an Anti-Doping Rule Violation has been committed, a decision imposing (or not imposing) Consequences for an Anti-Doping Rule Violation (save as provided in Article 12.2.2), a decision that no Anti-Doping Rule Violation has been committed, a decision that a case cannot go forward for procedural reasons (including, for example, because too much time has passed), a decision not to record an alleged Whereabouts Failure, a decision by WADA not to grant an exception to the six month notice requirement for a retired Player to return to Competition under Article 1.14.3, a decision by WADA assigning results management under Code Article 7.1, a decision by the ITF not to pursue an Adverse Analytical Finding or an Atypical Finding as an Anti-Doping Rule Violation, a decision by the ITF not to bring a case after an investigation under Article 6, a failure by the ITF to comply with Article 8.3, a decision that the ITF or the Independent Tribunal lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences, a decision to suspend (or not suspend) a period of Ineligibility or to reinstate (or not reinstate) a suspended period of Ineligibility under Article 10.6.1, a decision under Article 10.11.6 in relation to participation while Ineligible, and a decision by the ITF not to recognise another Anti-Doping Organisation's decision under Code Article 15, may each be appealed by any of the following parties exclusively to CAS:

- (a) the Participant who is the subject of the decision being appealed;
- (b) the ITF;
- (c) the NADO(s) of the country of residence of the Participant or of a country where the Participant is a national or licence-holder;
- (d) the International Olympic Committee, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games;

- (e) the International Paralympic Committee, where the decision may have an effect in relation to the Paralympic Games, including decisions affecting eligibility for the Paralympic Games; and/or
- (f) WADA.

12.2.2 The only Person who may appeal a decision to impose (or not to vacate) a Provisional Suspension is the Participant affected by the Provisional Suspension. In accordance with Article 8.3.3(c), the Participant may appeal that decision exclusively to CAS.

### 12.3 Appeals Relating to TUEs:

12.3.1 No TUE decision by the TUE Committee may be appealed by a Player and/or his/her NADO to CAS unless the Player has first asked WADA to review it, and WADA has either declined to review it or has reviewed it but not reversed it.

12.3.2 Any TUE decision by the TUE Committee that is not reviewed by WADA, or that is reviewed but not reversed by WADA, may be appealed by the Player and/or his/her NADO exclusively to CAS. The only exception to this is (as specified in the comment to Article 4.3(d) of the International Standard for Therapeutic Use Exemptions) a decision by the TUE Committee and/or of WADA that fairness does not require the grant of a retroactive TUE is not subject to appeal on the merits.

12.3.3 A decision by WADA to reverse a TUE decision may be appealed by the ITF, the Player and/or the Player's NADO exclusively to CAS.

12.3.4 A failure to take action within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application for purposes of the appeal rights provided in this Article 12.

### 12.4 Failure to Render a Timely Decision:

Where, in a particular case, the ITF fails to decide whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the ITF had rendered a decision finding that no Anti-Doping Rule Violation was committed. If CAS determines that an Anti-Doping Rule Violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's reasonable costs and legal fees in prosecuting the appeal shall be reimbursed to WADA by the ITF.

## 12.5 Time for Filing Appeals:

- 12.5.1 The deadline for filing an appeal to CAS shall be 21 days from the date of receipt of the decision in question by the appealing party. Where the appellant is a party other than the ITF, to be a valid filing under this Article 12.5.1 a copy of the appeal must be filed on the same day with the ITF.
- 12.5.2 Notwithstanding Article 12.5.1, the filing deadline for an appeal by WADA shall be the later of:
  - (a) 21 days after the last day on which any other party in the case could have appealed; and
  - (b) 21 days after WADA's receipt of the complete file relating to the decision.

## 12.6 Appeal Procedure:

- 12.6.1 The CAS Code of Sports-related Arbitration, as modified or supplemented herein, shall apply to all appeals filed pursuant to this Article 12.
- 12.6.2 A party with a right of appeal against a decision may, within 15 days of receipt of the decision, request a copy of the full case file pertaining to the decision. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the parties to the decision being appealed, and the information shall be provided if CAS so directs.
- 12.6.3 Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under this Programme are specifically permitted. Any party with a right to appeal under this Article 12 must file a cross appeal or subsequent appeal at the latest with its answer.
- 12.6.4 In all appeals to CAS pursuant to this Article 12, the governing law shall be English law and the appeal shall be conducted in English, unless the parties agree otherwise.
- 12.6.5 The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.
- 12.6.6 In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.
- 12.6.7 The decision of CAS shall be final and binding on all parties, and no right of appeal shall lie from the CAS decision. Subject to Article 13.4, the CAS decision shall be Publicly Reported by the ITF within 20 days

of receipt. However, this mandatory Public Reporting requirement shall not apply where the Participant who has been found to have committed an Anti-Doping Rule Violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

12.6.8 The ITF shall promptly provide the appeal decision to the Participant and to any other Anti-Doping Organisation that would have been entitled to appeal the decision under Article 12.2.1.

### **13. Confidentiality**

13.1 Details of all Testing carried out under this Programme (i.e., date of test, name of Player tested, and whether the test was In-Competition or Out-of-Competition) shall be entered onto ADAMS, and made available via that database to WADA and other Anti-Doping Organisations that have jurisdiction to test Players, so that duplication of anti-doping efforts may be avoided.

13.2 All communications with a laboratory in relation to Testing carried out under this Programme must be conducted in such a way that the laboratory is not advised of the identity of the Players involved, save where required as part of the investigation of a potential case and/or the presentation of evidence to an Independent Tribunal.

13.3 The ITF shall use its reasonable endeavours to ensure that Persons under its control do not publicly identify Players or other Persons whose Samples have resulted in Adverse Analytical Findings or Atypical Findings, or Atypical Passport Findings or Adverse Passport Findings, or are alleged to have committed an Anti-Doping Rule Violation under this Programme, unless and until a Provisional Suspension has been imposed or accepted or an Independent Tribunal has determined that an Anti-Doping Rule Violation has been committed, and/or the Anti-Doping Rule Violation has been admitted. However, the ITF in its discretion may at any time disclose to other organisations such information as the ITF may consider necessary or appropriate to facilitate administration or enforcement of this Programme (including, without limitation, National Associations selecting teams for the Davis Cup or Fed Cup Events), provided that each organisation provides assurance satisfactory to the ITF that the organisation will maintain all such information in confidence. The ITF will not comment publicly on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Participant or his/her representatives.

13.4 Subject strictly to Article 13.3, (a) the ITF shall send copies of any notices sent to a Player as part of the management of an apparent Whereabouts Failure to the ATP or WTA (as applicable); and (b) the ITF shall send a copy of any Notice of Charge to both WADA and the NADO of the Participant, as well as to the ATP or WTA (as applicable), and (where the charge is based on an

Adverse Analytical Finding from a sample collected at a Grand Slam event) to the Grand Slam Board, and shall thereafter keep each of them informed in relation to the status of the case under Article 8. WADA and the NADO of the Participant (and, as applicable, the ATP or WTA and/or Grand Slam Board) shall keep the contents of the Notice of Charge, and any further information supplied to them pursuant to this Article 13.4, as well as any information they obtain by attending a hearing in accordance with Article 8.5.2, strictly confidential unless and until a decision that an Anti-Doping Rule Violation has been committed is published pursuant to Article 8.8.5; provided that, if the decision exonerates the Participant, that confidentiality shall be strictly maintained unless and until the decision is overturned on appeal.

- 13.5 Subject strictly to Article 13.3, the ITF may release information about the Programme for public consumption, including (without limitation) the names of Players who have been tested and the frequency with which they have been tested; the numbers of tests conducted on Players within certain ranking groups or categories; and the identity of Events where Testing has been carried out.
- 13.6 Whereabouts information provided to the ITF by a Player pursuant to Article 4.5.2 shall be entered onto ADAMS on the basis that it shall be maintained in the strictest confidence at all times, it shall be used by WADA and other Anti-Doping Organisations only for Doping Control purposes, and it shall be destroyed when no longer relevant for such purposes.
- 13.7 All Players subject to this Programme shall be deemed to have agreed, for purposes of applicable data protection and other laws and for all other purposes, to have consented to the collection, processing, disclosure and use of information relating to them, including personal information relating to them, in accordance with the provisions of the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement this Programme.

#### **14. Application and Recognition of Decisions Made by Other Organisations**

- 14.1 The provisions of this Programme shall be without prejudice to any jurisdiction that the Code may give to any other Anti-Doping Organisation over a Player.
- 14.2 Subject to any right of appeal, the Testing, TUE decisions, Provisional Suspensions, and hearing results or other final adjudications of any Signatory to the Code that are consistent with the Code and are within the Signatory's authority shall be applicable worldwide and shall be recognised and respected by the ITF, the ATP, the WTA, the Grand Slam Board and the National Associations automatically upon receipt of notice of same, without the need for any further formality. Each of the ITF, the ATP, the WTA, the Grand Slam Board, and the National Associations shall take all steps available to it to enforce and give effect to such decisions.

- 14.3 Subject to any right of appeal, measures taken by other bodies that have not accepted the Code shall also be recognised and respected by the ITF, the ATP, the WTA, the Grand Slam Board, and the National Associations if the ITF is satisfied that the rules of those bodies are otherwise consistent with the Code.

**15. Statute of Limitations**

No Anti-Doping Rule Violation proceeding may be commenced under this Programme against a Participant unless he/she has been notified of the Anti-Doping Rule Violation as provided in Article 8.1.1, or notification has been reasonably attempted, within 10 years from the date the violation is asserted to have occurred.

**16. Compliance**

Where a Player or Player Support Person refuses or fails without compelling justification to comply with any provision of this Programme, but such refusal or failure does not fall within any of the anti-doping rule violations defined in Article 2, the Player or Player Support Person shall not be deemed to have committed an Anti-Doping Rule Violation and he/she shall not be subject to any of the Consequences set out in Articles 9 and 10. However, disciplinary proceedings may be brought against him/her before the Independent Tribunal in accordance with Article 8, and if the Independent Tribunal finds that there has been such refusal or failure without compelling justification then it shall impose upon the Player or Player Support Person such sanctions as it sees fit (which may include, if it sees fit, a period during which the Player or Player Support Person shall not be eligible to participate in the sport).

## **APPENDICES**

Appendix One	Definitions
Appendix Two	Tennis Testing Protocols
Appendix Three	The 2019 Prohibited List
Appendix Four	International Standard for Therapeutic Use Exemptions
Appendix Five	International Standard for Testing and Investigations
Appendix Six	International Standard for the Protection of Privacy and Personal Information

# APPENDIX ONE

## DEFINITIONS

ABP Documentation Package. As described in the ABP Guidelines.

ABP Guidelines. WADA's Athlete Biological Passport Operating Guidelines and Compilation of Required Elements, as amended by WADA from time to time.

ABP Programme. The programme and methods of gathering and collating biological Markers on a longitudinal basis to facilitate indirect detection of the Use of Prohibited Substances and Prohibited Methods.

ABP Testing. The collection, transportation and analysis of Samples as part of the ABP Programme.

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

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

Adverse Analytical Finding. A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample the presence of a Prohibited Substance or any of its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

Adverse Passport Finding. A report identified as an Adverse Passport Finding as described in the applicable International Standards, and as defined in Article 4.6.5.

Anti-Doping Organisation. 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 Organisations that conduct Testing at their Events, WADA, International Federations, and National Anti-Doping Organisations.

Anti-Doping Programme Administrator. A person appointed by the ITF to perform various functions on its behalf under the Programme. References to the Anti-Doping



Programme Administrator shall be deemed to encompass any designee of the Anti-Doping Programme Administrator.

Anti-Doping Rule Violation. As defined in Article 2.

APA. See Anti-Doping Programme Administrator.

APMU. As defined in Article 4.6.1.

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

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

Atypical Finding. A report from a WADA-accredited laboratory or other WADA-approved laboratory that requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

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

CAS. As defined in Article 1.3.5.

Code. As defined in Article 1.2.

Competition. Any stand-alone competition held as part of an Event, such as a singles competition or a doubles or mixed doubles competition.

Consequences. An Anti-Doping Rule Violation may result in one or more of the following: (a) Disqualification means the Player's results in a particular Competition or Event are invalidated, with all resulting consequences, including forfeiture of any medals, ranking points and Prize Money; (b) Ineligibility means the Player or other Person is barred on account of an Anti-Doping Rule Violation for a specified period of time from participating in any Competition or other activity or funding, as provided in Article 10.11.1; (c) Provisional Suspension means the Player or other Person is temporarily barred from participating in any Competition or activity pending a decision on the charge(s) against him/her, as provided in Article 8.3.4; (d) Financial Consequences means a financial sanction imposed for an Anti-Doping Rule Violation or to recovers costs associated with an Anti-Doping Rule Violation; and (e) Public Disclosure or Public Reporting (or to Publicly Disclose or Publicly Report) means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification under the provisions of this Programme.

Contaminated Product. A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

Covered Event(s). As defined in Article 1.10.

Demand. As defined in Article 6.3.1.

Disqualification. See Consequences.

Doping Control. All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

Effective Date. As defined in Article 1.5.

Event. A series of individual Competitions conducted together under one organising, ruling body.

Event Period. As defined in Article 4.1.1.

Event Venue. As defined in Article 4.1.2.

Expert Panel. Suitably-qualified experts chosen by the ITF to evaluate Athlete Biological Passports in accordance with the ABP Guidelines. The Panel may include a standing group of appointed experts, and/or experts appointed *ad hoc* to assist in particular cases. Each member of the Expert Panel shall be independent of the ITF, which may provide reasonable compensation and reimbursement of expenses to such members. A member of the Review Board may also be a member of the Expert Panel, but he/she may not act as a Review Board member in relation to an Adverse Passport Finding to which he/she was a party in his/her capacity as a member of the Expert Panel.

Fault. Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player or other Person's degree of Fault include, for example, the Player or other Person's experience, whether the Player or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

Filing Failure. As defined in Article 2.4.

In-Competition. The period(s) so described in Article 4.3.2.

In-Competition Dates. As defined in Article 4.5.3.

Independent Observer Programme. A team of observers, under the supervision of WADA, who observe and provide guidance on the Doping Control process at certain Events and report on their observations.

Independent Panel. A panel of lawyers, medical and/or technical experts and/or other suitably qualified persons with experience in anti-doping, from whom a person designated as Chairman of the Independent Panel shall select one or more persons (which may include himself/herself) to sit as an Independent Tribunal to hear and determine particular matters arising under the Programme, in accordance with Article 8.1.2. Each person on the Independent Panel shall be independent of the parties to the matter (the ITF may provide reasonable compensation and reimbursement of expenses to such persons for the time they spend and the expenses they incur in sitting as a member of an Independent Tribunal under the Programme).

Independent Tribunal. As defined in Article 1.3.5, an independent and impartial tribunal of three persons (subject to Article 8.4.2(a)) appointed by the Chairman of the Independent Panel in accordance with Article 8.1.2 to hear and determine matters arising under the Programme.

Ineligibility. See Consequences.

International Event. An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an international federation, a Major Event Organisation or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event. All Covered Events shall be deemed International Events for purposes of the Code and Article 5 of the International Standard for Therapeutic Use Exemptions.

International-Level Athlete. As defined in Article 1.11.

International Registered Testing Pool. As defined in Article 4.5.1.

International Standard. A standard adopted by WADA in support of the Code, as revised from time to time. The International Standards in force as of the Effective Date are set out in the appendices to the Programme. However, WADA's Executive Committee may approve revisions to an International Standard at any time, and such revisions shall become effective in relation to the Programme on the date specified by WADA, without the need for any further action by the ITF. In the case of any difference between the International Standards as set out in the appendices to the Programme and the International Standards in effect and published on WADA's website, the latter shall prevail.

International Standard for Laboratories. The International Standard of the same name adopted by WADA in support of the Code.

International Standard for the Protection of Privacy and Personal Information. The International Standard of the same name adopted by WADA in support of the Code, the current version of which (as of the Effective Date) is set out at Appendix Six to the Programme.

International Standard for Testing and Investigations. The International Standard of the same name adopted by WADA in support of the Code, the current version of which (as of the Effective Date) is set out at Appendix Five to the Programme.

International Standard for Therapeutic Use Exemptions. The International Standard of the same name adopted by WADA in support of the Code, the current version of which (as of the Effective Date) is set out in Appendix Four to the Programme.

ITF. ITF Limited (t/a the International Tennis Federation) or its designee, which (in the context of the Programme) may be the APA.

ITF Anti-Doping Manager. An appointee of the ITF with supervisory responsibilities in relation to the Programme.

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

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

Metabolite. Any substance produced by a biotransformation process.

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

Missed Test. As defined in Article 2.4.

NADO. See National Anti-Doping Organisation.

National Anti-Doping Organisation. 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 at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

National Association. A national or regional entity that is a member of the ITF or is recognised by the ITF as the entity governing the sport of tennis in that nation or region.

National Olympic Committee. The organisation recognised 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.

National Registered Testing Pool. A pool of athletes established by a NADO in exercise of its powers under the International Standard for Testing and Investigations, triggering whereabouts obligations on the part of those athletes.

No Fault or Negligence. The Player or other Person establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1 the Player must also establish how the Prohibited Substance entered his/her system.

No Significant Fault or Negligence. The Player or other Person establishing that his/her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation. Except in the case of a Minor, for any violation of Article 2.1 the Player must also establish how the Prohibited Substance entered his/her system.

Notice of Charge. The document described in Article 8.1.1.

Out-of-Competition. The period(s) described in Article 4.4.1.

Participant. Any Player or Player Support Person.

Person. A natural person or an organisation or other entity.

Player. As defined in Article 1.11.

Player's Nominated Address. As defined in Article 1.13.

Player Support Person. As defined in Article 1.15.

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

Prize Money. All of the consideration provided by the organiser of a Competition as a reward for performance in the Competition, whether monetary (i.e. cash) or non-monetary (e.g. a trophy, vehicle or other prize). Where the reward is attributable to performance as part of a team, the rules of the Competition may provide for how much of the reward is to be allocated to a Player for purposes of forfeiture under the Programme. Such rules shall be without prejudice to the provisions of Article 9 with respect to doubles Prize Money. Any Prize Money forfeited shall be repaid without deducting tax paid by or on behalf of the Player, unless the Player shows by means of independent and verifiable evidence that such tax has been paid and is not recoverable by the Player. All Prize Money forfeited under the Programme shall be retained by the ITF to defray the costs of its anti-doping efforts.

Programme. As defined in Article 1.1.

Prohibited List. The List identifying the Prohibited Substances and Prohibited Methods.

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

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

Provisional Suspension. See Consequences.

Public Disclosure or Public Reporting (or to Publicly Disclose or Publicly Report). See Consequences.

Review Board. A standing panel appointed by the ITF, consisting of persons with medical, technical and/or legal experience in anti-doping, to perform the functions assigned to the Review Board in the Programme. Further persons may be co-opted onto the Review Board on a case-by-case basis, where there is a need for their specific expertise and for experience. Each member of the Review Board panel shall be independent of the ITF, which may provide reasonable compensation and reimbursement of expenses to such members.

Sample. Any biological material collected for the purposes of Doping Control. The terms “A Sample” and “B Sample” shall have the meanings ascribed to them in the International Standard for Testing and Investigations.

Signatories. Those entities signing the Code and agreeing to comply with the Code, as provided in Code Article 23.

Specified Substances. As defined in Article 3.4.

Substantial Assistance. For purposes of Article 10.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he/she possesses in relation to Anti-Doping Rule Violations; and (2) fully cooperate with the investigation and adjudication of any case related to that information, including (for example) by presenting testimony at a hearing if requested to do so by the ITF or other Anti-Doping Organisation or the Independent Tribunal. Further, the information

provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

Target Testing. Selection of specific Players for Testing based on criteria set out in the International Standard for Testing and Investigations.

Tennis Testing Protocols. The supplementary Testing protocols set out at Appendix Two.

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

Trafficking. Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Player Support Personnel or any other Person to any third party; provided, however, that this definition shall not include (a) the actions of bona fide medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

TUE. As defined in Article 3.5.1.

TUE Committee. A panel appointed by the ITF and composed of at least three physicians with experience in the care and treatment of Players and a sound knowledge of clinical and exercise medicine. In all cases involved a Player with a disability, one of the physicians must have experience with the care and treatment of Players with disabilities.

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

WADA. The World Anti-Doping Agency.

Whereabouts Failure. A Filing Failure or a Missed Test.

## APPENDIX TWO

### TENNIS TESTING PROTOCOLS

The following protocols are designed to supplement the International Standard for Testing and Investigations as necessary to reflect the specificities of tennis. They are not intended to amend or contradict the International Standard for Testing and Investigations. In the event of any conflict between these protocols and the International Standard for Testing and Investigations, the latter shall prevail.

#### 1. Collection of urine Samples

- 1.1 If a Sample collected from a Player does not have a Suitable Specific Gravity for Analysis (as defined in the International Standard for Testing and Investigations), the Doping Control Officer ("DCO") shall inform the Player that he/she is required to provide a further Sample or Samples, until a Sample that has a Suitable Specific Gravity for Analysis is provided. (See ISTI Annex G). To facilitate this, the Player should fully void his/her bladder when providing a Sample, and any further Sample should not be collected for at least one hour after the previous Sample was collected. In the meantime, the Player should avoid unnecessary hydration (i.e., liquid intake).

#### 2. Collection of blood Samples

- 2.1 Prior to providing a blood Sample (see ISTI Annex E), the Player should sit down in a normal seated position (not lie down), with his/her feet on the floor, for at least ten minutes.
- 2.2 A blood Sample collected as part of ABP Testing shall not be collected within two hours of the Player training or competing. If the Player has trained or competed within two hours of the time that the Player is notified of his/her selection for such Sample collection, the DCO or a Chaperone shall observe the Player continuously (and the Player will cooperate to facilitate such continuous observation) until the two-hour period has elapsed, and then the Sample shall be collected.

#### 3. Collection of urine Samples and/or blood Samples

- 3.1 In addition to the Player, the persons authorised to be present during the Sample collection session are:
  - a. The DCO and his/her assistant(s).
  - b. The persons identified at ISTI Article 6.3.3.
  - c. The ITF Anti-Doping Manager and/or his/her designee(s).
- 3.2 No photography or audio or video recording of the Sample collection session is permitted. Instead, the Doping Control Form shall be the definitive record



of the Sample collection session, and any comments regarding the Sample collection session shall be recorded on the Doping Control Form. A Player may not make his/her participation in a Sample collection session conditional upon being permitted to photograph or record the session. Where a Player or other Person insists on photographing or recording the session in violation of this provision, then (subject to Review Board approval in accordance with Article 7.6) a case may be brought against the Player or other Person under Article 16. Where the conduct of the Player or other Person results in the Sample collection session being discontinued, then (subject to Review Board approval in accordance with Article 7.6) a case may be brought against the Player and/or other Person (on its own or in the alternative) for an Anti-Doping Rule Violation under Article 2.3 and/or Article 2.5. For the avoidance of doubt, any conduct by a Player Support Person or other member of the Player's entourage in relation to a Sample collection session may in appropriate circumstances be imputed to the Player for these purposes.

- 3.3 Where a Player who has been notified that he/she has been selected for In-Competition Testing refuses or fails to provide a Sample, the DCO must make reasonable efforts to contact the Event Supervisor (in the case of an ATP or WTA event) or the Event Supervisor or Referee (in the case of a Grand Slam event) or the Event Referee (in the case of an ITF event) to confirm the Player's responsibilities under the Programme to comply with Sample collection procedures and the potential consequences of failing or refusing to provide a Sample.

#### 4. Storage of Samples and Sample collection documentation

##### 4.1 Storage of Samples prior to dispatch from collection site (ISTI Article 8.3.1):

- a. The DCO is responsible for ensuring that all Samples are stored in a manner that protects their identity, integrity and security whilst at the collection site.
- b. The DCO shall keep the Samples secured and under his/her control until they are passed to a third party (e.g., the laboratory, or a courier to take them to the laboratory). Samples must not be left unattended, unless they are locked away in a refrigerator or cupboard, for example. In the absence of a secure area where the Samples may be left, the DCO shall keep the Samples under his/her control. Access to Samples shall be restricted at all times to authorised personnel.
- c. Where possible, Samples shall be stored in a cool environment. Warm conditions should be avoided.

##### 4.2 Secure handling of Sample collection documentation (ISTI Article 8.3.3):

- a. The DCO is responsible for ensuring that the Sample collection documentation for each Sample is securely handled after completion.

- b. Those parts of the Sample collection documentation that identify the Player or could be used to identify the Player that provided a particular Sample shall be kept separately from the Samples themselves. Where a separate secure storage site is available at the collection site (lockable and/or accessible only by authorised personnel), the documentation may be stored there. Otherwise, it shall be kept by the DCO and taken away from the site overnight.

## APPENDIX THREE

### THE 2019 PROHIBITED LIST WORLD ANTI-DOPING CODE (Valid from 1 January 2019)

In accordance with Article 4.2.2 of the World Anti-Doping Code, all *Prohibited Substances* shall be considered as “*Specified Substances*” except Substances in classes S1, S2, S4.4, S4.5, S6.a, and *Prohibited Methods* M1, M2 and M3.

<b>SUBSTANCES AND METHODS PROHIBITED AT ALL TIMES (IN- AND OUT-OF-COMPETITION)</b>
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#### PROHIBITED SUBSTANCES

##### S0. NON-APPROVED SUBSTANCES

Any pharmacological substance which is not addressed by any of the subsequent sections of the *List* and with no current approval by any governmental regulatory health authority for human therapeutic use (e.g. drugs under pre-clinical or clinical development or discontinued, designer drugs, substances approved only for veterinary use) is prohibited at all times.

##### S1. ANABOLIC AGENTS

Anabolic agents are prohibited.

##### 1. Anabolic Androgenic Steroids (AAS)

a. **Exogenous\*** AAS, including:

**1-androstenediol** (5 $\alpha$ -androst-1-ene-3 $\beta$ ,17 $\beta$ -diol );

**1-androstenedione** (5 $\alpha$ -androst-1-ene-3,17-dione);

**1-androsterone** (3 $\alpha$ -hydroxy-5 $\alpha$ -androst-1-ene-17-one);

**1-testosterone** (17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);

**bolasterone;**

**calusterone;**

**clostebol;**

**danazol** ([1,2]oxazolo[4',5':2,3]pregna-4-en-20-yn-17 $\alpha$ -ol);

**dehydrochlormethyltestosterone** (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methylandrosta-1,4-dien-3-one);

**desoxymethyltestosterone** (17 $\alpha$ -methyl-5 $\alpha$ -androst-2-en-17 $\beta$ -ol and 17 $\alpha$ -methyl-5 $\alpha$ -androst-3-en-17 $\beta$ -ol);

**drostanolone;**

**ethylestrenol** (19-norpregna-4-en-17 $\alpha$ -ol);

**fluoxymesterone;**

**formebolone**;  
**furazabol** (17 $\alpha$ -methyl[1,2,5]oxadiazolo[3',4':2,3]-5 $\alpha$ -androstan-17 $\beta$ -ol);  
**gestrinone**;  
**mestanolone**;  
**mesterolone**;  
**metandienone** (17 $\beta$ -hydroxy-17 $\alpha$ -methylandrosta-1,4-dien-3-one);  
**metenolone**;  
**methandriol**;  
**methasterone** (17 $\beta$ -hydroxy-2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androstan-3-one);  
**methyldienolone** (17 $\beta$ -hydroxy-17 $\alpha$ -methylestra-4,9-dien-3-one);  
**methyl-1-testosterone** (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androstan-1-en-3-one);  
**methylnortestosterone** (17 $\beta$ -hydroxy-17 $\alpha$ -methylestr-4-en-3-one);  
**methyltestosterone**;  
**metribolone** (methyltrienolone, 17 $\beta$ -hydroxy-17 $\alpha$ -methylestra-4,9,11-trien-3-one);  
**mibolone**;  
**norboletone**;  
**norclostebol**;  
**norethandrolone**;  
**oxabolone**;  
**oxandrolone**;  
**oxymesterone**;  
**oxymetholone**;  
**prostanazol** (17 $\beta$ -[(tetrahydropyran-2-yl)oxy]-1'H-pyrazolo[3,4:2,3]-5 $\alpha$ -androstan-3-one);  
**quinbolone**;  
**stanozolol**;  
**stenbolone**;  
**tetrahydrogestrinone** (17-hydroxy-18 $\alpha$ -homo-19-nor-17 $\alpha$ -pregna-4,9,11-trien-3-one);  
**trenbolone** (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);  
 and other substances with a similar chemical structure or similar biological effect(s).

**b. Endogenous \*\* AAS and their Metabolites and isomers** when administered exogenously, including but not limited to:

**4-androstenediol** (androst-4-ene-3 $\beta$ ,17 $\beta$ -diol);  
**4-hydroxytestosterone** (4,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
**5-androstenedione** (androst-5-ene-3,17-dione);  
**7 $\alpha$ -hydroxy-DHEA**;  
**7 $\beta$ -hydroxy-DHEA**;  
**7-keto-DHEA**;  
**19-norandrostenediol** (estr-4-ene-3,17-diol);  
**19-norandrostenedione** (estr-4-ene-3,17-dione);  
**Androstanolone** (5 $\alpha$ -dihydrotestosterone, 17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one);  
**androstenediol** (androst-5-ene-3 $\beta$ ,17 $\beta$ -diol);  
**androstenedione** (androst-4-ene-3,17-dione);  
**boldenone**;

**boldione** (androsta-1,4-diene-3,17-dione);  
**epiandrosterone** (3 $\beta$ -hydroxy-5 $\alpha$ -androstane-17-one);  
**epi-dihydrotestosterone** (17 $\beta$ -hydroxy-5 $\beta$ -androstane-3-one);  
**epitestosterone**;  
**nandrolone** (19-nortestosterone);  
**prasterone** (dehydroepiandrosterone, DHEA, 3 $\beta$ -hydroxyandrost-5-en-17-one);  
**testosterone**.

## **2. Other Anabolic Agents**

Including, but not limited to:

**Clenbuterol, selective androgen receptor modulators [SARMs, e.g. andarine, LGD-4033, enobosarm (ostarine) and RAD140] tibolone, zeranol, and zilpaterol.**

*For purposes of this section:*

\* “exogenous” refers to a substance which is not ordinarily produced by the body naturally.

\*\* “endogenous” refers to a substance which is ordinarily produced by the body naturally.

## **S2. PEPTIDE HORMONES, GROWTH FACTORS, RELATED SUBSTANCES AND MIMETICS**

The following substances, and other substances with similar chemical structure or similar biological effect(s), are prohibited:

**1. Erythropoietins (EPO) and agents affecting erythropoiesis, including, but not limited to:**

**1.1 Erythropoietin-Receptor Agonists, e.g.**

**Darbepoietins (dEPO); erythropoietins (EPO); EPO based constructs [EPO-Fc, methoxy polyethylene glycol-epoetin beta (CERA)]; EPO-mimetic agents and their constructs (e.g. CNTO-530, peginesatide).**

**1.2 Hypoxia-inducible factor (HIF) activating agents, e.g.**

**Argon; cobalt; daprodustat (GSK1278863); molidustat (BAY 85-3934); roxadustat (FG-4592); vadadustat (AKB-6548); xenon.**

**1.3 GATA inhibitors, e.g.**

**K-11706.**

**1.4 TGF-beta (TGF- $\beta$ ) inhibitors, e.g.**

**Luspatercept; sotatercept.**

**1.5 Innate repair receptor agonists, e.g.**

**Asialo EPO; carbamylated EPO (CEPO).**

## 2. Peptide Hormones and their Releasing Factors,

**2.1 Chorionic Gonadotrophin (CG) and Luteinizing Hormone (LH)** and their releasing factors in males, e.g.

**Buserelin, deslorelin, gonadorelin, goserelin, leuporelin, nafarelin and triptorelin;**

**2.2 Corticotrophins** and their releasing factors, e.g.

**Corticotorelin;**

**2.3 Growth Hormone (GH),** its fragments and releasing factors, including, but not limited to:

**Growth Hormone fragments, e.g. AOD-9604 and hGH 176-191; Growth Hormone Releasing Hormone (GHRH) and its analogues, e.g. CJC-1293, CJC-1295, sermorelin and tesamorelin; Growth Hormone Secretagogues (GHS), e.g. lenomorelin (ghrelin) and its mimetics, e.g. anamorelin, ipamorelin, macimorelin and tabimorelin; GH-Releasing Peptides (GHRPs), e.g. alexamorelin, GHRP-1, GHRP-2 (pralmorelin), GHRP-3, GHRP-4, GHRP-5, GHRP-6, and examorelin (hexarelin).**

## 3. Growth Factors and Growth Factor Modulators, including, but not limited to:

**Fibroblast Growth Factors (FGFs);**

**Hepatocyte Growth Factor (HGF);**

**Insulin-like Growth Factor-1 (IGF-1) and its analogues;**

**Mechano Growth Factors (MGFs);**

**Platelet-Derived Growth Factor (PDGF);**

**Thymosin-B4 and its derivatives e.g. TB-500;**

**Vascular-Endothelial Growth Factor (VEGF);**

and other growth factors or growth factor modulators affecting muscle, tendon or ligament protein synthesis/degradation, vascularisation, energy utilization, regenerative capacity or fibre type switching.

### **S3. BETA-2 AGONISTS**

All selective and non-selective **beta-2 agonists**, including all **optical isomers**, are prohibited.

Including, but not limited to:

**Fenoterol; formoterol; higenamine; indacaterol; olodaterol; procaterol; reproterol; salbutamol; salmeterol; terbutaline; tretoquinol (trimetoquinol); tulobuterol; vilanterol.**

Except:

- Inhaled **salbutamol**; maximum 1600 micrograms over 24 hours in divided doses not to exceed 800 micrograms over 12 hours starting from any dose;

- Inhaled **formoterol**; maximum delivered dose of 54 micrograms over 24 hours);
- Inhaled **salmeterol**; maximum 200 micrograms over 24 hours.

The presence in urine of salbutamol in excess of 1000 ng/mL or formoterol in excess of 40 ng/mL is not consistent with therapeutic use of the substance and will be considered as an *Adverse Analytical Finding (AAF)* unless the *Athlete* proves, through a controlled pharmacokinetic study, that the abnormal result was the consequence of a therapeutic dose (by inhalation) up to the maximum dose indicated above.

#### **S4. HORMONE AND METABOLIC MODULATORS**

The following **hormones** and **metabolic modulators** are prohibited:

1. **Aromatase inhibitors** including, but not limited to:

2- **Androstenol** (5 $\alpha$ -androst-2-en-17-ol);  
 2- **Androstenone** (5 $\alpha$ -androst-2-en-17-one);  
 3- **Androstenol** (5 $\alpha$ -androst-3-en-17-ol);  
 3- **Androstenone** (5 $\alpha$ -androst-3-en-17-one);  
     **4-androstene-3,6,17 trione** (6-oxo);  
     **aminogluthethimide**;  
     **anastrozole**;  
     **androsta-1,4,6-triene-3,17-dione** (androstatrienedione);  
     **androsta-3,5-diene-7,17-dione** (arimistane);  
     **exemestane**;  
     **formestane**;  
     **letrozole**;  
     **testolactone**.

2. **Selective estrogen receptor modulators (SERMs)** including, but not limited to:

**raloxifene**;  
**tamoxifen**;  
**toremifene**.

3. **Other anti-estrogenic substances** including, but not limited to:

**clomifene**;  
**cyclofenil**;  
**fulvestrant**.

4. **Agents preventing activin receptor IIB activation** including, but not limited, to:

**activin A-neutralizing antibodies**;  
**activin reception IIB antibodies** (such as **decoy activin receptors** (e.g. ACE-031);  
**anti-activin receptor IIB antibodies** (e.g. bimagrumab);

**myostatin inhibitors** such as **agents reducing or ablating myostatin expression**;  
**myostatin-neutralizing antibodies** (e.g. domagrozumab, landogrozumab, stamulumab);  
**myostatin-binding proteins** (e.g. follistatin, myostatin propeptide);

## 5. Metabolic modulators:

- 5.1 **Activators of the AMP-activated protein kinase (AMPK)**, e.g. **AICAR, SR9009**; and **Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists**, e.g. **2-(2-methyl-((4-methyl-2-(4-(trifluoromethyl)phenyl)thiazol-5-yl)methylthio)phenoxy) acetic acid (GW1516, GW501516)**;
- 5.2 **Insulins** and **insulin-mimetics**;
- 5.3 **Meldonium**;
- 5.4 **Trimetazidine**.

## S5. DIURETICS AND MASKING AGENTS

The following **diuretics** and **masking agents** are prohibited, as are other substances with a similar chemical structure or similar biological effect(s).

Including, but not limited to:

- **Desmopressin; probenecid; plasma expanders**, e.g. intravenous administration of **albumin, dextran, hydroxyethyl starch** and **mannitol**.
- **Acetazolamide; amiloride; bumetanide; canrenone; chlortalidonide; etacrynic acid; furosemide; indapamide; metolazone; spironolactone; thiazides**, e.g. **bendroflumethiazide, chlorothiazide** and **hydrochlorothiazide; triamterene** and **vaptans**, e.g. **tolvaptan**.

Except:

- **Drospirenone; pamabrom**; and **ophthalmic use of carbonic anhydrase inhibitors** (e.g. **dorzolamide, brinzolamide**).
- **Local administration of felypressin** in dental anaesthesia.

The detection in an *Athlete's Sample* at all times or *In-Competition*, as applicable, of any quantity of the following substances subject to threshold limits: formoterol, salbutamol, cathine, ephedrine, methylephedrine and pseudoephedrine, in conjunction with a diuretic or masking agent, will be considered as an *Adverse Analytical Finding* unless the *Athlete* has an approved *TUE* for that substance in addition to the one granted for the diuretic or masking agent.



## PROHIBITED METHODS

### M1. MANIPULATION OF BLOOD AND BLOOD COMPONENTS

The following are prohibited:

1. The *Administration* or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood, or red blood cell products of any origin into the circulatory system.
2. Artificially enhancing the uptake, transport or delivery of oxygen. Including, but not limited to: **Perfluorochemicals**; **efaproxiral** (RSR13) and **modified haemoglobin products**, e.g. haemoglobin-based blood substitutes and microencapsulated haemoglobin products, excluding supplemental oxygen by inhalation.
3. Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

### M2. CHEMICAL AND PHYSICAL MANIPULATION

The following are prohibited:

1. *Tampering*, or *Attempting to Tamper*, to alter the integrity and validity of *Samples* collected during *Doping Control*. Including, but not limited to: Urine substitution and/or adulteration e.g. proteases.
2. Intravenous infusions and/or injections of more than a total of 100 mL per 12-hour period except for those legitimately received in the course of hospital treatments, surgical procedures or clinical diagnostic investigations.

### M3. GENE AND CELL DOPING

The following, with the potential to enhance sport performance, are prohibited:

1. The use of polymers of nucleic acids or nucleic acid analogues;
2. The use of gene editing agents designed to alter genome sequences and/or the transcriptional, post-transcriptional or epigenetic regulation of gene expression.
3. The use of normal or genetically modified cells.

<p style="text-align: center;"><b>SUBSTANCES AND METHODS PROHIBITED IN-COMPETITION</b></p>
--

In addition to the classes S0 to S5 and M1 to M3 defined above,  
the following classes are prohibited *In-Competition*:

**PROHIBITED SUBSTANCES**

**S6. STIMULANTS**

All **stimulants**, including all **optical isomers**, e.g. *d*- and *l*- where relevant, are prohibited.

Stimulants include:

a: Non-Specified Stimulants:

**Adrafinil;**  
**amfepramone;**  
**amfetamine;**  
**amfetaminil;**  
**amiphenazole;**  
**benfluorex;**  
**benzylpiperazine;**  
**bromantan;**  
**clobenzorex;**  
**cocaine;**  
**cropropamide;**  
**crotetamide;**  
**fencamine;**  
**fenetylline;**  
**fenfluramine;**  
**fenproporex;**  
**fonturacetam** [4- phenylpiracetam (carphedon)];  
**furfenorex;**  
**lisdexamfetamine;**  
**mefenorex;**  
**mephentermine;**  
**mesocarb;**  
**metamfetamine(d-);**  
**p-methylamfetamine;**  
**modafinil;**  
**norfenfluramine;**  
**phendimetrazine;**  
**phentermine;**  
**prenylamine;**  
**prolintane.**

A stimulant not expressly listed in this section is a Specified Substance.

b: Specified Stimulants.

Including, but not limited to:

**3-methylhexan-2-amine** (1,2-dimethylpentylamine);

**4-methylhexan-2-amine** (methylhexanamine);

**4-methylhexan-2-amine** (1,3-dimethylbutylamine);

**5-methylhexan-2-amine** (1,4-dimethylpentylamine);

**benzphetamine;**

**cathine** <sup>\*\*</sup>;

**cathinone** and its **analogues, e.g. mephedrone, methedrone, and  $\alpha$ -pyrrolidinovalerophenone;**

**dimetamfetmine** (dimethylamphetamine);

**ephedrine** <sup>\*\*\*</sup>;

**epinephrine** <sup>\*\*\*\*</sup> (adrenaline);

**etamivan;**

**etilamfetamine;**

**etilefrine;**

**famprofazone;**

**fenbutrazate;**

**fencamfamin;**

**heptaminol;**

**hydroxyamfetamine** (parahydroxyamphetamine);

**isometheptene;**

**levmetamfetamine;**

**meclofenoxate;**

**methylenedioxymethamphetamine;**

**methylephedrine** <sup>\*\*\*</sup>;

**methylphenidate;**

**nikethamide;**

**norfenefrine;**

**octopamine;**

**oxilofrine** (methysynephrine);

**pemoline;**

**pentetrazol;**

**phentylamine** and its **derivatives;**

**phenmetrazine;**

**phenpromethamine;**

**propylhexedrine;**

**pseudoephedrine** <sup>\*\*\*\*</sup>;

**selegiline;**

**sibutramine;**

**strychnine;**

**tenamfetamine** (methylenedioxymphetamine),

**tuaminoheptane;**

and other substances with a similar chemical structure or similar biological effect(s).

Except:

- Clonidine
- Imidazole derivatives for topical/ophthalmic use and those stimulants included in the 2019 Monitoring Program\*.

\* Bupropion, caffeine, nicotine, phenylephrine, phenylpropanolamine, pipradrol, and synephrine: These substances are included in the 2019 Monitoring Program, and are not considered *Prohibited Substances*.

\*\* Cathine: Prohibited when its concentration in urine is greater than 5 micrograms per milliliter.

\*\*\* Ephedrine and methylephedrine: Prohibited when the concentration of either in urine is greater than 10 micrograms per milliliter.

\*\*\*\* Epinephrine (adrenaline): Not prohibited in local administration, e.g. nasal, ophthalmologic, or co-administration with local anaesthetic agents.

\*\*\*\*\* Pseudoephedrine: Prohibited when its concentration in urine is greater than 150 micrograms per milliliter.

## **S7. NARCOTICS**

The following narcotics are prohibited:

**Buprenorphine;**  
**dextromoramide;**  
**diamorphine** (heroin);  
**fentanyl** and its **derivatives**;  
**hydromorphone**;  
**methadone**;  
**morphine**;  
**nicomorphine**;  
**oxycodone**;  
**oxymorphone**;  
**pentazocine**;  
**pethidine**.

## **S8. CANNABINOIDS**

The following cannabinoids are prohibited:

- **Natural cannabinoids**, e.g. **cannabis**, **hashish** and **marijuana**
- **Synthetic cannabinoids** e.g.  **$\Delta^9$ -tetrahydrocannabinol (THC)** and **other cannabimimetics**.

Except:

- Cannabidiol.

## **S9. GLUCOCORTICOIDS**

All **glucocorticoids** are prohibited when administered by oral, intravenous, intramuscular or rectal routes.

Including but not limited to:

**Betamethasone;  
budesonide;  
cortisone;  
deflazacort;  
dexamethasone;  
fluticasone;  
hydrocortisone;  
methylprednisolone;  
prednisolone;  
prednisone;  
triamcinolone.**

## APPENDIX FOUR

### INTERNATIONAL STANDARDS FOR THERAPEUTIC USE EXEMPTIONS

(Valid from 1 January 2016)

The World Anti-Doping Code International Standard for Therapeutic Use Exemptions (ISTUE) is a mandatory International Standard developed as part of the World Anti-Doping Program.

The International Standard for Therapeutic Use Exemptions was first adopted in 2004 and came into effect 1 January 2005. Further revisions were made in 2009, 2010, 2011 and 2015. The enclosed ISTUE incorporates revisions approved by the WADA Executive Committee on 18 November 2015. It will come into effect on 1 January 2016.

#### PART ONE: INTRODUCTION, *CODE* PROVISIONS AND DEFINITIONS

##### 1.0 INTRODUCTION AND SCOPE

The International Standard for Therapeutic Use Exemptions is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The purpose of the International Standard for Therapeutic Use Exemptions is to establish (a) the conditions that must be satisfied in order for a Therapeutic Use Exemption (or *TUE*) to be granted, permitting the presence of a *Prohibited Substance* in an *Athlete's Sample* or the *Athlete's Use or Attempted Use, Possession* and/or *Administration or Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons; (b) the responsibilities imposed on *Anti-Doping Organizations* in making and communicating *TUE* decisions; (c) the process for an *Athlete* to apply for a *TUE*; (d) the process for an *Athlete* to get a *TUE* granted by one *Anti-Doping Organization* recognized by another *Anti-Doping Organization*; (e) the process for *WADA* to review *TUE* decisions; and (f) the strict confidentiality provisions that apply to the *TUE* process.

Terms used in this *International Standard* that are defined terms from the *Code* are written in italics. Terms that are defined in this *International Standard* are underlined.

## 2.0 CODE PROVISIONS

The following articles in the 2015 *Code* are directly relevant to the International Standard for Therapeutic Use Exemptions:

### **Code Article 4.4 Therapeutic Use Exemptions ("TUEs").**

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.2 An *Athlete* who is not an *International-Level Athlete* should apply to his or her *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the national-level appeal body described in Articles 13.2.2 and 13.2.3.

4.4.3 An *Athlete* who is an *International-Level Athlete* should apply to his or her International Federation.

4.4.3.1 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, if that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International Federation must recognize it. If the International Federation considers that the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* and his or her *National Anti-Doping Organization* promptly, with reasons. The *Athlete* or the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA's* decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

4.4.3.2 If the *Athlete* does not already have a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to his or her International Federation for a *TUE* as soon as the need arises. If the International Federation (or the *National Anti-Doping Organization*,

where it has agreed to consider the application on behalf of the International Federation) denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If the International Federation grants the *Athlete's* application, it must notify not only the *Athlete* but also his or her *National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the *TUE* does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

*[Comment to Article 4.4.3: If the International Federation refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]*

*If an International Federation chooses to test an Athlete who is not an International-Level Athlete, it must recognize a TUE granted to that Athlete by his or her National Anti-Doping Organization.]*

4.4.4 A *Major Event Organization* may require *Athletes* to apply to it for a *TUE* if they wish to *Use* a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event*. In that case:

4.4.4.1 The *Major Event Organization* must ensure a process is available for an *Athlete* to apply for a *TUE* if he or she does not already have one. If the *TUE* is granted, it is effective for its *Event* only.

4.4.4.2 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organization* or International Federation, if that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the *Major Event Organization* must recognize it. If the *Major Event Organization* decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* promptly, explaining its reasons.



4.4.4.3 A decision by a *Major Event Organization* not to recognize or not to grant a *TUE* may be appealed by the *Athlete* exclusively to an independent body established or appointed by the *Major Event Organization* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), he or she may not *Use* the substance or method in question in connection with the *Event*, but any *TUE* granted by his or her *National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.

*[Comment to Article 4.4.4.3: For example, the CAS Ad Hoc Division or a similar body may act as the independent appeal body for particular Events, or WADA may agree to perform that function. If neither CAS nor WADA are performing that function, WADA retains the right (but not the obligation) to review the TUE decisions made in connection with the Event at any time, in accordance with Article 4.4.6.]*

4.4.5 If an *Anti-Doping Organization* chooses to collect a *Sample* from a *Person* who is not an *International-Level* or *National-Level Athlete*, and that *Person* is *Using a Prohibited Substance* or *Prohibited Method* for therapeutic reasons, the *Anti-Doping Organization* may permit him or her to apply for a retroactive *TUE*.

4.4.6 *WADA* must review an *International Federation's* decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to it by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, *WADA* must review an *International Federation's* decision to grant a *TUE* that is referred to it by the *Athlete's National Anti-Doping Organization*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

*[Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]*

4.4.7 Any *TUE* decision by an *International Federation* (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of an *International Federation*) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to *CAS*.

*[Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]*

4.4.8 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or the International Federation affected, exclusively to *CAS*.

4.4.9 A failure to take action within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application.

### **Code Article 13.4 Appeals relating to TUEs**

*TUE* decisions may be appealed exclusively as provided in Article 4.4.

## **3.0 DEFINITIONS AND INTERPRETATION**

**3.1** Defined terms from the 2015 *Code* that are used in the International Standard for Therapeutic Use Exemptions:

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

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

**Adverse Analytical Finding:** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence

of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of 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:*** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

[*Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering, results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.*]

**Code:** The World Anti-Doping Code.

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

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

**In-Competition:** Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, “*In-Competition*” means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

*[Comment: An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.]*

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

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

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

**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 at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country’s *National Olympic Committee* or its designee.

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

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

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

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

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

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

**Signatories:** Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23.

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

**TUE:** Therapeutic Use Exemption, as described in Article 4.4.

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

**WADA:** The World Anti-Doping Agency.

**3.2** Further defined term from the International Standard for the Protection of Privacy and Personal Information that is used in the International Standard for Therapeutic Use Exemptions:

**Personal Information:** Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Persons* whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

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

**3.3** Further defined terms specific to the International Standard for Therapeutic Use Exemptions:

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

**Therapeutic Use Exemption Committee (or "TUEC"):** The panel established by an *Anti-Doping Organization* to consider applications for *TUEs*.

**WADA TUEC:** The panel established by *WADA* to review the *TUE* decisions of other *Anti-Doping Organizations*.

### 3.4 Interpretation:

3.4.1 Unless otherwise specified, references to articles are references to articles of the International Standard for Therapeutic Use Exemptions.

3.4.2 The comments annotating various provisions of the International Standard for Therapeutic Use Exemptions shall be used to interpret that *International Standard*.

3.4.3 The official text of the International Standard for Therapeutic Use Exemptions shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

## PART TWO: STANDARDS AND PROCESS FOR GRANTING TUES

### 4.0 Obtaining a TUE

4.1 An *Athlete* may be granted a TUE if (and only if) he/she can show, by a balance of probability, that each of the following conditions is met:

- a. The *Prohibited Substance* or *Prohibited Method* in question is needed to treat an acute or chronic medical condition, such that the *Athlete* would experience a significant impairment to health if the *Prohibited Substance* or *Prohibited Method* were to be withheld.
- b. The Therapeutic Use of the *Prohibited Substance* or *Prohibited Method* is highly unlikely to produce any additional enhancement of performance beyond what might be anticipated by a return to the *Athlete*'s normal state of health following the treatment of the acute or chronic medical condition.
- c. There is no reasonable Therapeutic alternative to the Use of the *Prohibited Substance* or *Prohibited Method*.
- d. The necessity for the Use of the *Prohibited Substance* or *Prohibited Method* is not a consequence, wholly or in part, of the prior Use (without a TUE) of a substance or method which was prohibited at the time of such Use.

*[Comment to 4.1: When a TUEC is deciding whether or not to recognize a TUE granted by another Anti-Doping Organization (see Article 7, below), and when WADA is reviewing a decision to grant (or not to grant) a TUE (see Article 8, below), the issue will be the same as it is for a TUEC that is considering an application for a TUE under Article 6, below, i.e., has the Athlete demonstrated by a balance of probability that each of the conditions set out in Article 4.1 is met?]*

*The WADA documents titled “Medical Information to Support the Decisions of TUECs”, posted on WADA’s website, should be used to assist in the application of these criteria in relation to particular medical conditions.]*



**4.2** Unless one of the exceptions set out in Article 4.3 applies, an *Athlete* who needs to *Use a Prohibited Substance or Prohibited Method* for Therapeutic reasons must obtain a *TUE* prior to *Using* or *Possessing* the substance or method in question.

**4.3** An *Athlete* may only be granted retroactive approval for his/her Therapeutic Use of a Prohibited Substance or Prohibited Method (i.e., a retroactive *TUE*) if:

- a. Emergency treatment or treatment of an acute medical condition was necessary; or
- b. Due to other exceptional circumstances, there was insufficient time or opportunity for the *Athlete* to submit, or for the TUEC to consider, an application for the *TUE* prior to *Sample* collection; or
- c. The applicable rules required the *Athlete* (see comment to Article 5.1) or permitted the *Athlete* (see *Code Article 4.4.5*) to apply for a retroactive *TUE*; or

*[Comment to 4.3(c): Such Athletes are strongly advised to have a medical file prepared and ready to demonstrate their satisfaction of the TUE conditions set out at Article 4.1, in case an application for a retroactive TUE is necessary following Sample collection.]*

- d. It is agreed, by *WADA* and by the *Anti-Doping Organization* to whom the application for a retroactive *TUE* is or would be made, that fairness requires the grant of a retroactive *TUE*.

*[Comment to 4.3(d): If WADA and/or the Anti-Doping Organization do not agree to the application of Article 4.3(d), that may not be challenged either as a defense to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise.]*

## **5.0 TUE RESPONSIBILITIES OF ANTI-DOPING ORGANIZATIONS**

**5.1** *Code Article 4.4* specifies (a) which *Anti-Doping Organizations* have authority to make *TUE* decisions; (b) how those *TUE* decisions should be recognized and respected by other *Anti-Doping Organizations*; and (c) when *TUE* decisions may be reviewed and/or appealed.

*[Comment to 5.1: See Annex 1 for a flow-chart summarizing the key provisions of Code Article 4.4.]*

*Code Article 4.4.2 specifies the authority of a National Anti-Doping Organization to make TUE decisions in respect of Athletes who are not International-Level Athletes. In case of dispute as to which National Anti-Doping Organization should*

*deal with the TUE application of an Athlete who is not an International-Level Athlete, WADA will decide. WADA's decision will be final and not subject to appeal.*

*Where national policy requirements and imperatives lead a National Anti-Doping Organization to prioritize certain sports over others in its test distribution planning (as contemplated by Article 4.4.1 of the International Standard for Testing and Investigations), the National Anti-Doping Organization may decline to consider advance applications for TUEs from Athletes in some or all of the non-priority sports, but in that case it must permit any such Athlete from whom a Sample is subsequently collected to apply for a retroactive TUE. The National Anti-Doping Organization should publicize any such policy on its website for the benefit of affected Athletes.]*

**5.2** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must establish a TUEC to consider whether applications for grant or recognition of TUEs meet the conditions set out in Article 4.1.

*[Comment to 5.2: While a Major Event Organization may choose to recognize pre-existing TUEs automatically, there must be a mechanism for Athletes participating in the Event to obtain a new TUE if the need arises. It is up to each Major Event Organization whether it sets up its own TUEC for this purpose, or rather whether it outsources the task by agreement to a third party (such as Sport Accord). The aim in each case should be to ensure that Athletes competing in such Events have the ability to obtain TUEs quickly and efficiently before they compete.]*

- a. TUECs should include at least three physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In cases involving *Athletes* with impairments, at least one TUEC member should possess general experience in the care and treatment of *Athletes* with impairments, or possess specific experience in relation to the *Athlete's* particular impairment(s).
- b. In order to ensure a level of independence of decisions, at least a majority of the members of a TUEC should have no political responsibility in the *Anti-Doping Organization* that appoints them. All members of the TUEC must sign a conflict of interest and confidentiality declaration. (A template declaration is available on *WADA's* website).

**5.3** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must establish a clear process for applying to its TUEC for a TUE that complies with the requirements of this *International Standard*. It must also publish details of that process by (at a minimum) posting the information in a conspicuous place on its website and sending the information to *WADA*. *WADA* may re-publish the same information on its own website.

**5.4** Each *National Anti-Doping Organization*, *International Federation* and *Major Event Organization* must promptly report (in English or French) all decisions of its TUEC granting or denying *TUEs*, and all decisions to recognize or refusing to recognize other *Anti-Doping Organizations'* *TUE* decisions, through *ADAMS* or any other system approved by *WADA*. In respect of *TUEs* granted, the information reported shall include (in English or French):

- a. not only the approved substance or method, but also the dosage(s), frequency and route of *Administration* permitted, the duration of the *TUE*, and any conditions imposed in connection with the *TUE*; and
- b. the *TUE* application form and the relevant clinical information (translated into English or French) establishing that the Article 4.1 conditions have been satisfied in respect of such *TUE* (for access only by *WADA*, the *Athlete's National Anti-Doping Organization* and *International Federation*, and the *Major Event Organization* organizing an *Event* in which the *Athlete* wishes to compete).

*[Comment to 5.4: The process of recognition of TUEs is greatly facilitated by use of ADAMS.]*

**5.5** When a *National Anti-Doping Organization* grants a *TUE* to an *Athlete*, it must warn him/her in writing (a) that that *TUE* is valid at national level only, and (b) that if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, that *TUE* will not be valid for those purposes unless it is recognized by the relevant *International Federation* or *Major Event Organization* in accordance with Article 7.1. Thereafter, the *National Anti-Doping Organization* should help the *Athlete* to determine when he/she needs to submit the *TUE* to an *International Federation* or *Major Event Organization* for recognition, and should guide and support the *Athlete* through the recognition process.

**5.6** Each *International Federation* and *Major Event Organization* must publish a notice (at a minimum, by posting it in a conspicuous place on its website and sending it to *WADA*) that sets out clearly (1) which *Athletes* coming under its jurisdiction are required to apply to it for a *TUE*, and when; (2) which *TUE* decisions of other *Anti-Doping Organizations* it will automatically recognize in lieu of such application, in accordance with Article 7.1(a); and (3) which *TUE* decisions of other *Anti-Doping Organizations* will have to be submitted to it for recognition, in accordance with Article 7.1(b). *WADA* may re-publish the notice on its own website.

**5.7** Any *TUE* that an *Athlete* has obtained from a *National Anti-Doping Organization* shall not be valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event* unless and until the relevant *International Federation* recognizes that *TUE* in accordance with Article 7.0. Any *TUE* that an *Athlete* has obtained from an *International Federation* shall not be valid if the *Athlete*

competes in an *International Event* organized by a *Major Event Organization*, unless and until the relevant *Major Event Organization* recognizes that *TUE* in accordance with Article 7.0. As a result, if the International Federation or *Major Event Organization* (as applicable) declines to recognize that *TUE*, then (subject to the *Athlete's* rights of review and appeal) that *TUE* may not be relied upon to excuse the presence, *Use*, *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* mentioned in the *TUE* vis-à-vis that International Federation or *Major Event Organization*.

## **6.0 TUE APPLICATION PROCESS**

**6.1** An *Athlete* who needs a *TUE* should apply as soon as possible. For substances prohibited *In-Competition* only, the *Athlete* should apply for a *TUE* at least 30 days before his/her next *Competition*, unless it is an emergency or exceptional situation. The *Athlete* should apply to his/her *National Anti-Doping Organization*, International Federation and/or a *Major Event Organization* (as applicable), using the *TUE* application form provided. *Anti-Doping Organizations* shall make the application form they want *Athletes* to use available for download from their websites. That form must be based on the template set out in Annex 2. The template may be modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items may be removed.

**6.2** The *Athlete* should submit the *TUE* application form to the relevant *Anti-Doping Organization* via *ADAMS* or as otherwise specified by the *Anti-Doping Organization*. The form must be accompanied by:

- a. a statement by an appropriately qualified physician, attesting to the need for the *Athlete* to *Use* the *Prohibited Substance* or *Prohibited Method* in question for Therapeutic reasons; and
- b. a comprehensive medical history, including documentation from the original diagnosing physician(s) (where possible) and the results of all examinations, laboratory investigations and imaging studies relevant to the application.

*[Comment to 6.2(b): The information submitted in relation to the diagnosis, treatment and duration of validity should be guided by the WADA documents titled “Medical Information to Support the Decisions of TUECs”.]*

**6.3** The *Athlete* should keep a complete copy of the *TUE* application form and of all materials and information submitted in support of that application.

**6.4** A *TUE* application will only be considered by the TUEC following the receipt of a properly completed application form, accompanied by all relevant

documents. Incomplete applications will be returned to the *Athlete* for completion and re-submission.

**6.5** The TUEC may request from the *Athlete* or his/her physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* application; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.

**6.6** Any costs incurred by the *Athlete* in making the *TUE* application and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.

**6.7** *The TUEC shall decide whether or not to grant the application as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than 21 days of receipt of a complete application. Where a TUE application is made a reasonable time prior to an Event, the TUEC must use its best endeavors to issue its decision before the start of the Event.*

**6.8** The TUEC's decision must be communicated in writing to the *Athlete* and must be made available to *WADA* and to other *Anti-Doping Organizations* via *ADAMS* or any other system approved by *WADA*, in accordance with Article 5.4.

- a. A decision to grant a *TUE* must specify the dosage(s), frequency, route and duration of *Administration* of the *Prohibited Substance* or *Prohibited Method* in question that the TUEC is permitting, reflecting the clinical circumstances, as well as any conditions imposed in connection with the *TUE*.
- b. A decision to deny a *TUE* application must include an explanation of the reason(s) for the denial.

**6.9** Each *TUE* will have a specified duration, as decided by the TUEC, at the end of which the *TUE* will expire automatically. If the *Athlete* needs to continue to *Use* the *Prohibited Substance* or *Prohibited Method* after the expiry date, he/she must submit an application for a new *TUE* well in advance of that expiry date, so that there is sufficient time for a decision to be made on the application before the expiry date.

*[Comment to 6.9: The duration of validity should be guided by the WADA documents titled "Medical Information to Support the Decisions of TUECs".]*

**6.10** A *TUE* will be withdrawn prior to expiry if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *Anti-Doping*

*Organization* granting the *TUE*. Alternatively a *TUE* may be reversed upon review by *WADA* or on appeal.

**6.11** Where an *Adverse Analytical Finding* is issued shortly after a *TUE* for the *Prohibited Substance* in question has expired or has been withdrawn or reversed, the *Anti-Doping Organization* conducting the initial review of the *Adverse Analytical Finding* (Code Article 7.2) shall consider whether the finding is consistent with *Use* of the *Prohibited Substance* prior to the expiry, withdrawal or reversal of the *TUE*. If so, such *Use* (and any resulting presence of the *Prohibited Substance* in the *Athlete's Sample*) is not an anti-doping rule violation.

**6.12** In the event that, after his/her *TUE* is granted, the *Athlete* requires a materially different dosage, frequency, route or duration of *Administration* of the *Prohibited Substance* or *Prohibited Method* to that specified in the *TUE*, he/she must apply for a new *TUE*. If the presence, *Use*, *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* is not consistent with the terms of the *TUE* granted, the fact that the *Athlete* has the *TUE* will not prevent the finding of an anti-doping rule violation.

## **7.0 TUE RECOGNITION PROCESS**

**7.1** Code Article 4.4 requires *Anti-Doping Organizations* to recognize *TUEs* granted by other *Anti-Doping Organizations* that satisfy the Article 4.1 conditions. Therefore, if an *Athlete* who becomes subject to the *TUE* requirements of an International Federation or *Major Event Organization* already has a *TUE*, he/she should not submit an application for a new *TUE* to the International Federation or *Major Event Organization*. Instead:

- a. The International Federation or *Major Event Organization* may publish notice that it will automatically recognize *TUE* decisions made pursuant to Code Article 4.4 (or certain categories of such decisions, e.g., those made by specified *Anti-Doping Organizations*, or those relating to particular *Prohibited Substances*), provided that such *TUE* decisions have been reported in accordance with Article 5.4 and therefore are available for review by *WADA*. If the *Athlete's TUE* falls into a category of *TUEs* that are automatically recognized in this way at the time the *TUE* is granted, he/she does not need to take any further action.

*[Comment to 7.1(a): To ease the burden on Athletes, automatic recognition of TUE decisions once they have been reported in accordance with Article 5.4 is strongly encouraged. If an International Federation or Major Event Organizer is not willing to grant automatic recognition of all such decisions, it should grant automatic recognition of as many such decisions as possible, e.g., by publishing a list of Anti-Doping Organizations whose TUE decisions it will recognize*

*automatically, and/or a list of those Prohibited Substances for which it will automatically recognize TUEs. Publication should be in the same manner as is set out in Article 5.3, i.e., the notice should be posted on the International Federation's website and sent to WADA and to National Anti-Doping Organizations.]*

- b. In the absence of such automatic recognition, the *Athlete* shall submit a request for recognition of the *TUE* to the International Federation or *Major Event Organization* in question, either via *ADAMS* or as otherwise specified by that International Federation or *Major Event Organization*. The request should be accompanied by a copy of the *TUE* and the original *TUE* application form and supporting materials referenced at Articles 6.1 and 6.2 (unless the *Anti-Doping Organization* that granted the *TUE* has already made the *TUE* and supporting materials available via *ADAMS* or other system approved by *WADA*, in accordance with Article 5.4).

**7.2** Incomplete requests for recognition of a *TUE* will be returned to the *Athlete* for completion and re-submission. In addition, the TUEC may request from the *Athlete* or his/her physician any additional information, examinations or imaging studies, or other information that it deems necessary in order to consider the *Athlete's* request for recognition of the *TUE*; and/or it may seek the assistance of such other medical or scientific experts as it deems appropriate.

**7.3** Any costs incurred by the *Athlete* in making the request for recognition of the *TUE* and in supplementing it as required by the TUEC are the responsibility of the *Athlete*.

**7.4** The TUEC shall decide whether or not to recognize the *TUE* as soon as possible, and usually (i.e., unless exceptional circumstances apply) within no more than 21 days of receipt of a complete request for recognition. Where the request is made a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

## **8.0 REVIEW OF *TUE* DECISIONS BY *WADA***

**8.1** *Code* Article 4.4.6 provides that *WADA*, in certain cases, must review *TUE* decisions of International Federations, and that it may review any other *TUE* decisions, in each case to determine compliance with the Article 4.1 conditions. *WADA* shall establish a WADA TUEC that meets the requirements of Article 5.2 to carry out such reviews.

**8.2** Each request for review must be submitted to *WADA* in writing, and must be accompanied by payment of the application fee established by *WADA*, as well as copies of all of the information specified in Article 6.2 (or, in the case of review of a *TUE* denial, all of the information that the *Athlete* submitted in connection with

the original *TUE* application). The request must be copied to the party whose decision would be the subject of the review, and to the *Athlete* (if he/she is not requesting the review).

**8.3** Where the request is for review of a *TUE* decision that *WADA* is not obliged to review, *WADA* shall advise the *Athlete* as soon as practicable following receipt of the request whether or not it will refer the *TUE* decision to the *WADA TUEC* for review. If *WADA* decides not to refer the *TUE* decision, it will return the application fee to the *Athlete*. Any decision by *WADA* not to refer the *TUE* decision to the *WADA TUEC* is final and may not be appealed. However, the *TUE* decision may still be appealable, as set out in *Code* Article 4.4.7.

**8.4** Where the request is for review of a *TUE* decision of an International Federation that *WADA* is obliged to review, *WADA* may nevertheless refer the decision back to the International Federation (a) for clarification (for example, if the reasons are not clearly set out in the decision); and/or (b) for re-consideration by the International Federation (for example, if the *TUE* was only denied because medical tests or other information required to demonstrate satisfaction of the Article 4.1 conditions were missing).

**8.5** Where a request for review is referred to the *WADA TUEC*, the *WADA TUEC* may seek additional information from the *Anti-Doping Organization* and/or the *Athlete*, including further studies as described in Article 6.5, and/or it may obtain the assistance of other medical or scientific experts as it deems appropriate.

**8.6** The *WADA TUEC* shall reverse any grant of a *TUE* that does not comply with the Article 4.1 conditions. Where the *TUE* reversed was a prospective *TUE* (rather than a retroactive *TUE*), such reversal shall take effect upon the date specified by *WADA* (which shall not be earlier than the date of *WADA*'s notification to the *Athlete*). The reversal shall not apply retroactively and the *Athlete*'s results prior to such notification shall not be *Disqualified*. Where the *TUE* reversed was a retroactive *TUE*, however, the reversal shall also be retroactive.

**8.7** The *WADA TUEC* shall reverse any denial of a *TUE* where the *TUE* application met the Article 4.1 conditions, i.e., it shall grant the *TUE*.

**8.8** Where the *WADA TUEC* reviews a decision of an International Federation that has been referred to it pursuant to *Code* Article 4.4.3 (i.e., a mandatory review), it may require whichever *Anti-Doping Organization* "loses" the review (i.e., the *Anti-Doping Organization* whose view it does not uphold) (a) to reimburse the application fee to the party that referred the decision to *WADA* (if applicable); and/or



(b) to pay the costs incurred by *WADA* in respect of that review, to the extent they are not covered by the application fee.

**8.9** Where the WADA TUEC reverses a *TUE* decision that *WADA* has decided in its discretion to review, *WADA* may require the *Anti-Doping Organization* that made the decision to pay the costs incurred by *WADA* in respect of that review.

**8.10** *WADA* shall communicate the reasoned decision of the WADA TUEC promptly to the *Athlete* and to his/her *National Anti-Doping Organization* and International Federation (and, if applicable, the *Major Event Organization*).

## **9.0 CONFIDENTIALITY OF INFORMATION**

**9.1** The collection, storage, processing, disclosure and retention of Personal Information during the *TUE* process by *Anti-Doping Organizations* and *WADA* shall comply with the International Standard for the Protection of Privacy and Personal Information.

**9.2** An *Athlete* applying for the grant of a *TUE* or for recognition of a *TUE* shall provide written consent:

- a. for the transmission of all information pertaining to the application to members of all TUECs with authority under this *International Standard* to review the file and, as required, other independent medical or scientific experts, and to all necessary staff (including *WADA* staff) involved in the management, review or appeal of *TUE* applications;
- b. for the *Athlete's* physician(s) to release to the TUEC upon request any health information that the TUEC deems necessary in order to consider and determine the *Athlete's* application; and
- c. for the decision on the application to be made available to all *Anti-Doping Organizations* with *Testing* authority and/or results management authority over the *Athlete*.

*[Comment to 9.2: Prior to collecting Personal Information or obtaining consent from an *Athlete*, the *Anti-Doping Organization* shall communicate to the *Athlete* the information set out in Article 7.1 of the International Standard for the Protection of Privacy and Personal Information.]*

**9.3** The *TUE* application shall be dealt with in accordance with the principles of strict medical confidentiality. The members of the TUEC, independent experts and the relevant staff of the *Anti-Doping Organization* shall conduct all of their activities relating to the process in strict confidence and shall sign appropriate confidentiality agreements. In particular they shall keep the following information confidential:

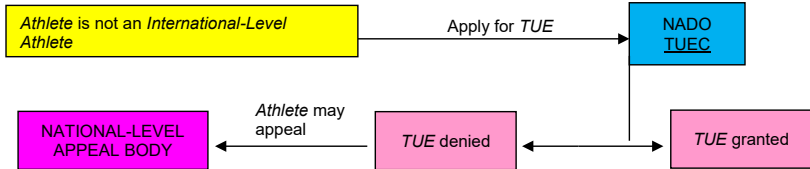
- a. All medical information and data provided by the *Athlete* and physician(s) involved in the *Athlete's* care.
- b. All details of the application, including the name of the physician(s) involved in the process.

**9.4** Should the *Athlete* wish to revoke the right of the TUEC to obtain any health information on his/her behalf, the *Athlete* shall notify his/her medical practitioner in writing of such revocation; provided that, as a result of that revocation, the *Athlete's* application for a *TUE* or for recognition of an existing *TUE* will be deemed withdrawn without approval/recognition having been granted.

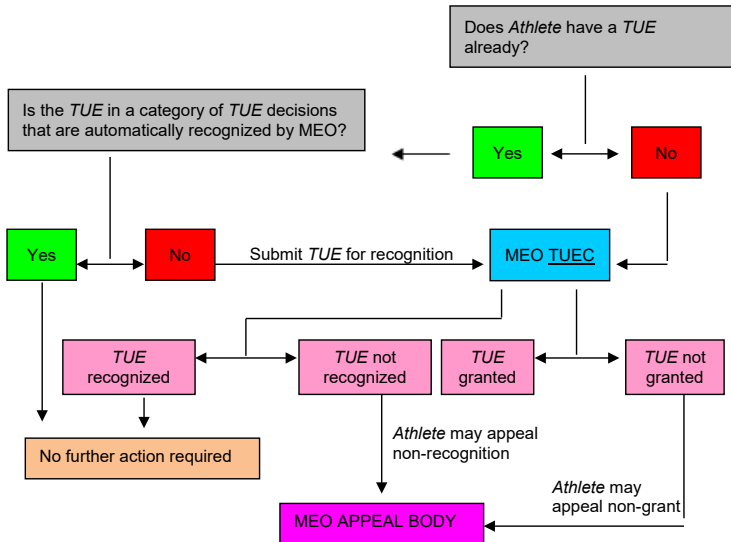
**9.5** *Anti-Doping Organizations* shall only use information submitted by an *Athlete* in connection with a *TUE* application to evaluate the application and in the context of potential anti-doping rule violation investigations and proceedings.

## ANNEX 1: CODE ARTICLE 4.4 FLOW-CHART

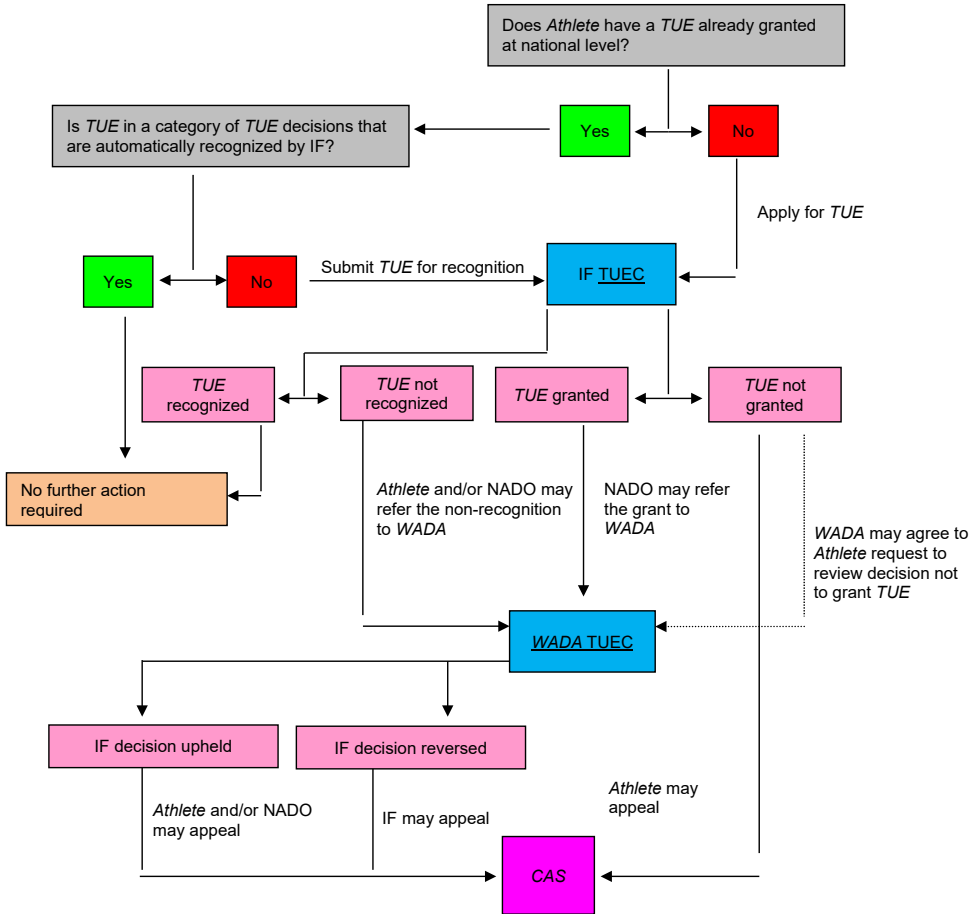
### 1. TUE procedure if *Athlete* is not an *International-Level Athlete* when need for TUE arises



### 2. *Athlete* enters Event for which *Major Event Organization* (or "MEO") has its own TUE requirements



**3. TUE Procedure if *Athlete* is an *International-Level Athlete* (and so subject to the International Federation's TUE requirements) when need for TUE arises**



## ANNEX 2: TEMPLATE OF TUE APPLICATION FORM

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**Identification of Anti-Doping Organization**  
**(Logo or Name of the ADO)**

### Therapeutic Use Exemptions (TUE) APPLICATION FORM

Please complete all sections in capital letters or typing. Athlete to complete sections 1, 5, 6 and 7; physician to complete sections 2, 3 and 4. Illegible or incomplete applications will be returned and will need to be re-submitted in legible and complete form.

#### **1. Athlete Information**

Surname: _____		Given Names: _____	
Female <input type="checkbox"/>	Male <input type="checkbox"/>	Date of Birth (d/m/y): _____	
Address: _____			
City: _____		Country: _____	Postcode: _____
Tel.: _____ (with International code)		E-mail: _____	
Sport: _____		Discipline/Position: _____	
International or National Sport Organization: _____			
If you are an Athlete with an impairment, please indicate the impairment: _____ _____			

#### **2. Medical information** (*continue on separate sheet if necessary*)

Diagnosis:

If a permitted medication can be used to treat the medical condition, please provide clinical justification for the requested use of the prohibited medication

_____
_____
_____
_____

**Comment:**

*Evidence confirming the diagnosis shall be attached and forwarded with this application. The medical evidence must include a comprehensive medical history and the results of all relevant examinations, laboratory investigations and imaging studies. Copies of the original reports or letters should be included when possible. Evidence should be as objective as possible in the clinical circumstances. In the case of non-demonstrable conditions, independent supporting medical opinion will assist this application.*

*WADA maintains a series of guidelines to assist physicians in the preparation of complete and thorough TUE applications. These TUE Physician Guidelines can be accessed by entering the search term "Medical Information" on the WADA website: <https://www.wada-ama.org>. The guidelines address the diagnosis and treatment of a number of medical conditions commonly affecting athletes, and requiring treatment with prohibited substances.*

**3. Medication details**

<b>Prohibited Substance(s): <u>Generic name</u></b>	<b>Dose</b>	<b>Route of Administration</b>	<b>Frequency</b>	<b>Duration of Treatment</b>
1.				
2.				
3.				

**4. Medical practitioner's declaration**

**I certify that the information at sections 2 and 3 above is accurate, and that the above-mentioned treatment is medically appropriate.**

Name:

\_\_\_\_\_

—

Medical specialty:

\_\_\_\_\_

—

Address: \_\_\_\_\_

Tel.: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature of Medical Practitioner: \_\_\_\_\_ Date: \_\_\_\_\_

## 5. Retroactive applications

<p><b>Is this a retroactive application?</b></p> <p><b>Yes:</b> <input type="checkbox"/></p> <p><b>No:</b> <input type="checkbox"/></p> <p>If yes, on what date was treatment started?</p> <p>_____</p> <p>—</p>	<p><b>Please indicate reason:</b></p> <p>Emergency treatment or treatment of an acute medical condition was necessary <input type="checkbox"/></p> <p>Due to other exceptional circumstances, there was insufficient time or opportunity to submit an application prior to sample collection <input type="checkbox"/></p> <p>Advance application not required under applicable rules <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>Please explain:</p> <p>_____</p> <p>—</p> <p>_____</p> <p>—</p> <p>_____</p>
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## 6. Previous applications

<p><b>Have you submitted any previous TUE application(s)?</b>      <b>Yes</b> <input type="checkbox"/>      <b>No</b> <input type="checkbox"/></p>	
<p>For which substance or method?</p> <p>_____</p>	
<p>To whom? _____ When? _____</p>	
<p>Decision:      Approved <input type="checkbox"/>      Not approved <input type="checkbox"/></p>	

## 7. Athlete's declaration

I, \_\_\_\_\_, certify that the information set out at sections 1, 5 and 6 is accurate. I authorize the release of personal medical information to the Anti-Doping Organization (ADO) as well as to WADA authorized staff, to the WADA TUEC (Therapeutic Use Exemption Committee) and to other ADO TUECs and authorized staff that may have a right to this information under the World Anti-Doping Code ("*Code*") and/or the International Standard for Therapeutic Use Exemptions.

I consent to my physician(s) releasing to the above persons any health information that they deem necessary in order to consider and determine my application.

I understand that my information will only be used for evaluating my TUE request and in the context of potential anti-doping rule violation investigations and procedures. I understand that if I ever wish to (1) obtain more information about the use of my health information; (2) exercise my right of access and correction; or (3) revoke the right of these organizations to obtain my health information, I must notify my medical practitioner and my ADO in writing of that fact. I understand and agree that it may be necessary for TUE-related information submitted prior to revoking my consent to be retained for the sole purpose of establishing a possible anti-doping rule violation, where this is required by the *Code*.

I consent to the decision on this application being made available to all ADOs, or other organizations, with Testing authority and/or results management authority over me.

I understand and accept that the recipients of my information and of the decision on this application may be located outside the country where I reside. In some of these countries data protection and privacy laws may not be equivalent to those in my country of residence.

I understand that if I believe that my Personal Information is not used in conformity with this consent and the International Standard for the Protection of Privacy and Personal Information, I can file a complaint to WADA or CAS.

**Athlete's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Parent's/Guardian's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(If the Athlete is a Minor or has an impairment preventing him/her signing this form, a parent or guardian shall sign on behalf of the Athlete)

Please submit the completed form to ..... by  
the following means (keeping a copy for your records):  
.....



## APPENDIX FIVE

### INTERNATIONAL STANDARD FOR TESTING AND INVESTIGATIONS

(Valid from 1 January 2017)

The World Anti-Doping Code International Standard for Testing and Investigations (ISTI) is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The International Standard for Testing (IST) was first adopted in 2003 and came into effect 1 January 2004. A revised IST was approved in 2008, and came into effect 1 January 2009; a further revised IST was approved in 2011 and came into effect 1 January 2012. The ISTI, renamed the International Standard for Testing and Investigations (ISTI), was approved at the World Conference on Doping in Sport in Johannesburg by the WADA Executive Committee on 15 November 2013. It came into effect on 1 January 2015. This version of the ISTI incorporates further revisions approved May 2016, and taking effect January 2017.

The official text of the International Standard for Testing and Investigations shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

#### PART ONE: INTRODUCTION, *CODE* PROVISIONS AND DEFINITIONS

##### 1.0 Introduction and scope

The International Standard for Testing and Investigations is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The first purpose of the International Standard for Testing and Investigations is to plan for intelligent and effective *Testing*, both *In-Competition* and *Out-of-Competition*, and to maintain the integrity and identity of the *Samples* collected from the point the *Athlete* is notified of the test to the point the *Samples* are delivered to the laboratory for analysis. To that end, the International Standard for Testing and Investigations (including its Annexes) establishes mandatory standards for test distribution planning (including collection and use of *Athlete* whereabouts information), notification of *Athletes*, preparing for and conducting *Sample* collection, security/post-test administration of *Samples* and documentation, and transport of *Samples* to laboratories for analysis.

The second purpose of the International Standard for Testing and Investigations is to establish mandatory standards for the efficient and effective gathering, assessment and use of anti-doping intelligence and for the efficient and effective conduct of investigations into possible anti-doping rule violations.

Like the *Code*, the International Standard for Testing and Investigations has been drafted giving due consideration to the principles of respect for human rights, proportionality, and other applicable legal principles. It shall be interpreted and applied in that light.

Terms used in this *International Standard* that are defined terms from the *Code* are written in italics. Terms that are defined in this *International Standard* are underlined.

## **2.0 Code provisions**

The following articles in the 2015 *Code* are directly relevant to the International Standard for Testing and Investigations:

### **Code Article 2 Anti-Doping Rule Violations**

The following constitute anti-doping rule violations:

2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*.

...

2.2 *Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*.

...

2.3 Evading, Refusing or Failing to Submit to *Sample Collection*.

Evading Sample collection, or without compelling justification refusing or failing to submit to *Sample* collection after notification as authorized in applicable anti-doping rules.

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]*

## 2.4 Whereabouts Failures.

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

## 2.5 *Tampering* or *Attempted Tampering* with any part of *Doping Control*.

Conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organization* or intimidating or attempting to intimidate a potential witness.

*[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance.]*

*Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]*

## 2.6 Possession of a *Prohibited Substance* or a *Prohibited Method*.

...

## 2.7 *Trafficking* or *Attempted Trafficking* in any *Prohibited Substance* or *Prohibited Method*.

2.8 *Administration* or *Attempted Administration* to any *Athlete In-Competition* of any *Prohibited Substance* or *Prohibited Method*, or *Administration* or *Attempted Administration* to any *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* that is prohibited *Out-of-Competition*.

## 2.9 Complicity.

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 by another *Person*.

## 2.10 Prohibited Association.

Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:

2.10.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

2.10.2 If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

## **Code Article 5 Testing and Investigations**

### 5.1 Purpose of *Testing* and Investigations.

*Testing* and investigations shall only be undertaken for anti-doping purposes.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*.

5.1.2 Investigations shall be undertaken:

(a) in relation to *Atypical Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

(b) in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

## 5.2 Scope of *Testing*.

Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with *Testing* authority over him or her. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3:

5.2.1 Each *National Anti-Doping Organization* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that *National Anti-Doping Organization's* country.

5.2.2 Each International Federation shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.

5.2.3 Each *Major Event Organization*, including the International Olympic Committee and the International Paralympic Committee, shall have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.

5.2.4 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.

5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.

5.2.6 If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* (directly or through a National Federation), that *National Anti-Doping Organization* may collect

additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

*[Comment to Article 5.2: Additional authority to conduct Testing may be conferred by means of bilateral or multilateral agreements among Signatories. Unless the Athlete has identified a 60-minute Testing window during the following-described time period, or otherwise consented to Testing during that period, before Testing an Athlete between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether an Anti-Doping Organization had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]*

### 5.3 Event Testing.

5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* shall be initiated and directed by the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship, and the Pan-American Sports Organization for the Pan American Games). At *National Events*, the collection of *Samples* shall be initiated and directed by the *National Anti-Doping Organization* of that country. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.

*[Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own Testing outside of the Event Venues during the Event Period and thus want to coordinate that Testing with National Anti-Doping Organization Testing.]*

5.3.2 If an *Anti-Doping Organization* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from

the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures published by *WADA*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

*[Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. 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.]*

#### 5.4 Test Distribution Planning.

5.4.1 *WADA*, in consultation with International Federations and other *Anti-Doping Organizations*, will adopt a Technical Document under the International Standard for Testing and Investigations that establishes by means of a risk assessment which *Prohibited Substances* and/or *Prohibited Methods* are most likely to be abused in particular sports and sport disciplines.

5.4.2 Starting with that risk assessment, each *Anti-Doping Organization* with *Testing* authority shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. Each *Anti-Doping Organization* shall provide *WADA* upon request with a copy of its current test distribution plan.

5.4.3 Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* or another system approved by *WADA* in order to

maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### 5.5 *Testing Requirements.*

All *Testing* shall be conducted in conformity with the International Standard for Testing and Investigations.

#### 5.6 *Athlete Whereabouts Information.*

*Athletes* who have been included in a *Registered Testing Pool* by their International Federation and/or *National Anti-Doping Organization* shall provide whereabouts information in the manner specified in the International Standard for Testing and Investigations. The International Federations and *National Anti-Doping Organizations* shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. Each International Federation and *National Anti-Doping Organization* shall make available through *ADAMS* or another system approved by *WADA*, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* will be accessible, through *ADAMS* or another system approved by *WADA*, to *WADA* and to other *Anti-Doping Organizations* having authority to test the *Athlete* as provided in Article 5.2. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.

...

#### 5.8 *Investigations and Intelligence Gathering.*

*Anti-Doping Organizations* shall ensure they are able to do each of the following, as applicable and in accordance with the International Standard for Testing and Investigations:



5.8.1 Obtain, assess and process anti-doping intelligence from all available sources to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and

5.8.2 Investigate *Atypical Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively; and

5.8.3 Investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with Articles 7.6 and 7.7, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding.

## **Code Article 6 Analysis of Samples**

### **6.2 Purpose of Analysis of Samples.**

*Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

*[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]*

...

### **6.4 Standards for Sample Analysis and Reporting.**

Laboratories shall analyze *Samples* and report results in conformity with the International Standard for Laboratories. To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze *Samples* in conformity with those menus, except as follows:

6.4.1 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using more extensive menus than those described in the Technical Document.

6.4.2 *Anti-Doping Organizations* may request that laboratories analyze their *Samples* using less extensive menus than those described in the Technical Document only if they have satisfied *WADA* that, because of the particular circumstances of their country or sport, as set out in their test distribution plan, less extensive analysis would be appropriate.

6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

*[Comment to Article 6.4: The objective of this Article is to extend the principle of “intelligent Testing” to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]*

## 6.5 Further Analysis of *Samples*.

Any *Sample* may be subject to further analysis by the *Anti-Doping Organization* responsible for results management at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by the *Anti-Doping Organization* to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation.

*Samples* may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*. (Any *Sample* storage or further analysis initiated by *WADA* shall be at *WADA*'s expense.) Further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## Code Article 7 Results Management

### 7.1 Responsibility for Conducting Results Management.

Except as provided in Articles 7.1.1 and 7.1.2 below, results management and hearings shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation). ...

7.1.2 Results management in relation to a potential Whereabouts Failure (a filing failure or a missed test) shall be administered by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files his or her whereabouts information, as provided in the International Standard for Testing and Investigations. The *Anti-Doping Organization* that determines a filing failure or a missed test shall submit that information to *WADA* through *ADAMS* or another system approved by *WADA*, where it will be made available to other relevant *Anti-Doping Organizations*. ...

### 7.4 Review of *Atypical Findings*.

As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously, as *Atypical Findings* subject to further investigation. Upon receipt of an *Atypical Finding*, the *Anti-Doping Organization* responsible for results management shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*. If that review does not reveal an applicable *TUE* or departure that caused the *Atypical Finding*, the *Anti-Doping Organization* shall conduct the required investigation. After the investigation is completed, the *Athlete* and other *Anti-Doping Organizations* identified in Article 14.1.2 shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Athlete* shall be notified as provided in Article 7.3.

*[Comment to Article 7.4: The “required investigation” described in this Article will depend on the situation. For example, if it has previously determined that an Athlete has a naturally elevated testosterone/epitestosterone ratio,*

*confirmation that an Atypical Finding is consistent with that prior ratio is a sufficient investigation.]*

...

#### 7.5 Review of *Atypical Passport Findings* and *Adverse Passport Findings*.

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the *Anti-Doping Organization* is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.1.2.

#### 7.6 Review of Whereabouts Failures.

Review of potential filing failures and missed tests shall take place as provided in the International Standard for Testing and Investigations. At such time as the International Federation or *National Anti-Doping Organization* (as applicable) is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* notice, in the manner set out in its rules, that it is asserting a violation of Article 2.4 and the basis of that assertion. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.1.2.

#### 7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1-7.6.

The *Anti-Doping Organization* or other reviewing body established by such organization shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the *Code* or which the *Anti-Doping Organization* otherwise considers appropriate. At such time as the *Anti-Doping Organization* is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* notice, in the manner set out in its rules, of the anti-doping rule violated, and the basis of the violation. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.1.2.

*[Comment to Articles 7.1, 7.6 and 7.7: For example, an International Federation typically would notify the Athlete through the Athlete's National Federation.]*

...

## **Code Article 10 Sanctions on Individuals**

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

...

10.6 Elimination, Reduction, or Suspension of Period of *Ineligibility* or other *Consequences* for Reasons Other than *Fault*.

10.6.1 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations.

10.6.1.1 An *Anti-Doping Organization* with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organization* with results management responsibility. ...

## **Code Article 13 Appeals**

13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization*.

Where, in a particular case, an *Anti-Doping Organization* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if the *Anti-Doping Organization* had rendered a decision finding no anti-doping rule violation. If the *CAS* hearing panel determines that an anti-doping rule violation was committed and that

*WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organization.*

*[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

## **Code Article 14 Confidentiality and Reporting**

### **14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and other Asserted Anti-Doping Rule Violations.**

#### **14.1.1 Notice of Anti-Doping Rule Violations to Athletes and other Persons.**

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the *Anti-Doping Organization* with results management responsibility.

#### **14.1.2 Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations, International Federations and WADA.**

The *Anti-Doping Organization* with results management responsibility shall also notify the *Athlete's National Anti-Doping Organization*, International Federation and *WADA* of the assertion of an anti-doping rule violation simultaneously with the notice to the *Athlete* or other *Person*.

...

#### **1.4 Status Reports.**

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Anti-Doping Organizations* referenced in Article 14.1.2 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be

provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

...

## **Code Article 20 Additional Roles and Responsibilities of *Signatories***

### **20.1 Roles and Responsibilities of the International Olympic Committee.**

...

20.1.7 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.

...

### **20.2 Roles and Responsibilities of the International Paralympic Committee.**

...

20.2.7 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.

...

### **20.3 Roles and Responsibilities of International Federations.**

...

20.3.6 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation. ...

20.3.10 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, to ensure proper enforcement of *Consequences*, and to conduct an automatic investigation of *Athlete Support Personnel* in the case of any anti-

doping rule violation involving a *Minor* or *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. ...

20.3.14 To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.10.

...

## 20.4 Roles and Responsibilities of *National Olympic Committees* and *National Paralympic Committees*.

...

20.4.4 To require *National Federations* to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and *International Federation* and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation. ...

20.4.10 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping. ...

## 20.5 Roles and Responsibilities of *National Anti-Doping Organizations*.

...

20.5.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations*. ...

20.5.7 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*. ...

20.5.9 To conduct an automatic investigation of *Athlete Support Personnel* within its jurisdiction in the case of any anti-doping rule violation by a *Minor* and to conduct an automatic investigation of any *Athlete Support Person* who has provided



support to more than one *Athlete* found to have committed an anti-doping rule violation.

20.5.10 To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.10. ...

20.6 Roles and Responsibilities of *Major Event Organizations*.

...

20.6.5 To vigorously pursue all potential anti-doping rule violations within its jurisdiction including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping. ...

20.7 Roles and Responsibilities of *WADA*.

...

20.7.7 To design and conduct an effective *Independent Observer Program* and other types of *Event* advisory programs.

20.7.8 To conduct, in exceptional circumstances and at the direction of the *WADA* Director General, *Doping Controls* on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.

*[Comment to Article 20.7.8: WADA is not a Testing agency, but it reserves the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant Anti-Doping Organization and have not been satisfactorily addressed.]*

20.7.9 To approve, in consultation with International Federations, *National Anti-Doping Organizations*, and *Major Event Organizations*, defined *Testing* and *Sample* analysis programs.

20.7.10 To initiate its own investigations of anti-doping rule violations and other activities that may facilitate doping.

**Code Article 21 Additional Roles and Responsibilities of *Athletes* and other *Persons***

## 21.1 Roles and Responsibilities of *Athletes*.

...

### 21.1.2 To be available for *Sample* collection at all times.

*[Comment to Article 21.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes Use low doses of EPO during these hours so that it will be undetectable in the morning.]*

...

### 21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

*[Comment to Article 21.1.6 Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules.]*

## 21.2 Roles and Responsibilities of *Athlete Support Personnel*.

...

### 21.2.2 To cooperate with the *Athlete Testing* program.

...

### 21.2.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

*[Comment to Article 21.2.5 Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules.]*

...

## 21.3 Roles and Responsibilities of *Regional Anti-Doping Organizations*.

...

### 21.3.4 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and *Regional Anti-Doping Organizations*.

...

## **Code Article 23 Acceptance, Compliance and Modification**

### **23.3 Implementation of Anti-Doping Programs.**

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

...

## **3.0 Definitions and interpretation**

### **3.1 Defined terms from the 2015 Code that are used in the International Standard for Testing and Investigations:**

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

**Adverse Analytical Finding:** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

**Anti-Doping Organization:** 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:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “Athlete.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for

less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering, results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]*

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

***Atypical Finding:*** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an *Adverse Analytical Finding*.

***Code:*** The World Anti-Doping Code.

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

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, *Sample* collection and handling, laboratory analysis, *TUEs*, results management and hearings.

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

**Event Venues:** Those venues so designated by the ruling body for the *Event*.

**In-Competition:** Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, “*In-Competition*” means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

*[Comment: An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.]*

**Independent Observer Program:** A team of observers, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

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

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

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

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

**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 at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

**National Event:** A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

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

**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.

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

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 and the International Standard for Testing and Investigations.

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

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

**Signatories:** Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23.

**Substantial Assistance:** For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if

requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

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

**WADA:** The World Anti-Doping Agency.

### **3.2 Defined terms specific to the International Standard for Testing and Investigations:**

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

The Panel may include a pool of appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

**Blood Collection Officer (or BCO):** An official who is qualified and has been authorized by the Sample Collection Authority to collect a blood *Sample* from an *Athlete*.

**Chain of Custody:** The sequence of individuals or organizations who have responsibility for the custody of a *Sample* from the provision of the *Sample* until the *Sample* has been delivered to the laboratory for analysis.

**Chaperone:** An official who is trained and authorized by the Sample Collection Authority to carry out specific duties including one or more of the following (at the election of the Sample Collection Authority): notification of the *Athlete* selected for *Sample* collection; accompanying and observing the *Athlete* until arrival at the Doping Control Station; accompanying and/or observing *Athletes* who are present in the Doping Control Station; and/or witnessing and verifying the provision of the *Sample* where the training qualifies him/her to do so.

**Code Article 2.4 Whereabouts Requirements:** The whereabouts requirements set out in Annex I of the International Standard for Testing and Investigations, which apply to *Athletes* who are included in the *Registered Testing Pool* of an International Federation or a *National Anti-Doping Organization*.

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

**Doping Control Station:** The location where the Sample Collection Session will be conducted.

**Expert Panel:** The Experts, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the *Passport*. For the Haematological Module, Experts should have knowledge in one or more of the fields of clinical haematology (diagnosis of blood pathological conditions), sports medicine or exercise physiology. For the Steroidal Module, the Experts should have knowledge in Laboratory analysis, steroid doping and/or endocrinology.

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

**Filing Failure:** A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated the task) to make an accurate and complete Whereabouts Filing that enables the *Athlete* to be located for *Testing* at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article I.3 of the International Standard for Testing and Investigations.

**In-Competition Date:** As defined in Article I.3.3.

**Missed Test:** A failure by the *Athlete* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in his/her Whereabouts Filing for the day in question, in accordance with Article I.4 of the International Standard for Testing and Investigations.

**No Advance Notice Testing:** *Sample* collection that takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

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



**Passport Custodian:** The *Anti-Doping Organization* responsible for result management of that *Athlete's Passport* and for sharing any relevant information associated to that *Athlete's Passport* with other *Anti-Doping Organization(s)*.

**Random Selection:** Selection of *Athletes* for *Testing* which is not *Target Testing*.

**Results Management Authority:** The organization that is responsible, in accordance with *Code* Article 7.1, for the management of the results of *Testing* (or other evidence of a potential anti-doping rule violation) and hearings, whether (1) an *Anti-Doping Organization* (for example, the International Olympic Committee or other *Major Event Organization*, *WADA*, an International Federation, or a *National Anti-Doping Organization*); or (2) another organization acting pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization* (for example, a National Federation that is a member of an International Federation). In respect of Whereabouts Failures, the Results Management Authority shall be as set out in Article I.5.1.

**Sample Collection Authority:** The organization that is responsible for the collection of *Samples* in compliance with the requirements of the International Standard for Testing and Investigations, whether (1) the Testing Authority itself; or (2) another organization (for example, a third party contractor) to whom the Testing Authority has delegated or sub-contracted such responsibility (provided that the Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the International Standard for Testing and Investigations relating to collection of *Samples*).

**Sample Collection Equipment:** Containers or apparatus used to collect or hold the *Sample* at any time during the Sample Collection Session. Sample Collection Equipment shall, as a minimum, consist of:

- For urine *Sample* collection:
  - Collection vessels for collecting the *Sample* as it leaves the *Athlete's* body;
  - Suitable kit for storing partial *Samples* securely until the *Athlete* is able to provide more urine; and
  - Sealable and tamper-evident bottles and lids for storing and transporting the complete *Sample* securely.
- For blood *Sample* collection:
  - Needles for collecting the *Sample*;

- Blood tubes with sealable and tamper-evident devices for storing and transporting the *Sample* securely.

**Sample Collection Personnel:** A collective term for qualified officials authorized by the Sample Collection Authority to carry out or assist with duties during the Sample Collection Session.

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

**Suitable Specific Gravity for Analysis:** Specific gravity measured at 1.005 or higher with a refractometer, or 1.010 or higher with lab sticks.

**Suitable Volume of Urine for Analysis:** A minimum of 90 mL, whether the laboratory will be analysing the *Sample* for all or only some *Prohibited Substances* or *Prohibited Methods*.

**Team Activity/Activities:** Sporting activities carried out by *Athletes* on a collective basis as part of a team (e.g., training, travelling, tactical sessions) or under the supervision of the team (e.g., treatment by a team doctor).

**Test Distribution Plan:** A document written by an *Anti-Doping Organization* that plans *Testing* on *Athletes* over whom it has Testing Authority, in accordance with the requirements of Article 4 of the International Standard for Testing and Investigations.

**Testing Authority:** The organization that has authorized a particular *Sample* collection, whether (1) an *Anti-Doping Organization* (for example, the International Olympic Committee or other *Major Event Organization*, *WADA*, an International Federation, or a *National Anti-Doping Organization*); or (2) another organization conducting *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization* (for example, a National Federation that is a member of an International Federation).

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

**Whereabouts Failure:** A Filing Failure or a Missed Test.

**Whereabouts Filing:** Information provided by or on behalf of an *Athlete* in a *Registered Testing Pool* that sets out the *Athlete's* whereabouts during the

following quarter, in accordance with Article I.3 of the International Standard for Testing and Investigations.

### **3.3 Interpretation:**

3.3.1 Unless otherwise specified, references below to Articles are references to Articles of the International Standard for Testing and Investigations.

3.3.2 The comments annotating various provisions of the International Standard for Testing and Investigations shall be used to interpret the *International Standard*.

3.3.3 The Annexes to the International Standard for Testing and Investigations have the same mandatory status as the rest of the International Standard for Testing and Investigations.

3.3.4 The official text of the International Standard for Testing and Investigations shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

## PART TWO: STANDARDS FOR *TESTING*

### 4.0 Planning effective *Testing*

#### 4.1 Objective

4.1.1 *Code* Article 5.4 requires each *Anti-Doping Organization* with Testing Authority to plan and implement intelligent *Testing* that is proportionate to the risk of doping among *Athletes* under its jurisdiction, and that is effective to detect and to deter such practices. The objective of this Section 4.0 of the International Standard for Testing and Investigations is to set out the steps that are necessary to produce a Test Distribution Plan that satisfies this requirement. This includes establishing the overall pool of *Athletes* within the *Anti-Doping Organization's* anti-doping program, and assessment of which *Prohibited Substances* and *Prohibited Methods* are most likely to be abused in the sport(s)/sports discipline(s) in question, followed by appropriate prioritization between sport(s) and/or sport disciplines, between categories of *Athletes*, between types of *Testing*, between types of *Samples* collected, and between types of *Sample* analysis.

4.1.2 The *Anti-Doping Organization* shall ensure that *Athlete Support Personnel* and any other *Persons* with a conflict of interest are not involved in Test Distribution Planning for their *Athletes* or in the process of selection of *Athletes* for *Testing*.

4.1.3 The *Anti-Doping Organization* shall document its Test Distribution Plan and shall file that Test Distribution Plan with *WADA* (a) when seeking *WADA's* approval pursuant to *Code* Article 6.4.2 to analyze *Samples* using a less extensive menu than that set out in the Technical Document referenced at *Code* Article 5.4.1, in accordance with Article 4.7.1 of this *International Standard*; and (b) where requested by *WADA*, as part of the process of demonstrating the *Anti-Doping Organization's* satisfaction of the requirements of *Code* Article 5.4.

4.1.4 The main activities are therefore risk assessment and prioritization, including information and intelligence gathering, monitoring and follow-up; developing a Test Distribution Plan based on that risk assessment and prioritization; filing and discussing that Test Distribution Plan with *WADA* (where applicable); monitoring, evaluating, reviewing, modifying and updating that Test Distribution Plan as necessary in light of changing circumstances; and implementing the Test Distribution Plan.

#### 4.2 Risk assessment

4.2.1 As set out in *Code* Article 5.4, the starting point of the Test Distribution Plan must be a considered assessment, in good faith, of which *Prohibited Substances* and/or *Prohibited Methods* are most likely to be abused in the

sport(s) and sport discipline(s) in question. This assessment should take into account (at a minimum) the following information:

- a) The physical and other demands of the relevant sport(s) (and/or discipline(s) within the sport(s)), considering in particular the physiological requirements of the sport(s)/sport discipline(s);
- b) The possible performance-enhancing effects that doping may elicit in such sport(s)/sport discipline(s);
- c) The rewards available at the different levels of the sport(s)/sport discipline(s) and/or other potential incentives for doping;
- d) The history of doping in the sport(s)/sport discipline(s);

*[Comment to 4.2.1(d): Unless there has been a full and effective Testing program in a sport, encompassing both In- and Out-of-Competition Testing, a history of no or few Adverse Analytical Findings says little if anything about the risk of doping in that sport.]*

- e) Available research on doping trends (e.g., peer-reviewed articles);
- f) Information received/intelligence developed on possible doping practices in the sport (e.g., *Athlete* testimony; information from criminal investigations; and/or other intelligence developed in accordance with *WADA's* Guidelines for Coordinating Investigations and Sharing Anti-Doping Information and Evidence) ) in accordance with Section 11.0 of the International Standard for Testing and Investigations; and
- g) The outcomes of previous test distribution planning cycles.

4.2.2 In developing its Test Distribution Plan, the *Anti-Doping Organization* shall be bound by the Technical Document referenced in *Code* Article 5.4.1 and 6.4. Additionally, the *Anti-Doping Organization* shall conduct its own risk assessment. It should take into account in good faith any risk assessment for the sport or discipline in question carried out by another *Anti-Doping Organization* with overlapping Testing Authority. However, an International Federation is not bound by a *National Anti-Doping Organization's* assessment of the risks of doping in a particular sport or discipline, and a *National Anti-Doping Organization* is not bound by an International Federation's assessment of the risks of doping in a particular sport or discipline.

4.2.3 The *Anti-Doping Organization* shall also consider the potential doping patterns in its sport, nation or *Event* (as applicable). This shall include assessing matters such as:

- a) which *Prohibited Substances* and/or *Prohibited Methods* an *Athlete* would consider most likely to enhance performance in the relevant sport(s) or discipline(s);
- b) at what points in his/her career in the sport an *Athlete* would be most likely to consider obtaining such an illicit advantage; and
- c) given the structure of the season for the sport/discipline in question (including standard *Competition* schedules and training patterns), at what time(s) during the year an *Athlete* would be most likely to undertake doping practices.

4.2.4 All of the remaining steps to be taken in developing a Test Distribution Plan (as set out in the rest of this Section 4.0, below) are to be based on the risk assessment set out in this Article 4.2. The *Anti-Doping Organization* must be able to demonstrate to *WADA*'s satisfaction that it has made a proper assessment of the relevant risks and has adopted an appropriate Test Distribution Plan based on the results of that assessment.

4.2.5 Test Distribution Planning is intended to be an ongoing process, not a static one. The *Anti-Doping Organization* shall review the Test Distribution Plan regularly and shall adapt it as necessary to reflect new information gathered and intelligence developed by the *Anti-Doping Organization*, and to take into account *Testing* conducted by other *Anti-Doping Organizations*. However, any revision to the risk assessment set out in the Technical Document referenced in *Code* Article 5.4.1 would have to be agreed by *WADA*.

#### 4.3 Establishing the overall pool of *Athletes*

4.3.1 *Code* Article 5.2 gives different *Anti-Doping Organizations* Testing Authority over potentially very large pools of sportsmen and women. However, in recognition of the finite resources of *Anti-Doping Organizations*, the *Code* definition of "*Athlete*" allows *National Anti-Doping Organizations* to limit the number of sportsmen and women who will be subject to their national anti-doping programs (in particular, *Testing*) to those who compete at the highest national levels (i.e., *National-Level Athletes*, as defined by the *National Anti-Doping Organization*). It also allows International Federations to focus their anti-doping programs (including *Testing*) on those who compete regularly at the international level (i.e., *International-Level Athletes*, as defined by the International Federation).

*[Comment to 4.3.1: Nothing prevents an International Federation from Testing an Athlete under its jurisdiction who is not an International-Level Athlete, if it sees fit, e.g., where he/she is competing in an International Event. Furthermore, as set out in the Code definition of "Athlete", a National Anti-Doping Organization may decide to extend its anti-doping program (including Testing) to sportsmen and women who compete below national level. However, the main*

*focus of an International Federation's Test Distribution Plan should be International-Level Athletes, and the main focus of a National Anti-Doping Organization's Test Distribution Plan should be National-Level Athletes and above.]*

4.3.2 Therefore, once the risk assessment described in Article 4.2 is completed, the next step is to establish the overall pool of *Athletes* who are in principle going to be subject to *Testing* by the *Anti-Doping Organization* in question, i.e. (for an International Federation) fixing an appropriate definition of *International-Level Athlete*, or (for a *National Anti-Doping Organization*) fixing an appropriate definition of *National-Level Athlete*:

- a) An International Federation is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, etc. It should make that determination in good faith, in accordance with its responsibility to protect the integrity of the sport at the international level (the showcase of the sport to the public), by fixing a definition that encompasses all those who compete regularly at international level and/or who compete at a standard at which world records may be set.

*[Comment to 4.3.2(a): The Code requires each International Federation to publish in clear and concise form the criteria it uses to classify Athletes as International-Level Athletes, so that it is clear to everyone where the line is drawn and how particular Athletes are to be classified. For example, if the criteria include competing in certain International Events, then the International Federation must publish a list of those International Events.]*

- b) Similarly, a *National Anti-Doping Organization* is free to determine the criteria it will use to classify *Athletes* as *National-Level Athletes*. Again, it should make that determination in good faith, in accordance with its responsibility to protect the integrity of the sport at the national level (the source of national pride in different sports, and the stepping stone to international *Competition*, including representation of the nation in *International Events or Competitions*). Consequently, the definition should normally encompass all those who compete at the highest levels of national *Competition* in the sport in question (i.e., in national championships or other *Events* that determine or count towards determining who are the best in the country in the category/discipline in question, and/or who should be selected to represent the country in *International Events or Competitions*). It should also include those nationals of its country who generally or often compete at international level and/or in *International Events or Competitions* (rather than at national

level) but who are not classified as *International-Level Athletes* by their International Federation.

#### 4.4 Prioritizing between sports and/or disciplines

4.4.1 Next, the *Anti-Doping Organization* should consider whether there are any factors warranting allocating *Testing* resources to one sport or discipline or nation (as applicable) under its jurisdiction in priority to others. This means:

- a) In the case of an International Federation, assessing the relative risks of doping as between the different disciplines and nations within its sport.
- b) In the case of a *National Anti-Doping Organization*, assessing the relative risks of doping as between the different sports under its jurisdiction, as well as any national anti-doping policy imperatives that may lead it to prioritize certain sports over others.

*[Comment to 4.4.1(b): National Anti-Doping Organizations will have varying national policy requirements and priorities. For example, one National Anti-Doping Organization may have legitimate reasons to prioritize (some or all) Olympic sports while another may have legitimate reasons, because of different characteristics of that sporting nation, to prioritize (for example) certain other 'national' sports. These policy imperatives are a relevant consideration in the National Anti-Doping Organization's Test Distribution Planning, alongside its assessment of the relative risks of doping in the various sports played within its national jurisdiction. They may lead, for example, to a National Anti-Doping Organization deciding, in its Test Distribution Plan for a particular period, (1) to allocate Testing to some sports within its jurisdiction but not others; and (2) to prioritize certain sports over others due not to a greater risk of doping in those sports but to a greater national interest in ensuring the integrity of those sports.]*

- c) In the case of a *Major Event Organization*, assessing the relative risks of doping as between the different sports and/or disciplines involved in its *Event*.

4.4.2 Another factor relevant to the allocation of *Testing* resources within the Test Distribution Plan will be the number of *Athletes* involved at the relevant level in the sport(s) and/or discipline(s) and/or nation(s) in question. Where the risk of doping is assessed to be equal as between two different sports or disciplines or nations, more resources should be devoted to the sport or discipline or nation involving the larger number of *Athletes*.

#### 4.5 Prioritizing between different *Athletes*

4.5.1 Once the overall pool of *Athletes* has been established (see Article 4.3), and the priority sports/disciplines/nations have been established (see Article 4.4),



an intelligent Test Distribution Plan uses *Target Testing* to focus *Testing* resources where they are most needed within the overall pool of *Athletes*. *Target Testing* shall therefore be made a priority, i.e., a significant amount of the *Testing* undertaken as part of an *Anti-Doping Organization's* Test Distribution Plan shall be *Target Testing* of *Athletes* within its overall pool.

*[Comment to 4.5.1: Target Testing is a priority because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested enough. The World Anti-Doping Code does not impose any reasonable suspicion or probable cause requirement for Target Testing. However, Target Testing should not be used for any purpose other than legitimate Doping Control.]*

4.5.2 *Anti-Doping Organizations* shall consider conducting *Target Testing* on the following categories of *Athletes*:

- a) For International Federations, *Athletes* (especially from its priority disciplines or nations) who compete regularly at the highest level of international *Competition* (e.g., candidates for Olympic, Paralympic or World Championship medals), as determined by rankings or other suitable criteria.
- b) For *National Anti-Doping Organizations*, the following *Athletes* from its priority sports:
  - (i) *Athletes* who are part of national teams in Olympic or Paralympic or other sports of high national priority (or who might be selected for such teams);
  - (ii) *Athletes* who train independently but perform at Olympic/Paralympic or World Championship level and may be selected for such events;
  - (iii) *Athletes* in receipt of public funding; and
  - (iv) high-level *Athletes* who are nationals of other countries but who are present (whether residing, training, competing or otherwise) within the *National Anti-Doping Organization's* country.
- c) For all *Anti-Doping Organizations* with relevant Testing Authority:
  - (i) *Athletes* serving a period of *Ineligibility* or a *Provisional Suspension*; and

- (ii) *Athletes* who were high priority for *Testing* before they retired from the sport and who now wish to return from retirement to active participation in the sport.

4.5.3 Other factors relevant to determining who should be made the subject of *Target Testing* may vary considerably from sport to sport, depending on the specific characteristics of the particular sport. However, the relevant factors are likely to include some or all of the following *Athlete* behaviors/factors indicating possible doping/increased risk of doping:

- a) prior anti-doping rule violations/test history, including any abnormal biological parameters (blood parameters, steroid profiles, etc);
- b) sport performance history, including in particular sudden major improvements in performance, and/or sustained high performance without a commensurate *Testing* record;
- c) repeated Failure to Comply with whereabouts requirements;
- d) suspicious whereabouts filing patterns (e.g., last-minute updates of Whereabouts Filings);
- e) moving to or training in a remote location;
- f) withdrawal or absence from expected *Competition*;
- g) association with a third party (such as a team-mate, coach or doctor) with a history of involvement in doping;
- h) injury;
- i) age/stage of career (e.g., move from junior to senior level, nearing end of contract, approaching retirement);
- j) financial incentives for improved performance, such as prize money or sponsorship opportunities; and/or
- k) reliable information from a third party, or intelligence developed by or shared with the *Anti-Doping Organization* in accordance with Section 11.0 of the International Standard for Testing and Investigations.

4.5.4 *Testing* which is not *Target Testing* shall be determined by Random Selection, which shall be conducted using a documented system for such selection. Random Selection may be either completely random (where no pre-determined criteria are considered, and *Athletes* are chosen arbitrarily from a list or pool of *Athlete* names), or weighted (where *Athletes* are ranked using pre-determined criteria in order to increase or decrease the chances of selection).

Random Selection that is weighted shall be conducted according to defined criteria, and may take into account the factors listed in Article 4.5.3 (as applicable) in order to ensure that a greater percentage of ‘at risk’ *Athletes* is selected.

*[Comment to 4.5.4: In addition to detecting doping, Testing by Random Selection can play an important deterrent role, as well as helping to protect the integrity of an Event.]*

4.5.5 For the avoidance of doubt, notwithstanding the development of criteria for selection of *Athletes* for *Testing*, and in particular for *Target Testing* of *Athletes*, as well as the fact that as a general rule *Testing* should take place between 5 a.m. and 11 p.m. unless valid grounds exist for *Testing* overnight, the fundamental principle remains (as set out in *Code* Article 5.2) that an *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with *Testing* Authority over him/her, whether or not the selection of the *Athlete* for *Testing* is in accordance with such criteria. Accordingly, an *Athlete* may not refuse to submit to *Sample* collection on the basis that such *Testing* is not provided for in the *Anti-Doping Organization’s* Test Distribution Plan and/or is not being conducted between 5 a.m. and 11 p.m., and/or that the *Athlete* does not meet the relevant selection criteria for *Testing* or otherwise should not have been selected for *Testing*.

#### 4.6 Prioritizing between different types of *Testing*

4.6.1 Based on the risk assessment and prioritization process described in Articles 4.2 to 4.5, the *Anti-Doping Organization* must determine to what extent each of the following types of *Testing* is required in order to detect and deter doping practices within the relevant sport(s), discipline(s) and/or nation(s) intelligently and effectively:

- a) *In-Competition Testing* and *Out-of-Competition Testing*;
  - i) In sports and/or disciplines that are assessed as having a high risk of doping during *Out-of-Competition* periods, *Out-of-Competition Testing* shall be made a priority, and a significant portion of the available *Testing* shall be conducted *Out-of-Competition*. However, some material amount of *In-Competition Testing* shall still take place.
  - ii) In sports and/or disciplines that are assessed as having a low risk of doping during *Out-of-Competition* periods (i.e., where it can be clearly shown that doping while *Out-of-Competition* is unlikely to enhance performance or provide other illicit advantages), *In-Competition Testing* shall be made a priority, and a substantial portion of the available *Testing* shall be conducted *In-Competition*. However, some *Out-of-*

*Competition Testing* shall still take place, proportionate to the risk of *Out-of-Competition* doping in such sport/discipline. Very exceptionally, i.e., in the small number of sports and/or disciplines where it is determined in good faith that there is no material risk of doping during *Out-of-Competition* periods, there may be no *Out-of-Competition Testing*.

- b) *Testing* of urine;
- c) *Testing* of blood; and
- d) *Testing* involving longitudinal profiling, i.e., the *Athlete Biological Passport* program.

4.6.2 Save in exceptional and justifiable circumstances, all *Testing* shall be No Advance Notice Testing:

- a) For *In-Competition Testing*, placeholder selection may be known in advance. However, random *Athlete*/placeholder selection shall not be revealed to the *Athlete* until notification.
- b) All *Out-of-Competition Testing* shall be No Advance Notice Testing save in exceptional and justifiable circumstances.

4.6.3 In order to ensure that *Testing* is conducted on a No Advance Notice Testing basis, the Testing Authority (and the Sample Collection Authority, if different) shall ensure that *Athlete* selection decisions are only disclosed in advance of *Testing* to those who need to know in order for such *Testing* to be conducted.

#### 4.7 *Sample* analysis

4.7.1 *Anti-Doping Organizations* shall ask laboratories to analyze the *Samples* they have collected in a manner that is tailored to the particular circumstances of the sport/discipline/country in question. In accordance with *Code* Article 6.4, the starting-point is that *Anti-Doping Organizations* shall have all *Samples* collected on their behalf analyzed in accordance with the *Sample* analysis menus specified in the Technical Document referenced at *Code* Article 5.4.1; but (a) they may always ask laboratories to analyze their *Samples* using more extensive menus than those described in the Technical Document; and (b) they may also ask laboratories to analyze some or all of their *Samples* using less extensive menus than those described in the Technical Document where they have satisfied *WADA* that, because of the particular circumstances of their sport or discipline or nation (as applicable), as set out in the Test Distribution Plan, less extensive analysis would be appropriate.

4.7.2 WADA will approve the analysis of *Samples* for less than the *Sample* analysis menu specified in the Technical Document where it is satisfied that such an approach will lead to the most intelligent, effective and efficient use of available *Testing* resources.

4.7.3 The *Anti-Doping Organization* shall incorporate into its Test Distribution Plan a strategy for retention of *Samples* and the documentation relating to the collection of such *Samples* so as to enable the further analysis of such *Samples* at a later date in accordance with *Code* Article 6.5. Such strategy shall comply with the requirements of the International Standard for Laboratories and the International Standard for the Protection of Privacy and Personal Information, and shall take into account the purposes of analysis of *Samples* set out in *Code* Article 6.2, as well as (without limitation) the following elements:

- a) Laboratory recommendations;
- b) The possible need for retroactive analysis in connection with the *Athlete Biological Passport* program;
- c) New detection methods to be introduced in the near future relevant to the *Athlete*, sport and/or discipline; and/or
- d) *Samples* collected from *Athletes* meeting some or all of the 'high risk' criteria set out at Article 4.5.

#### 4.8 Collecting whereabouts information

4.8.1 Whereabouts information is not an end in itself, but rather simply a means to an end, namely the efficient and effective conduct of No Advance Notice Testing. Therefore, where an *Anti-Doping Organization* has determined that it needs to conduct *Testing* (including *Out-of-Competition Testing*) on particular *Athletes*, it must then consider how much information it needs about the whereabouts of those *Athletes* in order to conduct that *Testing* effectively and with no advance notice. The *Anti-Doping Organization* must collect all of the whereabouts information that it needs to conduct the *Testing* identified in its Test Distribution Plan effectively and efficiently. It must not collect more whereabouts information than it needs for that purpose.

*[Comment to 4.8.1: In accordance with Code Article 5.6, whereabouts information collected by an Anti-Doping Organization may be used for planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, and/or to support proceedings alleging an anti-doping rule violation. In addition, the collection of whereabouts information can have a useful deterrent effect.]*

4.8.2 One consideration is whether the whereabouts information has to be provided by the *Athlete*, or alternatively whether it can be obtained from other sources. For example, where *Competition* and/or training in a sport is organized and carried out on a collective basis rather than on an individual basis, involving Team Activities, an International Federation or *National Anti-Doping Organization* may (in its absolute discretion) decide that it is sufficient to collect whereabouts information from the *Athlete's* team during such periods of Team Activity, without requiring the *Athlete* to provide further information for those periods. In such cases, however, in periods where there are no Team Activities scheduled or where an *Athlete* is not participating in Team Activities, then the *Athlete* may be required to provide more individualized whereabouts to enable No Advance Notice Testing of the *Athlete* during these periods.

4.8.3 The *Anti-Doping Organization* may determine that it needs more whereabouts information in respect of certain categories of *Athletes* than others. It should consider adopting a 'pyramid approach', based on the risk assessment and prioritizing exercises set out at Articles 4.2-4.5. According to this approach, *Athletes* are put into different tiers, depending on the priority that is placed on *Testing* those *Athletes*. The *Anti-Doping Organization* should determine, in the case of each tier of *Athletes*, how much whereabouts information it needs in order to conduct the amount of *Testing* allocated to those *Athletes* in the Test Distribution Plan effectively and efficiently.

*[Comment to 4.8.3: For example, the Anti-Doping Organization may identify in its Test Distribution Plan a pyramid of different tiers of Athletes, with (i) a tier at the bottom for those Athletes from whom little or no whereabouts information is required to find them for the Testing allocated to them in the Test Distribution Plan, (ii) further tiers above that (containing Athletes from whom more whereabouts information is required, because there is little information available from other sources to find them for Testing, including Out-of-Competition Testing), and (iii) a top tier of Athletes from whom the greatest amount of whereabouts information is required, because they are likely to be selected for the greatest amount of Testing (including Out-of-Competition Testing) and there is insufficient whereabouts information available for them from other sources to locate them for that Testing. The top tier of Athletes should contain high-profile Athletes (e.g., contenders for national and/or international honors), Athletes in an Athlete Biological Passport program, and Athletes at the highest risk of doping: see Article 4.5. In accordance with Article 4.8.4, this top tier of Athletes must be put into a Registered Testing Pool (so as to trigger the Code Article 2.4 Whereabouts Requirements) unless the Anti-Doping Organization is clearly able to obtain sufficient whereabouts information about such Athletes by other means.*

*This discretion is designed in particular to give Anti-Doping Organizations the flexibility to maintain pools of Athletes from whom some whereabouts information is obtained, which may not meet the Code Article 2.4 Whereabouts*

Requirements but which is nevertheless useful information that can be used to increase the effectiveness of the Anti-Doping Organization's Testing program. For example, an International Federation or National Anti-Doping Organization may decide that it needs to conduct a certain amount of Out-of-Competition Testing on a particular category of Athletes in a sport where competition and/or training is organized and carried out on a team basis rather than an individual basis, but that it can conduct that Testing effectively and on a No Advance Notice Testing basis by using information that is made available to it about the movements of the Athletes as part of their team, participating in Team Activities. However, if that team information is not sufficient to conduct the Testing required of such Athletes effectively and on a No Advance Notice Testing basis, and instead to conduct that Testing it is necessary to require the Athletes to comply with the Code Article 2.4 Whereabouts Requirements, then the International Federation or National Anti-Doping Organization must put the Athletes into its Registered Testing Pool.

*If an Athlete in the tier below the Registered Testing Pool fails to comply with the whereabouts requirements applicable to his/her tier of Athletes, the International Federation or National Anti-Doping Organization in question should consider moving the Athlete up into the Registered Testing Pool.]*

4.8.4 Where an International Federation or a National Anti-Doping Organization plans to collect three or more Samples per year Out-of-Competition from particular Athletes, it shall put them into a Registered Testing Pool (so that they are required to comply with the Code Article 2.4 Whereabouts Requirements) unless it is clearly able to obtain sufficient whereabouts information to conduct No Advance Notice Testing efficiently and effectively by some other means.

*[Comment to 4.8.4: Each International Federation and each National Anti-Doping Organization has discretion to determine, independently of the other, (a) how much Out-of-Competition Testing it needs to conduct in respect of the sport(s) under its jurisdiction; and (b) whether the Athletes on whom it decides to conduct that Testing need to comply with the Code Article 2.4 Whereabouts Requirements in order to conduct the planned Testing on them effectively and efficiently and on a No Advance Notice Testing basis, or alternatively whether sufficient whereabouts information is available by other means to conduct such Testing, so that subjecting the Athletes in question to the Code Article 2.4 Whereabouts Requirements is unnecessary. The Anti-Doping Organization must be able to demonstrate it has made a proper assessment of the relevant risks and of the necessary prioritization in accordance with Articles 4.2 to 4.5, and that it has adopted appropriate criteria based on the results of that assessment. In particular, an Anti-Doping Organization whose Test Distribution Plan includes Testing during Out-of-Competition periods must have a Registered Testing Pool of Athletes who are required to comply with the Code Article 2.4 Whereabouts Requirements unless it can demonstrate that it is able to find those Athletes for*

*No Advance Notice Testing during all Out-of-Competition periods without requiring compliance with the Code Article 2.4 Whereabouts Requirements. In any event, however, there should not be more Athletes in a Registered Testing Pool than the International Federation or National Anti-Doping Organization in question plans (on its own or in agreed coordination with other Anti-Doping Organizations with Testing Authority over those Athletes) to test Out-of-Competition at least three times a year.]*

4.8.5 Anti-Doping Organizations with Testing Authority over an Athlete in a Registered Testing Pool should conduct Out-of-Competition Testing on that Athlete using the whereabouts information provided by the Athlete in accordance with the Code Article 2.4 Whereabouts Requirements. Any such Athlete who fails three times in any 12-month period to provide the required information about his/her whereabouts (a Filing Failure) and/or to be available for Testing at such whereabouts (a Missed Test) shall be liable for an anti-doping rule violation under Code Article 2.4.

4.8.6 Where ADAMS is used to collect whereabouts information from Athletes in the Registered Testing Pool, then the names of those Athletes will automatically be available to WADA and other relevant Anti-Doping Organizations, as required under Code Article 5.6. Otherwise, however, to comply with Code Article 5.6, each International Federation and each National Anti-Doping Organization must make the criteria that it uses to determine which Athletes should be in its Registered Testing Pool, and/or a list of the Athletes meeting those criteria and so included in its Registered Testing Pool, available in writing to WADA, the International Federation/National Anti-Doping Organization (as applicable), and other Anti-Doping Organizations who have Testing Authority over those Athletes.

*[Comment to 4.8.6: There is no requirement that a National Anti-Doping Organization must include in its Registered Testing Pool those Athletes under its jurisdiction who are included in their International Federation's Registered Testing Pool, or vice versa. In no event, however, may an Athlete be required to file different sets of whereabouts information with different Anti-Doping Organizations. Instead, if an Athlete is in one tier for his/her International Federation and another tier for his/her National Anti-Doping Organization, he/she shall comply with whichever tier has the greater whereabouts requirements, and all Anti-Doping Organizations with Testing Authority over him/her may access that information in order to locate him/her for Testing.]*

4.8.7 Each International Federation and each National Anti-Doping Organization shall regularly review and update as necessary its criteria for including Athletes in its Registered Testing Pool, to ensure that they remain fit for purpose, i.e., they are capturing all appropriate Athletes. It should take into account the Competition calendar for the relevant period. For example, it may be appropriate to change or increase the number of Athletes in the Registered



*Testing Pool* in the lead-up to an Olympic or Paralympic Games or a World Championship.

4.8.8 In addition, each International Federation and *National Anti-Doping Organization* shall periodically (but no less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* who no longer meet the criteria should be removed from the *Registered Testing Pool* and *Athletes* who now meet the criteria should be added to the *Registered Testing Pool*. The *Anti-Doping Organization* must advise such *Athletes* of the change in their status, and make a new list of *Athletes* in the *Registered Testing Pool* available in accordance with Article 4.8.6, without delay.

4.8.9 For periods when *Athletes* come under the *Testing Authority* of a *Major Event Organization*:

- a) if they are in a *Registered Testing Pool* then the *Major Event Organization* may access their *Whereabouts Filings* for the relevant period in order to conduct *Testing* on them;
- b) if they are not in a *Registered Testing Pool* then the *Major Event Organization* may adopt *Event*-specific rules requiring them to provide such information about their whereabouts for the relevant period as it deems necessary and proportionate in order to conduct *Testing* on them.

#### 4.9 Co-ordinating with other *Anti-Doping Organizations*

4.9.1 *Anti-Doping Organizations* shall coordinate their *Testing* efforts with the efforts of other *Anti-Doping Organizations* with overlapping *Testing Authority*, in order to maximize the effectiveness of those combined efforts and to avoid unnecessarily repetitive *Testing* of particular *Athletes*. In particular:

- a) *Anti-Doping Organizations* shall consult with other relevant *Anti-Doping Organizations* in order to coordinate *Testing* activities and to avoid duplication. Clear agreement on roles and responsibilities for *Event Testing* shall be agreed in advance in accordance with *Code* Article 5.3. Where such agreement is not possible, *WADA* will resolve the matter in accordance with the principles set out at Annex J – *Event Testing*.
- b) *Anti-Doping Organizations* shall, without any unnecessary delay, share information on their completed *Testing* with other relevant *Anti-Doping Organizations*, via *ADAMS* or any other system approved by *WADA*.

4.9.2 *Anti-Doping Organizations* may contract other *Anti-Doping Organizations* or third parties to act as Sample Collection Authorities on their behalf. In the terms of the contract, the commissioning *Anti-Doping Organization* (which, for these purposes, is the Testing Authority) may specify how any discretion afforded to a Sample Collection Authority under the International Standard for Testing and Investigations is to be exercised by the Sample Collection Authority when collecting *Samples* on its behalf.

*[Comment to 4.9.2: For example, the International Standard for Testing and Investigations confers discretion as to the criteria to be used to validate the identity of the Athlete (Article 5.3.4), as to the circumstances in which delayed reporting to the Doping Control Station may be permitted (Article 5.4.4), as to the criteria to be used to ensure that each Sample collected is stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station (Article 8.3.1), as to who may be present during the Sample Collection Session (Article 6.3.3), and as to the guidelines to be followed by the DCO in determining whether exceptional circumstances exist that mean a Sample Collection Session should be abandoned without collecting a Sample with a Suitable Specific Gravity for Analysis (Article G.4.6).]*

4.9.3 *Anti-Doping Organizations* should consult and coordinate with each other, with *WADA*, and with law enforcement and other relevant authorities, in obtaining, developing and sharing information and intelligence that can be useful in informing Test Distribution Planning, in accordance with Section 11.0 of the International Standard for Testing and Investigations.

## **5.0 Notification of Athletes**

### **5.1 Objective**

The objective is to ensure that an *Athlete* who has been selected for *Testing* is properly notified of *Sample* collection as outlined in Article 5.4.1, that the rights of the *Athlete* are maintained, that there are no opportunities to manipulate the *Sample* to be provided, and that the notification is documented.

### **5.2 General**

Notification of *Athletes* starts when the Sample Collection Authority initiates the notification of the selected *Athlete* and ends when the *Athlete* arrives at the Doping Control Station or when the *Athlete's* possible Failure to Comply is brought to the Testing Authority's attention. The main activities are:

- a) Appointment of DCOs, Chaperones and other Sample Collection Personnel;

- b) Locating the *Athlete* and confirming his/her identity;
- c) Informing the *Athlete* that he/she has been selected to provide a *Sample* and of his/her rights and responsibilities;
- d) For No Advance Notice Testing, continuously chaperoning the *Athlete* from the time of notification to the arrival at the designated Doping Control Station; and
- e) Documenting the notification, or notification attempt.

### **5.3 Requirements prior to notification of *Athletes***

5.3.1 Save in exceptional and justifiable circumstances, No Advance Notice Testing shall be the method for *Sample* collection.

*[Comment to 5.3.1: It is not justifiable for a National Federation or other body to insist that it be given advance notice of Testing of Athletes under its jurisdiction so that it can have a representative present at such Testing.]*

5.3.2 The Sample Collection Authority shall appoint and authorise Sample Collection Personnel to conduct or assist with Sample Collection Sessions who have been trained for their assigned responsibilities, who do not have a conflict of interest in the outcome of the *Sample* collection, and who are not *Minors*.

5.3.3 Sample Collection Personnel shall have official documentation, provided by the Sample Collection Authority, evidencing their authority to collect a *Sample* from the *Athlete*, such as an authorisation letter from the Testing Authority. DCOs shall also carry complementary identification which includes their name and photograph (i.e., identification card from the Sample Collection Authority, driver's licence, health card, passport or similar valid identification) and the expiry date of the identification.

5.3.4 The Testing Authority or otherwise the Sample Collection Authority shall establish criteria to validate the identity of an *Athlete* selected to provide a *Sample*. This ensures the selected *Athlete* is the *Athlete* who is notified. The method of identification of the *Athlete* shall be documented on the *Doping Control* form.

5.3.5 The Sample Collection Authority, DCO or Chaperone, as applicable, shall establish the location of the selected *Athlete* and plan the approach and timing of notification, taking into consideration the specific circumstances of the sport/*Competition*/training session/etc. and the situation in question.

5.3.6 The Sample Collection Authority shall establish a system for the detailed recording of *Athlete* notification attempt(s) and outcome(s).

5.3.7 The *Athlete* shall be the first person notified that he/she has been selected for *Sample* collection, except where prior contact with a third party is required as specified in Article 5.3.8.

5.3.8 The Sample Collection Authority/DCO/Chaperone, as applicable, shall consider whether a third party is required to be notified prior to notification of the *Athlete*, when the *Athlete* is a *Minor* (as provided for in Annex C – Modifications for *Athletes* who are *Minors*), or where required by an *Athlete's* impairment (as provided for in Annex B - Modifications for *Athletes* with Impairments), or in situations where an interpreter is required and available for the notification.

*[Comment to 5.3.8: In the case of In-Competition Testing, it is permissible to notify third parties that Testing of Minors or Athletes with impairments will be conducted, where required to help the Sample Collection Personnel to identify the Athlete(s) to be tested and to notify such Athlete(s) that he/she is required to provide a Sample. However, there is no requirement to notify any third party (e.g., a team doctor) of the Doping Control mission where such assistance is not needed. Any third party notification must be conducted in a secure and confidential manner so that there is no risk that the Athlete will receive any advance notice of his/her selection for Sample collection. Generally it should occur at the end of the Competition in which the Athlete is competing or as close as possible to the end.]*

## **5.4 Requirements for notification of *Athletes***

5.4.1 When initial contact is made, the Sample Collection Authority, DCO or Chaperone, as applicable, shall ensure that the *Athlete* and/or a third party (if required in accordance with Article 5.3.8) is informed:

- a) That the *Athlete* is required to undergo a *Sample* collection;
- b) Of the authority under which the *Sample* collection is to be conducted;
- c) Of the type of *Sample* collection and any conditions that need to be adhered to prior to the *Sample* collection;
- d) Of the *Athlete's* rights, including the right to:
  - i. Have a representative and, if available, an interpreter accompany him/her, in accordance with Article 6.3.3(a);
  - ii. Ask for additional information about the *Sample* collection process;
  - iii. Request a delay in reporting to the Doping Control Station for valid reasons; and

- iv. Request modifications as provided for in Annex B – Modifications for *Athletes* with Impairments.
- e) Of the *Athlete's* responsibilities, including the requirement to:
  - i. Remain within direct observation of the DCO/Chaperone at all times from the point initial contact is made by the DCO/Chaperone until the completion of the *Sample* collection procedure;
  - ii. Produce identification in accordance with Article 5.3.4;
  - iii. Comply with *Sample* collection procedures (and the *Athlete* should be advised of the possible *Consequences* of Failure to Comply); and
  - iv. Report immediately for *Sample* collection, unless there are valid reasons for a delay, as determined in accordance with Article 5.4.4.
- f) Of the location of the Doping Control Station;
- g) That should the *Athlete* choose to consume food or fluids prior to providing a *Sample*, he/she does so at his/her own risk;
- h) Not to hydrate excessively, since this may delay the production of a suitable *Sample*; and
- i) That any urine *Sample* provided by the *Athlete* to the Sample Collection Personnel should be the first urine passed by the *Athlete* subsequent to notification, i.e., he/she should not pass urine in the shower or otherwise prior to providing a *Sample* to the Sample Collection Personnel.

5.4.2 When contact is made, the DCO/Chaperone shall:

- a) From the time of such contact until the *Athlete* leaves the Doping Control Station at the end of his/her Sample Collection Session, keep the *Athlete* under observation at all times;
- b) Identify themselves to the *Athlete* using the documentation referred to in Article 5.3.3; and
- c) Confirm the *Athlete's* identity as per the criteria established in Article 5.3.4. Confirmation of the *Athlete's* identity by any other method, or failure to confirm the identity of the *Athlete*, shall be documented and reported to the Testing Authority. In cases where the *Athlete's* identity cannot be confirmed as per the criteria established in Article 5.3.4, the Testing Authority shall decide

whether it is appropriate to follow up in accordance with Annex A – Investigating a Possible Failure to Comply.

5.4.3 The Chaperone/DCO shall have the *Athlete* sign an appropriate form to acknowledge and accept the notification. If the *Athlete* refuses to sign that he/she has been notified, or evades the notification, the Chaperone/DCO shall, if possible, inform the *Athlete* of the *Consequences* of refusing or failing to comply, and the Chaperone (if not the DCO) shall immediately report all relevant facts to the DCO. When possible the DCO shall continue to collect a *Sample*. The DCO shall document the facts in a detailed report and report the circumstances to the Testing Authority. The Testing Authority shall follow the steps prescribed in Annex A – Investigating a Possible Failure to Comply.

5.4.4 The DCO/Chaperone may at his/her discretion consider any reasonable third party request or any request by the *Athlete* for permission to delay reporting to the Doping Control Station following acknowledgment and acceptance of notification, and/or to leave the Doping Control Station temporarily after arrival, and may grant such permission if the *Athlete* can be continuously chaperoned and kept under direct observation during the delay. For example, delayed reporting to/temporary departure from the Doping Control Station may be permitted for the following activities:

a) For *In-Competition Testing*:

- i) Participation in a presentation ceremony;
- ii) Fulfillment of media commitments;
- iii) Competing in further *Competitions*;
- iv) Performing a warm down;
- v) Obtaining necessary medical treatment;
- vi) Locating a representative and/or interpreter;
- vii) Obtaining photo identification; or
- viii) Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the Testing Authority.

b) For *Out-of-Competition Testing*:

- i) Locating a representative;
- ii) Completing a training session;

- iii) Receiving necessary medical treatment;
- iv) Obtaining photo identification; or
- v) Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the Testing Authority.

5.4.5 The DCO or other authorized Sample Collection Personnel shall document any reasons for delay in reporting to the Doping Control Station and/or reasons for leaving the Doping Control Station that may require further investigation by the Testing Authority. Any failure of the *Athlete* to remain under constant observation should also be recorded.

5.4.6 A DCO/Chaperone shall reject a request for delay from an *Athlete* if it will not be possible for the *Athlete* to be continuously observed during such delay.

5.4.7 If the *Athlete* delays reporting to the Doping Control Station other than in accordance with Article 5.4.4 but arrives prior to the DCO's departure, the DCO shall decide whether to process a possible Failure to Comply. If at all possible the DCO shall proceed with collecting a Sample, and shall document the details of the *Athlete's* delay in reporting to the Doping Control Station.

5.4.8 If Sample Collection Personnel observe any matter with potential to compromise the collection of the Sample, the circumstances shall be reported to and documented by the DCO. If deemed appropriate by the DCO, the DCO shall follow the requirements of Annex A – Investigating a Possible Failure to Comply, and/or consider if it is appropriate to collect an additional Sample from the *Athlete*.

## **6.0 Preparing for the Sample Collection Session**

### **6.1 Objective**

To prepare for the Sample Collection Session in a manner that ensures that the session can be conducted efficiently and effectively.

### **6.2 General**

Preparing for the Sample Collection Session starts with the establishment of a system for obtaining relevant information for effective conduct of the session and ends when it is confirmed that the Sample Collection Equipment conforms to the specified criteria. The main activities are:

- a) Establishing a system for collecting details regarding the Sample Collection Session;
- b) Establishing criteria for who may be present during a Sample Collection Session;
- c) Ensuring that the Doping Control Station meets the minimum criteria prescribed in Article 6.3.2; and
- d) Ensuring that the Sample Collection Equipment meets the minimum criteria prescribed in Article 6.3.4.

### **6.3 Requirements for preparing for the Sample Collection Session**

6.3.1 The Testing Authority or otherwise the Sample Collection Authority shall establish a system for obtaining all the information necessary to ensure that the Sample Collection Session can be conducted effectively, including identifying special requirements to meet the needs of *Athletes* with impairments (as provided in Annex B – Modifications for *Athletes* with Impairments) as well as the needs of *Athletes* who are *Minors* (as provided in Annex C – Modifications for *Athletes* who are *Minors*).

6.3.2 The DCO shall use a Doping Control Station which, at a minimum, ensures the *Athlete's* privacy and where possible is used solely as a Doping Control Station for the duration of the Sample Collection Session. The DCO shall record any significant deviations from these criteria.

6.3.3 The Sample Collection Authority shall establish criteria for who may be authorized to be present during the Sample Collection Session in addition to the Sample Collection Personnel. At a minimum, the criteria shall include:

- a) An *Athlete's* entitlement to be accompanied by a representative and/or interpreter during the Sample Collection Session, except when the *Athlete* is passing a urine *Sample*;
- b) A *Minor Athlete's* entitlement (as provided for in Annex C – Modifications for *Athletes* who are *Minors*), and the witnessing DCO/Chaperone's entitlement to have a representative observe the witnessing DCO/Chaperone when the *Minor Athlete* is passing a urine *Sample*, but without the representative directly observing the passing of the *Sample* unless requested to do so by the *Minor Athlete*;
- c) The entitlement of an *Athlete* with an impairment to be accompanied by a representative as provided for in Annex B - Modifications for *Athletes* with Impairments;
- d) A *WADA* observer where applicable under the *Independent Observer Program*. The *WADA* observer shall not directly observe the passing of a urine *Sample*.



6.3.4 The Sample Collection Authority shall only use Sample Collection Equipment systems which, at a minimum:

- a) Have a unique numbering system incorporated into all bottles, containers, tubes or other items used to seal the *Sample*;
- b) Have a sealing system that is tamper-evident;
- c) Ensure the identity of the *Athlete* is not evident from the equipment itself; and
- d) Ensure that all equipment is clean and sealed prior to use by the *Athlete*.

6.3.5 The Sample Collection Authority shall develop a system for recording the Chain of Custody of the *Samples* and *Sample* collection documentation which includes confirming that both the *Samples* and *Sample* collection documentation have arrived at their intended destinations.

*[Comment to 6.3.5: Information as to how a Sample is stored prior to departure from the Doping Control Station may be recorded on (for example) a post-mission report. When the Sample is taken from the Doping Control Station, each transfer of custody of the Sample from one person to another, e.g. from the DCO to the courier, or from the DCO to the laboratory, should be documented, up until the Sample arrives at its intended destination.]*

## **7.0 Conducting the Sample Collection Session**

### **7.1 Objective**

To conduct the Sample Collection Session in a manner that ensures the integrity, security and identity of the *Sample* and respects the privacy and dignity of the *Athlete*.

### **7.2 General**

The Sample Collection Session starts with defining overall responsibility for the conduct of the Sample Collection Session and ends once the *Sample* has been collected and secured and the *Sample* collection documentation is complete. The main activities are:

- a) Preparing for collecting the *Sample*;
- b) Collecting and securing the *Sample*; and
- c) Documenting the *Sample* collection.

### **7.3 Requirements prior to *Sample* collection**

7.3.1 The Sample Collection Authority shall be responsible for the overall conduct of the Sample Collection Session, with specific responsibilities delegated to the DCO.

7.3.2 The DCO shall ensure that the *Athlete* has been informed of his/her rights and responsibilities as specified in Article 5.4.1.

7.3.3 The DCO shall provide the *Athlete* with the opportunity to hydrate. The *Athlete* should avoid excessive rehydration, having in mind the requirement to provide a *Sample* with a Suitable Specific Gravity for Analysis.

7.3.4 The *Athlete* shall only leave the Doping Control Station under continuous observation by the DCO or Chaperone and with the approval of the DCO. The DCO shall consider any reasonable request by the *Athlete* to leave the Doping Control Station, as specified in Articles 5.4.4, 5.4.5 and 5.4.6, until the *Athlete* is able to provide a *Sample*.

7.3.5 If the DCO gives approval for the *Athlete* to leave the Doping Control Station, the DCO shall agree with the *Athlete* on the following conditions of leave:

- a) The purpose of the *Athlete* leaving the Doping Control Station;
- b) The time of return (or return upon completion of an agreed activity);
- c) That the *Athlete* must remain under continuous observation throughout;
- d) That the *Athlete* shall not pass urine until he/she gets back to the Doping Control Station; and
- e) The DCO shall document the time of the *Athlete*'s departure and return.

### **7.4 Requirements for *Sample* collection**

7.4.1 The DCO shall collect the *Sample* from the *Athlete* according to the following protocol(s) for the specific type of *Sample* collection:

- a) Annex D: Collection of Urine *Samples*;
- b) Annex E: Collection of Blood *Samples*.
- c) Annex K: Collection, Storage and Transportation of *Blood Samples* for the ABP.

7.4.2 Any behavior by the *Athlete* and/or *Persons* associated with the *Athlete* or anomalies with potential to compromise the *Sample* collection shall be recorded in detail by the DCO. If appropriate, the Testing Authority shall institute Annex A – Investigating a Possible Failure to Comply.

7.4.3 If there are doubts as to the origin or authenticity of the *Sample*, the *Athlete* shall be asked to provide an additional *Sample*. If the *Athlete* refuses to provide an additional *Sample*, the DCO shall document in detail the circumstances around the refusal, and the Testing Authority shall institute Annex A – Investigating a Possible Failure to Comply.

7.4.4 The DCO shall provide the *Athlete* with the opportunity to document any concerns he/she may have about how the Sample Collection Session was conducted.

7.4.5 In conducting the Sample Collection Session, the following information shall be recorded as a minimum:

- a) Date, time and type of notification (no advance notice or advance notice);
- b) Arrival time at Doping Control Station;
- c) Date and time of sealing of each *Sample* collected and data and time of completion of entire *Sample* collection process (i.e., the time when the *Athlete* signs the declaration at the bottom of the *Doping Control* form);
- d) The name of the *Athlete*;
- e) The date of birth of the *Athlete*;
- f) The gender of the *Athlete*;
- g) The *Athlete's* home address, email address and telephone number;
- h) The *Athlete's* sport and discipline;
- i) The name of the *Athlete's* coach and doctor;
- j) The *Sample* code number;
- k) The type of the *Sample* (urine, blood, etc);
- l) The type of test (*In-Competition* or *Out-of-Competition*);
- m) The name and signature of the witnessing DCO/Chaperone;

- n) The name and signature of the Blood Collection Officer (where applicable);
- o) Partial *Sample* information, as per Article F.4.4;
- p) Required laboratory information on the *Sample* (i.e., for a urine *Sample*, its volume and specific gravity measurement);
- q) Medications and supplements taken within the previous seven days and (where the *Sample* collected is a blood *Sample*) blood transfusions within the previous three months, as declared by the *Athlete*;
- r) Any irregularities in procedures;
- s) *Athlete* comments or concerns regarding the conduct of the *Sample Collection Session*, as declared by the *Athlete*;
- t) *Athlete* consent for the processing of *Sample* collection data;
- u) *Athlete* consent or otherwise for the use of the *Sample(s)* for research purposes;
- v) The name and signature of the *Athlete's* representative (if applicable), as per Article 7.4.6;
- w) The name and signature of the *Athlete*;
- x) The name and signature of the DCO;
- y) The name of the Testing Authority;
- z) The name of the *Sample Collection Authority*; and
- aa) The name of the Results Management Authority.

*[Comment to 7.4.5: All of the aforementioned information need not be consolidated in a single Doping Control Form but rather may be collected through the Doping Control and/or other official documentation such as a separate Notification form and/or Supplementary report. In addition to this information, additional requirements for the collection of Blood Samples for the ABP can be found in Annex K of this Standard.]*

7.4.6 At the conclusion of the *Sample Collection Session* the *Athlete* and DCO shall sign appropriate documentation to indicate their satisfaction that the documentation accurately reflects the details of the *Athlete's* *Sample Collection*

Session, including any concerns expressed by the *Athlete*. The *Athlete's* representative (if any) and the *Athlete* shall both sign the documentation if the *Athlete* is a *Minor*. Other persons present who had a formal role during the *Athlete's Sample Collection Session* may sign the documentation as a witness of the proceedings.

7.4.7 The DCO shall provide the *Athlete* with a copy of the records of the Sample Collection Session that have been signed by the *Athlete*.

## **8.0 Security/Post-test administration**

### **8.1 Objective**

To ensure that all *Samples* collected at the Doping Control Station and *Sample* collection documentation are securely stored prior to their dispatch from the Doping Control Station.

### **8.2 General**

Post-test administration begins when the *Athlete* has left the Doping Control Station after providing his/her *Sample(s)*, and ends with preparation of all of the collected *Samples* and *Sample* collection documentation for transport.

### **8.3 Requirements for security/post-test administration**

8.3.1 The Sample Collection Authority shall define criteria ensuring that each *Sample* collected is stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station. At a minimum, these criteria should include detailing and documenting the location where *Samples* are stored and who has custody of the *Samples* and/or is permitted access to the *Samples*. The DCO shall ensure that any *Sample* is stored in accordance with these criteria.

8.3.2 The Sample Collection Authority shall develop a system to ensure that the documentation for each *Sample* is completed and securely handled.

8.3.3 The Sample Collection Authority shall develop a system to ensure that, where required, instructions for the type of analysis to be conducted are provided to the laboratory that will be conducting the analysis. In addition, the *Anti-Doping Organization* shall provide the laboratory with information as required under Article 7.4.5 c), f), h), j), k), l), p), q), y), z) and aa) for result reporting and statistical purposes.

## **9.0 Transport of *Samples* and documentation**

### **9.1 Objective**

- a) To ensure that *Samples* and related documentation arrive at the laboratory that will be conducting the analysis in proper condition to do the necessary analysis; and
- b) To ensure the Sample Collection Session documentation is sent by the DCO to the Testing Authority in a secure and timely manner.

### **9.2 General**

9.2.1 Transport starts when the *Samples* and related documentation leave the Doping Control Station and ends with the confirmed receipt of the *Samples* and Sample Collection Session documentation at their intended destinations.

9.2.2 The main activities are arranging for the secure transport of *Samples* and related documentation to the laboratory that will be conducting the analysis, and arranging for the secure transport of the Sample Collection Session documentation to the Testing Authority.

### **9.3 Requirements for transport and storage of *Samples* and documentation**

9.3.1 The Sample Collection Authority shall authorize a transport system that ensures *Samples* and documentation are transported in a manner that protects their integrity, identity and security.

9.3.2 *Samples* shall always be transported to the laboratory that will be analyzing the *Samples* using the Sample Collection Authority's authorized transport method, as soon as practicable after the completion of the Sample Collection Session. *Samples* shall be transported in a manner which minimizes the potential for *Sample* degradation due to factors such as time delays and extreme temperature variations.

*[Comment to 9.3.2: Anti-Doping Organizations should discuss transportation requirements for particular missions (e.g., where the Sample has been collected in less than hygienic conditions, or where delays may occur in transporting the Samples to the laboratory) with the laboratory that will be analyzing the Samples, to establish what is necessary in the particular circumstances of such mission (e.g., refrigeration or freezing of the Samples).]*

9.3.3 Documentation identifying the *Athlete* shall not be included with the *Samples* or documentation sent to the laboratory that will be analyzing the *Samples*.

9.3.4 The DCO shall send all relevant Sample Collection Session documentation to the Sample Collection Authority, using the Sample Collection

Authority's authorized transport method, as soon as practicable after the completion of the Sample Collection Session.

9.3.5 If the *Samples* with accompanying documentation or the Sample Collection Session documentation are not received at their respective intended destinations, or if a *Sample*'s integrity or identity may have been compromised during transport, the Sample Collection Authority shall check the Chain of Custody, and the Testing Authority shall consider whether the *Samples* should be voided.

9.3.6 Documentation related to a Sample Collection Session and/or an anti-doping rule violation shall be stored by the Testing Authority and/or the Sample Collection Authority for the period specified in the International Standard for the Protection of Privacy and Personal Information.

*[Comment to 9.3: While the requirements for transport and storage of Samples and documentation herein apply equally to all Urine, Blood and Blood ABP Samples, additional requirements for the transportation of Blood Samples for the ABP can be found in Annex K of this Standard.]*

## **10.0 Ownership of Samples**

10.1 *Samples* collected from an *Athlete* are owned by the Testing Authority for the Sample Collection Session in question.

10.2 The Testing Authority may transfer ownership of the *Samples* to the Results Management Authority or to another *Anti-Doping Organization* upon request.

*[Comment to 10.0: MEOs in particular are encouraged to transfer custody of Samples to other ADOs which may have more extensive Sample retention and reanalysis strategies such as those with robust ABP programs.]*

## PART THREE: STANDARDS FOR INTELLIGENCE GATHERING AND INVESTIGATIONS

### 11.0 Gathering, assessment and use of intelligence

#### 11.1 Objective

11.1.1 *Code* Article 5.8 requires *Anti-Doping Organizations* to obtain, assess and process anti-doping intelligence from all available sources, to be used to help deter and detect doping, by informing the development of an effective, intelligent and proportionate Test Distribution Plan and/or the planning of *Target Testing*, and/or by forming the basis of an investigation into a possible anti-doping rule violation(s). The objective of this Section 11.0 of the International Standard for Testing and Investigations is to establish standards for the efficient and effective gathering, assessment and processing of such intelligence for these purposes.

*[Comment to 11.1.1: While Testing will always remain an integral part of the anti-doping effort, Testing alone is not always sufficient to detect and establish to the requisite standard all of the anti-doping rule violations identified in the Code. In particular, while Use of Prohibited Substances and Prohibited Methods may often be uncovered by analysis of Samples, the other Code anti-doping rule violations (and, often, Use) can usually only be effectively identified and pursued through the gathering and investigation of 'non-analytical' anti-doping intelligence and information. This means that Anti-Doping Organizations need to develop efficient and effective intelligence-gathering and investigation functions.]*

#### 11.2 Gathering of anti-doping intelligence

11.2.1 *Anti-Doping Organizations* shall do everything in their power to ensure that they are able to capture or receive anti-doping intelligence from all available sources, including *Athletes* and *Athlete Support Personnel* (including *Substantial Assistance* provided pursuant to *Code* Article 10.6.1) and members of the public (e.g., by means of a confidential telephone hotline), Sample Collection Personnel (whether via mission reports, incident reports, or otherwise), laboratories, pharmaceutical companies, National Federations, law enforcement, other regulatory and disciplinary bodies, and the media.

11.2.2 *Anti-Doping Organizations* shall have policies and procedures in place to ensure that anti-doping intelligence captured or received is handled securely and confidentially, that sources of intelligence are protected, that the risk of leaks or inadvertent disclosure is properly addressed, and that intelligence shared with them by law enforcement, other relevant authorities and/or other third parties, is processed, used and disclosed only for legitimate anti-doping purposes.



### **11.3 Assessment and analysis of anti-doping intelligence**

11.3.1 *Anti-Doping Organizations* shall ensure that they are able to assess all anti-doping intelligence upon receipt for relevance, reliability and accuracy, taking into account the nature of the source and the circumstances in which the intelligence has been captured or received.

*[Comment to 11.3.1: There are various models that may be used as the basis for the assessment and analysis of anti-doping intelligence. There are also powerful databases and case management systems that may be used to assist in the organization, processing, analysis and cross-referencing of such intelligence.]*

11.3.2 All anti-doping intelligence captured or received by an *Anti-Doping Organization* should be collated and analyzed to establish patterns, trends and relationships that may assist the *Anti-Doping Organization* in developing an effective anti-doping strategy and/or in determining (where the intelligence relates to a particular case) whether there is reasonable cause to suspect that an anti-doping rule violation may have been committed, such that further investigation is warranted in accordance with Section 12.0 of the International Standard for Testing and Investigations.

### **11.4 Intelligence outcomes**

11.4.1 Anti-doping intelligence shall be used to assist in developing, reviewing and revising the Test Distribution Plan and/or in determining when to conduct *Target Testing*, in each case in accordance with Section 4.0 of the International Standard for Testing and Investigations, and/or to create targeted intelligence files to be referred for investigation in accordance with Section 12.0 of the International Standard for Testing and Investigations.

11.4.2 *Anti-Doping Organizations* should also develop and implement policies and procedures for the sharing of intelligence (where appropriate, and subject to applicable law) with other *Anti-Doping Organizations* (e.g., if the intelligence relates to *Athletes* or other *Persons* under their jurisdiction) and/or law enforcement and/or other relevant regulatory or disciplinary authorities (e.g., if the intelligence suggests the possible commission of a crime or regulatory offence or breach of other rules of conduct).

## **12.0 Investigations**

### **12.1 Objective**

12.1.1 The objective of this Section 12.0 of the International Standard for Testing and Investigations is to establish standards for the efficient and effective conduct of investigations that *Anti-Doping Organizations* must conduct under the *Code*, including:

- a) the investigation of *Atypical Findings* and *Adverse Passport Findings*, in accordance with *Code* Articles 7.4 and 7.5 respectively;
- b) the investigation of any other analytical or non-analytical information or intelligence where there is reasonable cause to suspect that an anti-doping rule violation may have been committed, in accordance with *Code* Articles 7.6 and 7.7 respectively; and
- c) where an anti-doping rule violation by an *Athlete* is established, the investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in that violation, in accordance with *Code* Article 20.

12.1.2 In each case, the purpose of the investigation is to achieve one of the following: either (a) to rule out the possible violation/involvement in a violation; or (b) to develop evidence that supports the initiation of an anti-doping rule violation proceeding in accordance with *Code* Article 8.

## **12.2 Investigating *Atypical Findings* and *Adverse Passport Findings***

12.2.1 *Anti-Doping Organizations* shall ensure that they are able to investigate confidentially and effectively *Atypical Findings* and *Adverse Passport Findings* arising out of *Testing* conducted on their behalf and/or for which they are the Results Management Authority, in accordance with the requirements of *Code* Articles 7.4 and 7.5 respectively, and of the International Standard for Laboratories.

12.2.2 The *Anti-Doping Organization* shall provide to *WADA* upon request (or shall procure that the Testing Authority, if different, provides to *WADA* upon request) further information regarding the circumstances of *Adverse Analytical Findings*, *Atypical Findings*, and other potential anti-doping rule violations, such as (without limitation):

- a) the *Competition* level of the *Athlete* in question;
- b) what whereabouts information (if any) the *Athlete* in question provides, and whether that information was used to locate him/her for the *Sample* collection that led to the *Adverse Analytical Finding* or the *Atypical Finding*;
- c) the timing of the *Sample* collection in question relative to the *Athlete's* training and *Competition* schedules; and
- d) other such profile information as determined by *WADA*.

## 12.3 Investigating other possible anti-doping rule violations

12.3.1 *Anti-Doping Organizations* shall ensure that they are able to investigate confidentially and effectively any other analytical or non-analytical information or intelligence that indicates there is reasonable cause to suspect that an anti-doping rule violation may have been committed, in accordance with *Code* Articles 7.6 and 7.7, respectively.

*[Comment to 12.3.1: Where an attempt to collect a Sample from an Athlete produces information indicating a possible evasion of Sample collection and/or refusal or failure to submit to Sample collection after due notification, in violation of Code Article 2.3, or possible Tampering or Attempted Tampering with Doping Control, in violation of Code Article 2.5, the matter shall be investigated in accordance with Annex A – Investigating a Possible Failure to Comply.]*

12.3.2 When there is reasonable cause to suspect that an anti-doping rule violation may have been committed, the *Anti-Doping Organization* shall notify *WADA* that it is starting an investigation into the matter in accordance with *Code* Article 7.6 or *Code* Article 7.7, as applicable. Thereafter the *Anti-Doping Organization* shall keep *WADA* updated on the status and findings of the investigation upon request.

12.3.3 The *Anti-Doping Organization* shall gather and record all relevant information and documentation as soon as possible, in order to develop that information and documentation into admissible and reliable evidence in relation to the possible anti-doping rule violation, and/or to identify further lines of enquiry that may lead to the discovery of such evidence. The *Anti-Doping Organization* shall ensure that investigations are conducted fairly, objectively and impartially at all times. The conduct of investigations, the evaluation of information and evidence identified in the course of that investigation, and the outcome of the investigation, shall be fully documented.

*[Comment to 12.3.3: It is important that information is provided to and gathered by the investigating Anti-Doping Organization as quickly as possible and in as much detail as possible, because the longer the period between the incident and investigation, the greater the risk that certain evidence may no longer exist.*

*Investigations should not be conducted with a closed mind, pursuing only one outcome (e.g., institution of anti-doping rule violation proceedings against an Athlete or other Person). Rather, the investigator(s) should be open to and should consider all possible outcomes at each key stage of the investigation, and should seek to gather not only any available evidence indicating that there is a case to answer but also any available evidence indicating that there is no case to answer.]*

12.3.4 The *Anti-Doping Organization* should make use of all investigative resources reasonably available to it to conduct its investigation. This may include obtaining information and assistance from law enforcement and other relevant authorities, including other regulators. However, the *Anti-Doping Organization* should also make full use of all investigative resources at its own disposal, including the *Athlete Biological Passport* program, investigative powers conferred under applicable rules (e.g., the power to demand the production of relevant documents and information, and the power to interview both potential witnesses and the *Athlete* or other *Person* who is the subject of the investigation), and the power to suspend a period of *Ineligibility* imposed on an *Athlete* or other *Person* in return for the provision of *Substantial Assistance* in accordance with *Code* Article 10.6.1.

*[Comment to 12.3.4: WADA's document entitled 'Coordinating Investigations and Sharing Anti-Doping Information and Evidence' provides guidance on how to build efficient and effective relationships with law enforcement and other relevant authorities that will facilitate the sharing of anti-doping intelligence and information and the co-ordination of investigations.]*

12.3.5 *Athletes* and *Athlete Support Personnel* are required under *Code* Article 21 to cooperate with investigations conducted by *Anti-Doping Organizations*. If they fail to do so, disciplinary action should be taken against them under applicable rules. If their conduct amounts to subversion of the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), the *Anti-Doping Organization* should bring proceedings against them for violation of *Code* Article 2.5 (*Tampering* or *Attempted Tampering*).

## **12.4 Investigation outcomes**

12.4.1 The *Anti-Doping Organization* shall come to a decision efficiently and without undue delay as to whether proceedings should be brought against the *Athlete* or other *Person* asserting commission of an anti-doping rule violation. As set out in *Code* Article 13.3, if an *Anti-Doping Organization* fails to make such decision within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if the *Anti-Doping Organization* had rendered a decision finding that no anti-doping rule violation has been committed. As noted in the comment to *Code* Article 13.3, however, before taking such action *WADA* will consult with the *Anti-Doping Organization* and give it an opportunity to explain why it has not yet rendered a decision.

12.4.2 Where the *Anti-Doping Organization* concludes based on the results of its investigation that proceedings should be brought against the *Athlete* or other *Person* asserting commission of an anti-doping rule violation, it shall give notice of that decision in the manner set out in *Code* Articles 7.4 to 7.6 (as applicable)

and shall bring the proceedings against the *Athlete* or other *Person* in question in accordance with *Code* Article 8.

12.4.3 Where the *Anti-Doping Organization* concludes, based on the results of its investigation, that proceedings should not be brought against the *Athlete* or other *Person* asserting commission of an anti-doping rule violation:

- a) It shall notify *WADA* and the *Athlete's* or other *Person's* International Federation and *National Anti-Doping Organization* in writing of that decision, with reasons, in accordance with *Code* Article 14.1.4.
- b) It shall provide such other information about the investigation as is reasonably required by *WADA* and/or the International Federation and/or *National Anti-Doping Organization* in order to determine whether to appeal against that decision.
- c) In any event, it shall consider whether any of the intelligence obtained and/or lessons learned during the investigation should be used to inform the development of its Test Distribution Plan and/or to plan *Target Testing*, and/or should be shared with any other body in accordance with Article 11.4.2.

## PART FOUR: ANNEXES

### Annex A - Investigating a Possible Failure to Comply

#### A.1 Objective

To ensure that any matters occurring before, during or after a Sample Collection Session that may lead to a determination of a Failure to Comply are properly assessed, documented and acted upon.

#### A.2 Scope

Investigating a possible Failure to Comply begins when the Testing Authority or a DCO becomes aware of a possible Failure to Comply and ends when the Testing Authority takes appropriate follow-up action based on the outcome of its investigation.

#### A.3 Responsibility

A.3.1 The Testing Authority is responsible for ensuring that:

- a) when the possible Failure to Comply comes to its attention, it notifies *WADA*, and instigates an investigation of the possible Failure to Comply based on all relevant information and documentation;
- b) the *Athlete* or other party is informed of the possible Failure to Comply in writing and has the opportunity to respond;
- c) the investigation is conducted without unnecessary delay and the evaluation process is documented; and
- d) the final determination (i.e., whether or not to assert the commission of an anti-doping rule violation), with reasons, is made available without delay to *WADA* and other *Anti-Doping Organizations* in accordance with *Code* Articles 7.10 and 14.1.4.

A.3.2 The DCO is responsible for:

- a) informing the *Athlete* or other party of the *Consequences* of a possible Failure to Comply;
- b) completing the *Athlete's* Sample Collection Session where possible; and
- c) providing a detailed written report of any possible Failure to Comply.

A.3.3 Sample Collection Personnel are responsible for:

- a) informing the *Athlete* or other party of the *Consequences* of a possible Failure to Comply; and
- b) reporting to the DCO any possible Failure to Comply.

#### **A.4 Requirements**

A.4.1 Any potential Failure to Comply shall be reported by the DCO and/or followed up by the Testing Authority as soon as practicable.

A.4.2 If the Testing Authority determines that there has been a potential Failure to Comply, the *Athlete* or other party shall be promptly notified in writing:

- a) of the possible *Consequences*; and
- b) that the potential Failure to Comply will be investigated by the Testing Authority and appropriate follow-up action will be taken.

A.4.3 Any additional necessary information about the potential Failure to Comply shall be obtained from all relevant sources (including the *Athlete* or other party) as soon as possible and recorded.

A.4.4 The Testing Authority shall establish a system for ensuring that the outcomes of its investigation into the potential Failure to Comply are considered for results management action and, if applicable, for further planning and *Target Testing*.

## **Annex B - Modifications for *Athletes* with Impairments**

### **B.1 Objective**

To ensure that the particular needs of *Athletes* with impairments are considered in relation to the provision of a *Sample*, where possible, without compromising the integrity of the *Sample Collection Session*.

### **B.2 Scope**

Determining whether modifications are necessary starts with identification of situations where *Sample* collection involves *Athletes* with impairments and ends with modifications to *Sample* collection procedures and equipment where necessary and where possible.

### **B.3 Responsibility**

B.3.1 The *Sample Collection Authority* has responsibility for ensuring, when possible, that the *DCO* has any information and *Sample Collection Equipment* necessary to conduct a *Sample Collection Session* with an *Athlete* with an impairment.

B.3.2 The *DCO* has responsibility for *Sample* collection.

### **B.4 Requirements**

B.4.1 All aspects of notification and *Sample* collection for *Athletes* with impairments shall be carried out in accordance with the standard notification and *Sample* collection procedures unless modifications are necessary due to the *Athlete's* impairment.

*[Comment to B.4.1: For example, it may be appropriate, in the case of an Athlete with an intellectual impairment, to obtain consent to Testing from his/her representative.]*

B.4.2 In planning or arranging *Sample* collection, the *Sample Collection Authority* and *DCO* shall consider whether there will be any *Sample* collection for *Athletes* with impairments that may require modifications to the standard procedures for notification or *Sample* collection, including *Sample Collection Equipment* and facilities.

B.4.3 The *Sample Collection Authority* and *DCO* shall have the authority to make modifications as the situation requires when possible and as long as such modifications will not compromise the identity, security or integrity of the *Sample*. All such modifications must be documented.

B.4.4 An *Athlete* with an intellectual, physical or sensorial impairment may be assisted by the *Athlete's* representative or *Sample Collection Personnel* during



the Sample Collection Session where authorized by the *Athlete* and agreed to by the DCO.

B.4.5 The DCO may decide that alternative Sample Collection Equipment or facilities will be used when required to enable the *Athlete* to provide the *Sample*, as long as the *Sample's* identity, security and integrity will not be affected.

B.4.6 *Athletes* who are using urine collection or drainage systems are required to eliminate existing urine from such systems before providing a urine *Sample* for analysis. Where possible, the existing urine collection or drainage system should be replaced with a new, unused catheter or drainage system prior to collection of the *Sample*. The catheter or drainage system is not a required part of Sample Collection Equipment to be provided by the Sample Collection Authority; instead it is the responsibility of the *Athlete* to have the necessary equipment available for this purpose.

B.4.7 The DCO will record modifications made to the standard *Sample* collection procedures for *Athletes* with impairments, including any applicable modifications specified in the above actions.

## **Annex C - Modifications for *Athletes* who are *Minors***

### **C.1 Objective**

To ensure that the particular needs of *Athletes* who are *Minors* are met in relation to the provision of a *Sample*, where possible, without compromising the integrity of the Sample Collection Session.

### **C.2 Scope**

Determining whether modifications are necessary starts with identification of situations where *Sample* collection involves *Athletes* who are *Minors* and ends with modifications to *Sample* collection procedures where necessary and where possible.

### **C.3 Responsibility**

The Testing Authority has responsibility for ensuring, when possible, that the DCO has any information necessary to conduct a Sample Collection Session with an *Athlete* who is a *Minor*. This includes confirming wherever necessary that the organizer of the *Event* obtains the necessary parental consent for *Testing* any participating *Athlete* who is a *Minor*.

### **C.4 Requirements**

C.4.1 All aspects of notification and *Sample* collection for *Athletes* who are *Minors* shall be carried out in accordance with the standard notification and *Sample* collection procedures unless modifications are necessary due to the *Athlete* being a *Minor*.

C.4.2 In planning or arranging *Sample* collection, the Sample Collection Authority and DCO shall consider whether there will be any *Sample* collection for *Athletes* who are *Minors* that may require modifications to the standard procedures for notification or *Sample* collection.

C.4.3 The DCO and the Sample Collection Authority shall have the authority to make modifications as the situation requires when possible and as long as such modifications will not compromise the identity, security or integrity of the *Sample*.

C.4.4 *Athletes* who are *Minors* should be notified in the presence of an adult, and may choose to be accompanied by a representative throughout the entire Sample Collection Session. The representative shall not witness the passing of a urine *Sample* unless requested to do so by the *Minor*. The objective is to ensure that the DCO is observing the *Sample* provision correctly. Even if the *Minor* declines a representative, the Sample Collection Authority, DCO or Chaperone, as applicable, shall consider whether another third party ought to be present during notification of and/or collection of the *Sample* from the *Athlete*.

C.4.5 The DCO shall determine who (in addition to the Sample Collection Personnel) may be present during the collection of a *Sample* from an *Athlete* who is a *Minor*, namely a representative of the *Minor* to observe the Sample Collection Session (including observing the DCO when the *Minor* is passing the urine *Sample*, but not directly observing the passing of the urine *Sample* unless requested to do so by the *Minor*) and the DCO's/Chaperone's representative, to observe the DCO/Chaperone when a *Minor* is passing a urine *Sample*, but without the representative directly observing the passing of the *Sample* unless requested by the *Minor* to do so.

C.4.6 Should an *Athlete* who is a *Minor* decline to have a representative present during the Sample Collection Session, this should be clearly documented by the DCO. This does not invalidate the test, but must be recorded. If a *Minor* declines the presence of a representative, the representative of the DCO/Chaperone must be present.

C.4.7 The preferred venue for all *Out-of-Competition Testing* of a *Minor* is a location where the presence of an adult is most likely, e.g., a training venue.

C.4.8 The Sample Collection Authority shall consider the appropriate course of action when no adult is present at the *Testing* of an *Athlete* who is a *Minor* and shall accommodate the *Athlete* in locating a representative in order to proceed with *Testing*.

## **Annex D - Collection of Urine *Samples***

### **D.1 Objective**

To collect an *Athlete's* urine *Sample* in a manner that ensures:

- a) consistency with relevant principles of internationally recognized standard precautions in healthcare settings so that the health and safety of the *Athlete* and Sample Collection Personnel are not compromised;
- b) the *Sample* meets the Suitable Specific Gravity for Analysis and the Suitable Volume of Urine for Analysis. Failure of a *Sample* to meet these requirements in no way invalidates the suitability of the *Sample* for analysis. The determination of a *Sample's* suitability for analysis is the decision of the relevant laboratory, in consultation with the Testing Authority for the Sample Collection Session in question;
- c) the *Sample* has not been manipulated, substituted, contaminated or otherwise tampered with in any way;
- d) the *Sample* is clearly and accurately identified; and
- e) the *Sample* is securely sealed in a tamper-evident kit.

### **D.2 Scope**

The collection of a urine *Sample* begins with ensuring the *Athlete* is informed of the *Sample* collection requirements and ends with discarding any residual urine remaining at the end of the *Athlete's* Sample Collection Session.

### **D.3 Responsibility**

D.3.1 The DCO has the responsibility for ensuring that each *Sample* is properly collected, identified and sealed.

D.3.2 The DCO/Chaperone has the responsibility for directly witnessing the passing of the urine *Sample*.

### **D.4 Requirements**

D.4.1 The DCO shall ensure that the *Athlete* is informed of the requirements of the Sample Collection Session, including any modifications as provided for in Annex B – Modifications for *Athletes* with Impairments.

D.4.2 The DCO shall ensure that the *Athlete* is offered a choice of appropriate equipment for collecting the *Sample*. If the nature of an *Athlete's* impairment

requires that he/she must use additional or other equipment as provided for in Annex B – Modifications for *Athletes* with Impairments, the DCO shall inspect that equipment to ensure that it will not affect the identity or integrity of the *Sample*.

D.4.3 The DCO shall instruct the *Athlete* to select a collection vessel.

D.4.4 When the *Athlete* selects a collection vessel, and for selection of all other Sample Collection Equipment that directly holds the urine *Sample*, the DCO will instruct the *Athlete* to check that all seals on the selected equipment are intact and the equipment has not been tampered with. If the *Athlete* is not satisfied with the selected equipment, he/she may select another. If the *Athlete* is not satisfied with any of the equipment available for selection, this shall be recorded by the DCO. If the DCO does not agree with the *Athlete* that all of the equipment available for the selection is unsatisfactory, the DCO shall instruct the *Athlete* to proceed with the Sample Collection Session. If the DCO agrees with the *Athlete* that all of the equipment available for the selection is unsatisfactory, the DCO shall terminate the Sample Collection Session and this shall be recorded by the DCO.

D.4.5 The *Athlete* shall retain control of the collection vessel and any *Sample* provided until the *Sample* (or partial *Sample*) is sealed, unless assistance is required by reason of an *Athlete's* impairment as provided for in Annex B – Modifications for *Athletes* with Impairments. Additional assistance may be provided in exceptional circumstances to any *Athlete* by the *Athlete's* representative or Sample Collection Personnel during the Sample Collection Session where authorized by the *Athlete* and agreed to by the DCO.

D.4.6 The DCO/Chaperone who witnesses the passing of the *Sample* shall be of the same gender as the *Athlete* providing the *Sample*.

D.4.7 The DCO/Chaperone should, where practicable, ensure the *Athlete* thoroughly washes his/her hands prior to the provision of the *Sample* or wears suitable (e.g., latex) gloves during provision of the *Sample*.

D.4.8 The DCO/Chaperone and *Athlete* shall proceed to an area of privacy to collect a *Sample*.

D.4.9 The DCO/Chaperone shall ensure an unobstructed view of the *Sample* leaving the *Athlete's* body and must continue to observe the *Sample* after provision until the *Sample* is securely sealed. In order to ensure a clear and unobstructed view of the passing of the *Sample*, the DCO/Chaperone shall instruct the *Athlete* to remove or adjust any clothing which restricts the DCO's/Chaperone's clear view of *Sample* provision. The DCO/Chaperone shall ensure that all urine passed by the *Athlete* at the time of provision of the *Sample* is collected in the collection vessel.

D.4.10 The DCO shall verify, in full view of the *Athlete*, that the Suitable Volume of Urine for Analysis has been provided.

D.4.11 Where the volume of urine provided by the *Athlete* is insufficient, the DCO shall follow the partial *Sample* collection procedure set out in Annex F – *Urine Samples – Insufficient Volume*.

D.4.12 Once the volume of urine provided by the *Athlete* is sufficient, the DCO shall instruct the *Athlete* to select a *Sample* collection kit containing A and B bottles in accordance with Article D.4.4.

D.4.13 Once a *Sample* collection kit has been selected, the DCO and the *Athlete* shall check that all code numbers match and that this code number is recorded accurately by the DCO on the *Doping Control* form. If the *Athlete* or DCO finds that the numbers are not the same, the DCO shall instruct the *Athlete* to choose another kit in accordance with Article D.4.4. The DCO shall record the matter.

D.4.14 The *Athlete* shall pour the minimum Suitable Volume of Urine for Analysis into the B bottle (to a minimum of 30 mL), and then pour the remainder of the urine into the A bottle (to a minimum of 60 mL). The Suitable Volume of Urine for Analysis shall be viewed as an absolute minimum. If more than the minimum Suitable Volume of Urine for Analysis has been provided, the DCO shall ensure that the *Athlete* fills the A bottle to capacity as per the recommendation of the equipment manufacturer. Should there still be urine remaining, the DCO shall ensure that the *Athlete* fills the B bottle to capacity as per the recommendation of the equipment manufacturer. The DCO shall instruct the *Athlete* to ensure that a small amount of urine is left in the collection vessel, explaining that this is to enable the DCO to test that residual urine in accordance with Article D.4.16.

D.4.15 The *Athlete* shall then seal the A and B bottles as directed by the DCO. The DCO shall check, in full view of the *Athlete*, that the bottles have been properly sealed.

D.4.16 The DCO shall test the residual urine in the collection vessel to determine if the *Sample* has a Suitable Specific Gravity for Analysis. If the DCO's field reading indicates that the *Sample* does not have a Suitable Specific Gravity for Analysis, then the DCO shall follow Annex G (*Urine Samples that do not meet the requirement for Suitable Specific Gravity for Analysis*).

D.4.17 Urine should only be discarded when both the A and B bottles have been filled to capacity in accordance with Article D.4.14 and the residual urine has been tested in accordance with Article D.4.16.

D.4.18 The *Athlete* shall be given the option of witnessing the discarding of any residual urine that will not be sent for analysis.

## **Annex E - Collection of Blood *Samples***

### **E.1 Objective**

To collect an *Athlete's* blood *Sample* in a manner that ensures:

- a) consistency with relevant principles of internationally recognized standard precautions in healthcare settings, and is collected by a suitably qualified person, so that the health and safety of the *Athlete* and *Sample Collection Personnel* are not compromised;
- b) the *Sample* is of a quality and quantity that meets the relevant analytical guidelines;
- c) the *Sample* has not been manipulated, substituted, contaminated or otherwise tampered with in any way;
- d) the *Sample* is clearly and accurately identified; and
- e) the *Sample* is securely sealed.

### **E.2 Scope**

The collection of a blood *Sample* begins with ensuring the *Athlete* is informed of the *Sample* collection requirements and ends with properly storing the *Sample* prior to transport to the laboratory that will be analyzing the *Sample*.

### **E.3 Responsibility**

E.3.1 The DCO has the responsibility for ensuring that:

- a) Each *Sample* is properly collected, identified and sealed; and
- b) All *Samples* have been properly stored and dispatched in accordance with the relevant analytical guidelines.

E.3.2 The Blood Collection Officer has the responsibility for collecting the blood *Sample*, answering related questions during the provision of the *Sample*, and proper disposal of used blood sampling equipment not required to complete the *Sample Collection Session*.

### **E.4 Requirements**

E.4.1 Procedures involving blood shall be consistent with the local standards and regulatory requirements regarding precautions in healthcare settings where those standards and requirements exceed the requirements set out below.

E.4.2 Blood *Sample* Collection Equipment shall consist of (a) a single sample tube for *Samples* to be used in connection with an *Athlete Biological Passport*

program; or (b) both an A and B sample tube for *Samples* not to be used in connection with an *Athlete Biological Passport* program; or (c) other equipment as otherwise specified by the relevant laboratory. Collection tubes shall be labelled with a unique *Sample* code number by the DCO/BCO if they are not pre-labelled. The types of equipment to be used and the volume of blood to be collected for particular analyses shall be as set out in *WADA's Blood Collection Guidelines*.

E.4.3 The DCO shall ensure that the *Athlete* is properly notified of the requirements of the *Sample* collection, including any modifications as provided for in Annex B – Modifications for *Athletes* with Impairments.

E.4.4 The DCO/Chaperone and *Athlete* shall proceed to the area where the *Sample* will be provided.

E.4.5 The DCO/BCO shall ensure the *Athlete* is offered comfortable conditions and shall instruct the *Athlete* to remain in a normal seated position with feet on the floor for at least 10 minutes prior to providing a *Sample*.

E.4.6 The DCO shall instruct the *Athlete* to select the *Sample* collection kit(s) required for collecting the *Sample* and to check that the selected equipment has not been tampered with and the seals are intact. If the *Athlete* is not satisfied with a selected kit, he/she may select another. If the *Athlete* is not satisfied with any kits and no others are available, this shall be recorded by the DCO. If the DCO does not agree with the *Athlete* that all of the available kits are unsatisfactory, the DCO shall instruct the *Athlete* to proceed with the Sample Collection Session. If the DCO agrees with the *Athlete* that all available kits are unsatisfactory, the DCO shall terminate the Sample Collection Session and this shall be recorded by the DCO.

E.4.7 When a *Sample* collection kit has been selected, the DCO and the *Athlete* shall check that all code numbers match and that this code number is recorded accurately by the DCO on the *Doping Control* form. If the *Athlete* or DCO finds that the numbers are not the same, the DCO shall instruct the *Athlete* to choose another kit. The DCO shall record the matter.

E.4.8 The BCO shall clean the skin with a sterile disinfectant wipe or swab in a location unlikely to adversely affect the *Athlete* or his/her performance and, if required, apply a tourniquet. The BCO shall take the blood *Sample* from a superficial vein into the tube. The tourniquet, if applied, shall be immediately removed after the venipuncture has been made.

E.4.9 The amount of blood removed shall be adequate to satisfy the relevant analytical requirements for the *Sample* analysis to be performed, as set out in *WADA's Blood Collection Guidelines*.

E.4.10 If the amount of blood that can be removed from the *Athlete* at the first attempt is insufficient, the BCO shall repeat the procedure up to a maximum of three attempts in total. Should all three attempts fail to produce a sufficient



amount of blood, then the BCO shall inform the DCO. The DCO shall terminate the Sample Collection Session and record this and the reasons for terminating the collection.

E.4.11 The BCO shall apply a dressing to the puncture site(s).

E.4.12 The BCO shall dispose of used blood sampling equipment not required to complete the Sample Collection Session in accordance with the required local standards for handling blood.

E.4.13 If the *Sample* requires further on-site processing, such as centrifugation or separation of serum (for example, in the case of a *Sample* intended for use in connection with the *Athlete Biological Passport* program, after the blood flow into the tube ceases, the BCO shall remove the tube from the holder and homogenize the blood in the tube manually by inverting the tube gently at least three times), the *Athlete* shall remain to observe the *Sample* until final sealing in secure, tamper-evident kit.

E.4.14 The *Athlete* shall seal his/her *Sample* into the *Sample* collection kit as directed by the DCO. In full view of the *Athlete*, the DCO shall check that the sealing is satisfactory. The *Athlete* and the BCO/DCO shall sign the *Doping Control* form.

E.4.16 The sealed *Sample* shall be stored in a manner that protects its integrity, identity and security prior to transport from the Doping Control Station to the laboratory that will be analyzing the *Sample*.

E.4.17 Blood *Samples* shall be transported in accordance with Section 9.0. The transport procedure is the responsibility of the DCO. Blood *Samples* shall be transported in a device that maintains the integrity of *Samples* over time notwithstanding changes in external temperature. The transport device shall be transported by secure means using a method authorized by the Testing Authority.

*[Comment to E.4: The requirements of this Annex apply to Blood Samples collected for the purposes of direct analysis as well as for the purposes of the ABP. Additional requirements applicable only to the ABP are contained in Annex K.]*

## **Annex F - Urine Samples - Insufficient Volume**

### **F.1 Objective**

To ensure that where a Suitable Volume of Urine for Analysis is not provided, appropriate procedures are followed.

### **F.2 Scope**

The procedure begins with informing the *Athlete* that the *Sample* that he/she has provided is not of Suitable Volume of Urine for Analysis and ends with the *Athlete's* provision of a *Sample* of sufficient volume.

### **F.3 Responsibility**

The DCO has the responsibility for declaring the *Sample* volume insufficient and for collecting the additional *Sample(s)* to obtain a combined *Sample* of sufficient volume.

### **F.4 Requirements**

F.4.1 If the *Sample* collected is of insufficient volume, the DCO shall inform the *Athlete* that a further *Sample* shall be collected to meet the Suitable Volume of Urine for Analysis requirements.

F.4.2 The DCO shall instruct the *Athlete* to select partial Sample Collection Equipment in accordance with Article D.4.4.

F.4.3 The DCO shall then instruct the *Athlete* to open the relevant equipment, pour the insufficient *Sample* into the new container (unless the Sample Collection Authority's procedures permit retention of the insufficient *Sample* in the original collection vessel) and seal it as directed by the DCO. The DCO shall check, in full view of the *Athlete*, that the container (or original collection vessel, if applicable) has been properly sealed.

F.4.4 The DCO and the *Athlete* shall check that the equipment code number and the volume and identity of the insufficient *Sample* are recorded accurately by the DCO on the *Doping Control* form. Either the *Athlete* or the DCO shall retain control of the sealed partial *Sample*.

F.4.5 While waiting to provide an additional *Sample*, the *Athlete* shall remain under continuous observation and be given the opportunity to hydrate.

F.4.6 When the *Athlete* is able to provide an additional *Sample*, the procedures for collection of the *Sample* shall be repeated as prescribed in Annex D – Collection of Urine *Samples* until a sufficient volume of urine will be provided by combining the initial and additional *Sample(s)*.

F.4.7 When the DCO is satisfied that the requirements for Suitable Volume of Urine for Analysis have been met, the DCO and *Athlete* shall check the integrity of the seal(s) on the container(s) containing the previously provided partial *Sample(s)*. Any irregularity with the integrity of the seal(s) will be recorded by the DCO and investigated according to Annex A – Investigating a Possible Failure to Comply.

F.4.8 The DCO shall then direct the *Athlete* to break the seal(s) and combine the *Samples*, ensuring that additional *Samples* are added in the order they were collected to the original partial *Sample* until, as a minimum, the requirement for Suitable Volume of Urine for Analysis is met.

F.4.9 The DCO and the *Athlete* shall then continue with Article D.4.12 or Article D.4.14 as appropriate.

F.4.10 The DCO shall check the residual urine in accordance with Article D.4.16 to ensure that it meets the requirement for Suitable Specific Gravity for Analysis.

F.4.11 Urine should only be discarded when both the A and B bottles have been filled to capacity in accordance with Article D.4.14 and the residual urine has been checked in accordance with Article F.4.10. The Suitable Volume of Urine for Analysis shall be viewed as an absolute minimum.

## **Annex G - Urine *Samples* that do not meet the requirement for Suitable Specific Gravity for Analysis**

### **G.1 Objective**

To ensure that when the urine *Sample* does not meet the requirement for Suitable Specific Gravity for Analysis, appropriate procedures are followed.

### **G.2 Scope**

The procedure begins with the DCO informing the *Athlete* that a further *Sample* is required and ends with the collection of a *Sample* that meets the requirements for Suitable Specific Gravity for Analysis, or appropriate follow-up action by the Testing Authority if required.

### **G.3 Responsibility**

The Sample Collection Authority is responsible for establishing procedures to ensure that a suitable *Sample* is collected. If the original *Sample* collected does not meet the requirement for Suitable Specific Gravity for Analysis, the DCO is responsible for collecting additional *Samples* until a suitable *Sample* is obtained.

### **G.4 Requirements**

G.4.1 The DCO shall determine that the requirements for Suitable Specific Gravity for Analysis have not been met.

G.4.2 The DCO shall inform the *Athlete* that he/she is required to provide a further *Sample*.

G.4.3 While waiting to provide a further *Sample*, the *Athlete* shall remain under continuous observation.

G.4.4 The *Athlete* shall be advised not to hydrate excessively, since this may delay the production of a suitable *Sample*. In appropriate circumstances, excessive hydration may be pursued as a violation of *Code* Article 2.5 (*Tampering* or *Attempted Tampering* with any part of *Doping Control*).

G.4.5 When the *Athlete* is able to provide an additional *Sample*, the DCO shall repeat the procedures for *Sample* collection set out in Annex D – Collection of Urine *Samples*.

G.4.6 The DCO should continue to collect additional *Samples* until the requirement for Suitable Specific Gravity for Analysis is met, or until the DCO determines that there are exceptional circumstances which mean that for logistical reasons it is impossible to continue with the Sample Collection Session. Such exceptional circumstances shall be documented accordingly by the DCO.

*[Comment to G.4.6: It is the responsibility of the Athlete to provide a Sample with a Suitable Specific Gravity for Analysis. Sample Collection Personnel shall advise the Athlete and Athlete Support Personnel as appropriate of this requirement at the time of Notification in order to discourage excessive hydration prior to the provision of the Athlete's first sample. If his/her first Sample is too dilute, he/she shall be advised to not hydrate any further until a Sample with a Suitable Specific Gravity for Analysis is provided. The DCO should wait as long as necessary to collect such a Sample. The Testing Authority may specify procedures to be followed by the DCO in determining whether exceptional circumstances exist that make it impossible to continue with the Sample Collection Session.]*

G.4.7 The DCO shall record that the *Samples* collected belong to a single Athlete and the order in which the *Samples* were provided.

G.4.8 The DCO shall then continue with the Sample Collection Session in accordance with Article D.4.17.

G.4.9 If it is determined that none of the *Samples* collected from the Athlete meets the requirement for Suitable Specific Gravity for Analysis and the DCO determines that for logistical reasons it is impossible to continue with the Sample Collection Session, the DCO may end the Sample Collection Session.

G.4.10 The DCO shall send to the *Laboratory* for analysis all *Samples* which were collected, irrespective of whether or not they meet the requirement for Suitable Specific Gravity for Analysis.

G.4.11 When two *Samples* are collected from an Athlete, during the same *Sample Collection Session*, both *Samples* shall be analyzed by the *Laboratory*. In cases where three or more *Samples* are collected during the same Sample Collection Session, the *Laboratory* shall prioritize and analyze the first and last *Samples* collected. The *Laboratory*, in conjunction with the Testing Authority, may determine if the other *Samples* need to be analysed.

## **Annex H - Sample Collection Personnel Requirements**

### **H.1 Objective**

To ensure that Sample Collection Personnel have no conflict of interest and have adequate qualifications and experience to conduct Sample Collection Sessions.

### **H.2 Scope**

Sample Collection Personnel requirements start with the development of the necessary competencies for Sample Collection Personnel and end with the provision of identifiable accreditation.

### **H.3 Responsibility**

The Sample Collection Authority has the responsibility for all activities defined in this Annex H.

### **H.4 Requirements - Qualifications and Training**

H.4.1 The Sample Collection Authority shall:

- a) determine the necessary competence and qualification requirements for the positions of DCO, Chaperone and BCO; and
- b) develop duty statements for all Sample Collection Personnel that outline their respective responsibilities. As a minimum:
  - i) Sample Collection Personnel shall not be *Minors*; and
  - ii) BCOs shall have adequate qualifications and practical skills required to perform blood collection from a vein.

H.4.2 The Sample Collection Authority shall ensure that Sample Collection Personnel that have an interest in the outcome of a Sample Collection Session are not appointed to that Sample Collection Session. Sample Collection Personnel are deemed to have such an interest if they are:

- a) Involved in the administration of the sport for which *Testing* is being conducted; or
- b) Related to, or involved in the personal affairs of, any *Athlete* who might provide a *Sample* at that session.

H.4.3 The Sample Collection Authority shall establish a system that ensures that Sample Collection Personnel are adequately trained to carry out their duties.

H.4.3.1 The training program for BCOs shall include, as a minimum, studies of all relevant requirements of the *Testing* process and familiarization with relevant standard precautions in healthcare settings.

H.4.3.2 The training program for DCOs shall include, as a minimum:

- a) Comprehensive theoretical training in different types of *Testing* activities relevant to the DCO position;
- b) Observation of all *Doping Control* activities that are the responsibility of the DCO as set out in this International Standard for Testing and Investigations, preferably on-site; and
- c) The satisfactory performance of one complete Sample Collection Session on site under observation by a qualified DCO or similar. The requirement related to the actual passing of a urine *Sample* shall not be included in the on-site observations.

H.4.3.3 The training program for Chaperones shall include studies of all relevant requirements of the *Sample* collection process.

H.4.3.4 A Sample Collection Authority that collects *Samples* from *Athletes* who are of a different nationality to its Sample Collection Personnel (e.g., at an *International Event* or in an *Out-of-Competition* context) should establish additional systems to ensure that such Sample Collection Personnel are adequately trained to carry out their duties in respect of such *Athletes*.

H.4.4 The Sample Collection Authority shall maintain records of education, training, skills and experience of all Sample Collection Personnel.

## **H.5 Requirements - Accreditation, re-accreditation and delegation**

H.5.1 The Sample Collection Authority shall establish a system for accrediting and re-accrediting Sample Collection Personnel.

H.5.2 The Sample Collection Authority shall ensure that Sample Collection Personnel have completed the training program and are familiar with the requirements of this International Standard for Testing and Investigations (including, where Article H.4.3.4 applies, in relation to the collection of *Samples* from *Athletes* who are of a different nationality to the Sample Collection Personnel) before granting accreditation.

H.5.3 Accreditation shall only be valid for a maximum of two years. Sample Collection Personnel shall be required to repeat a full training program if they have not participated in *Sample* collection activities within the year prior to re-accreditation.

H.5.4 Only Sample Collection Personnel who have an accreditation recognized by the Sample Collection Authority shall be authorized by the Sample Collection Authority to conduct *Sample* collection activities on behalf of the Sample Collection Authority.

H.5.5 DCOs may personally perform any activities involved in the Sample Collection Session, with the exception of blood collection unless particularly qualified, or they may direct a Chaperone to perform specified activities that fall within the scope of the Chaperone's authorized duties.



## **Annex I – Code Article 2.4 Whereabouts Requirements**

### **I.1 Introduction**

I.1.1 An *Athlete* who is in a *Registered Testing Pool* is required:

- a. to make quarterly Whereabouts Filings that provide accurate and complete information about the *Athlete's* whereabouts during the forthcoming quarter, including identifying where he/she will be living, training and competing during that quarter, and to update those Whereabouts Filings where necessary, so that he/she can be located for *Testing* during that quarter at the times and locations specified in the relevant Whereabouts Filing, as specified in Article I.3. A failure to do so may be declared a Filing Failure; and
- b. to specify in his/her Whereabouts Filings, for each day in the forthcoming quarter, one specific 60-minute time slot where he/she will be available at a specific location for *Testing*, as specified in Article I.4. This does not limit in any way the *Athlete's Code Article 5.2* obligation to submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with Testing Authority over him/her. Nor does it limit his/her obligation to provide the information specified in Article I.3 as to his/her whereabouts outside that 60-minute time slot. However, if the *Athlete* is not available for *Testing* at such location during the 60-minute time slot specified for that day in his/her Whereabouts Filing, that failure may be declared a Missed Test.

*[Comment to I.1.1(b): The purpose of the 60-minute time slot is to strike a balance between the need to locate the Athlete for Testing and the impracticality and unfairness of making Athletes potentially accountable for a Missed Test every time they depart from their previously-declared routine. Anti-Doping Organizations that implemented whereabouts systems in the period up to 2009 reflected that tension in different ways. Some demanded “24/7” whereabouts information, but did not declare a Missed Test if an Athlete was not where he/she had said he/she would be unless (a) he/she could still not report for Testing despite being given notice in the form of a phone call; or (b) the following day he/she was still not where he/she had said he/she would be. Others asked for details of the Athlete’s whereabouts for only one hour per day, but held the Athlete fully accountable during that period, which gave each side certainty but limited the Anti-Doping Organization’s ability to test the Athlete outside that hour. After extensive consultation with stakeholders with substantial whereabouts experience, the view was taken that the best way to maximize the chances of finding the Athlete at any time, while providing a reasonable and appropriate mitigation of “24/7” Missed Test liability, was to combine the best elements of each system, i.e., requiring disclosure of whereabouts information on a “24/7” basis, while limiting exposure to a Missed Test to a 60-minute time slot.]*

I.1.2 Three Whereabouts Failures by an *Athlete* within any 12-month period amount to an anti-doping rule violation under *Code Article 2.4*. The Whereabouts

Failures may be any combination of Filing Failures and/or Missed Tests declared in accordance with Article I.5 and adding up to three in total.

*[Comment to I.1.2: While a single Whereabouts Failure will not amount to an anti-doping rule violation under Code Article 2.4, depending on the facts it could amount to an anti-doping rule violation under Code Article 2.3 (Evading Sample Collection) and/or Code Article 2.5 (Tampering or Attempted Tampering with Doping Control).]*

I.1.3 The 12-month period referred to in Code Article 2.4 starts to run on the date that an *Athlete* commits the first Whereabouts Failure being relied upon in support of the allegation of a violation of Code Article 2.4. If two more Whereabouts Failures occur during the ensuing 12-month period, then a Code Article 2.4 anti-doping rule violation is committed, irrespective of any *Samples* successfully collected from the *Athlete* during that 12-month period. However, if an *Athlete* who has committed one Whereabouts Failure does not go on to commit a further two Whereabouts Failures within 12 months of the first, at the end of that 12-month period the first Whereabouts Failure “expires” for purposes of Code Article 2.4, and a new 12-month period begins to run from the date of his/her next Whereabouts Failure.

*[Comment to I.1.3: For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in Code Article 2.4, (a) a Filing Failure will be deemed to have occurred on the first day of the quarter for which the *Athlete* fails to make a (sufficient) filing; and (b) a Missed Test will be deemed to have occurred on the date that the Sample collection was unsuccessfully attempted.]*

I.1.4 To give *Athletes* the full benefit of the changes to the 2015 Code (reducing the relevant period under Code Article 2.4 from 18 months to 12 months), any Whereabouts Failure that occurred prior to 1 January 2015 will “expire” (for purposes of Code Article 2.4) 12 months after the date of its occurrence.

## **I.2 Entering and leaving a Registered Testing Pool**

I.2.1 The International Federation or *National Anti-Doping Organization* (as applicable) must notify each *Athlete* designated for inclusion in its *Registered Testing Pool* of the following:

- a. the fact that he/she has been included in its *Registered Testing Pool* with effect from a specified date in the future;
- b. the whereabouts requirements with which he/she must therefore comply; and
- c. the *Consequences* if he/she fails to comply with those whereabouts requirements.

*[Comment to I.2.1: This notification may be made through the National Federation or National Olympic Committee where the International Federation/National Anti-Doping Organization considers it appropriate or expedient to do so. The notice should also explain what the *Athlete* needs to do in order to comply with the Code Article 2.4*

*Whereabouts Requirements (or refer them to a website or other resource where they can find out that information). Athletes included in a Registered Testing Pool should be informed and educated so that they understand the whereabouts requirements that they must satisfy, how the whereabouts system works, the Consequences of Filing Failures and Missed Tests, and their right to contest Filing Failures and Missed Tests that have been asserted against them.*

*Anti-Doping Organizations should also be proactive in helping Athletes avoid Filing Failures. For example, many Anti-Doping Organizations systematically remind Athletes in their Registered Testing Pool of quarterly deadlines for Whereabouts Filings, and then follow up with those Athletes who have still not made the necessary filing as the deadline approaches. However, Athletes remain fully responsible for complying with the filing requirements, irrespective of whether or not the Anti-Doping Organization has provided them with such support.]*

I.2.2 If the *Athlete* is included in the International Federation's international Registered Testing Pool and in the National Anti-Doping Organization's national Registered Testing Pool (or in the Registered Testing Pool of more than one National Anti-Doping Organization or more than one International Federation), then each of them shall notify the *Athlete* that he/she is in its pool. Prior to doing so, however, they must agree between themselves which of them the *Athlete* should provide his/her Whereabouts Filings to, and each notice sent to the *Athlete* should specify that he/she should provide his/her Whereabouts Filings to that Anti-Doping Organization only (and it will then share that information with the other, and with any other Anti-Doping Organizations having Testing jurisdiction over the *Athlete*). An *Athlete* must not be asked to provide Whereabouts Filings to more than one Anti-Doping Organization.

*[Comment to I.2.2: If the respective Anti-Doping Organizations cannot agree between themselves which of them will take responsibility for collecting the Athlete's whereabouts information, and for making it available to the other Anti-Doping Organizations with authority to test the Athlete, then they should each explain in writing to WADA how they believe the matter should be resolved, and WADA will decide based on the best interests of the Athlete. WADA's decision will be final and may not be appealed.]*

I.2.3 An International Federation or National Anti-Doping Organization that maintains a Registered Testing Pool shall establish a workable system for the collection, maintenance and sharing of Whereabouts Filings, preferably using an online system (capable of recording who enters information and when) or at least fax, email and/or SMS text messaging, to ensure that:

- a. the information provided by the *Athlete* is stored safely and securely (in ADAMS or another system approved by WADA);
- b. the information can be accessed by (i) authorized individuals acting on behalf of the International Federation or National Anti-Doping Organization (as applicable) on a need-to-know basis only; (ii) WADA; and (iii) other Anti-Doping Organizations with Testing jurisdiction over the *Athlete*; and

- c. the information is maintained in strict confidence at all times, is used exclusively for the purposes set out in *Code* Article 5.6, and is destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant.

I.2.4 An *Athlete* who has been included in a *Registered Testing Pool* shall continue to be subject to the *Code* Article 2.4 Whereabouts Requirements unless and until:

- a. he/she has been given written notice by each *Anti-Doping Organization* that put him in its *Registered Testing Pool* that he/she is no longer designated for inclusion in its *Registered Testing Pool*; or
- b. he/she retires from *Competition* in the sport in question in accordance with the applicable rules and gives written notice to that effect to each *Anti-Doping Organization* that put him/her in its *Registered Testing Pool*.

*[Comment to I.2.4: The applicable rules may also require that notice of retirement be sent to the Athlete's National Federation.]*

*Where an Athlete retires from but then returns to sport, his/her period of non-availability for Out-of-Competition Testing shall be disregarded for purposes of calculating the 12-month period referred to in Code Article 2.4. As a result, Whereabouts Failures committed by the Athlete prior to retirement may be combined, for purposes of Code Article 2.4, with Whereabouts Failures committed by the Athlete after he/she again becomes available for Out-of-Competition Testing. For example, if an Athlete committed two Whereabouts Failures in the six months prior to his/her retirement, then if he/she commits another Whereabouts Failure in the first six months in which he/she is again available for Out-of-Competition Testing, that amounts to a Code Article 2.4 anti-doping rule violation.]*

### **I.3 Whereabouts Filing Requirements**

I.3.1 On a date specified by the *Anti-Doping Organization* collecting an *Athlete's* Whereabouts Filings – which date shall be prior to the first day of each quarter (i.e., 1 January, 1 April, 1 July and 1 October, respectively) – an *Athlete* in a *Registered Testing Pool* must file a Whereabouts Filing that contains at least the following information:

- a. a complete mailing address where correspondence may be sent to the *Athlete* for formal notice purposes. Any notice or other item mailed to that address will be deemed to have been received by the *Athlete* five working days after it was deposited in the mail;

*[Comment to I.3.1(a): For these purposes, the Athlete should specify an address where he/she lives or otherwise knows that mail received there will be immediately brought to his/her attention. An Anti-Doping Organization is encouraged also to supplement this basic provision with other notice and/or “deemed notice” provisions in its rules (for example, permitting use of fax, email, SMS text or other methods of*

*service of notice; permitting proof of actual receipt as a substitute for deemed receipt; permitting notice to be served on the Athlete's National Federation if it is returned undelivered from the address supplied by the Athlete). The aim of such provisions should be to shorten the results management timelines.]*

- b. details of any impairment of the *Athlete* that may affect the procedure to be followed in conducting a Sample Collection Session;
- c. specific confirmation of the *Athlete's* consent to the sharing of his/her Whereabouts Filing with other *Anti-Doping Organizations* that have Testing Authority over him/her;
- d. for each day during the following quarter, the full address of the place where the *Athlete* will be staying overnight (e.g., home, temporary lodgings, hotel, etc);
- e. for each day during the following quarter, the name and address of each location where the *Athlete* will train, work or conduct any other regular activity (e.g. school), as well as the usual time-frames for such regular activities; and

*[Comment to I.3.1(e): This requirement applies only to activities that are part of the Athlete's regular routine. For example, if the Athlete's regular routine includes training at the gym, the pool and the track, and regular physio sessions, then the Athlete should provide the name and address of the gym, track, pool and physio in his/her Whereabouts Filing, and then set out his/her usual routine, e.g., "Mondays: 9-11 gym, 13-17 gym; Tuesdays: 9-11 gym, 16-18 gym; Wednesdays: 9-11 track, 3-5 physio; Thursdays: 9-12 gym 16-18 track; Fridays: 9-11 pool 3-5 physio; Saturdays: 9-12 track, 13-15 pool; Sundays: 9-11 track, 13-15 pool".*

*If the Athlete is not currently training, he/she should specify that in his/her Whereabouts Filing and detail any other routine that he/she will be following in the forthcoming quarter, e.g., his/her work routine, or school schedule, or rehab routine, or other routine, and identify the name and address of each location where that routine is conducted and the time-frame during which it is conducted.*

*In the case of a Team Sport or other sport where competing and/or training are carried out on a collective basis, the Athlete's regular activities are likely to include most if not all Team Activities.]*

- f. the *Athlete's* *Competition* schedule for the following quarter, including the name and address of each location where the *Athlete* is scheduled to compete during the quarter and the date(s) on which he/she is scheduled to compete at such location(s).

I.3.2 Subject to Article I.3.3, the Whereabouts Filing must also include, for each day during the following quarter, one specific 60-minute time slot between 5 a.m. and 11 p.m. each day where the *Athlete* will be available and accessible for *Testing* at a specific location.

*[Comment to I.3.2: The Athlete can choose which 60-minute time slot between 5 a.m. and 11 p.m. to use for this purpose, provided that during the time slot in question he/she is somewhere accessible by the DCO. It could be the Athlete's place of residence, training or Competition, or it could be another location (e.g., work or school). An Athlete is entitled to specify a 60-minute time slot during which he/she will be at a hotel, apartment building, gated community or other location where access to the Athlete is obtained via a front desk, or doorman, or security guard. In addition, an Athlete may specify a time slot when he/she is taking part in a Team Activity. In either case, however, any failure to be accessible and available for Testing at the specified location during the specified time slot will be a Missed Test.]*

I.3.3 As the sole exception to Article I.3.2, if (but only if) there are dates in the relevant quarter in which the *Athlete* is scheduled to compete in an *Event* (excluding any *Events* organized by a *Major Event Organization*), and the *Anti-Doping Organization* that put the *Athlete* into the *Registered Testing Pool* is satisfied that enough information is available from other sources to find the *Athlete* for *Testing* on those dates, then the *Anti-Doping Organization* that put the *Athlete* into the *Registered Testing Pool* may waive the Article I.3.2 requirement to specify a 60-minute time-slot in respect of such dates ("In-Competition Dates"). If each of the International Federation and a *National Anti-Doping Organization* put the *Athlete* into its *Registered Testing Pool*, the International Federation's decision as to whether to waive that requirement in respect of In-Competition Dates will prevail. If the requirement to specify a 60-minute time slot has been waived in respect of In-Competition Dates, and the *Athlete* has specified in his/her Whereabouts Filing a series of dates on which he/she anticipates being *In-Competition* (and as a result has not specified a 60-minute time slot for those dates), if he/she is then knocked out of the *Competition* before the end of those dates, so that the remaining dates are no longer In-Competition Dates, he/she must update his/her Whereabouts Filing to provide all the necessary information for those dates, including the 60-minute time slot specified in Article I.3.2.

I.3.4 It is the *Athlete's* responsibility to ensure that he/she provides all of the information required in a Whereabouts Filing accurately and in sufficient detail to enable any *Anti-Doping Organization* wishing to do so to locate the *Athlete* for *Testing* on any given day in the quarter at the times and locations specified by the *Athlete* in his/her Whereabouts Filing for that day, including but not limited to during the 60-minute time slot specified for that day in the Whereabouts Filing. More specifically, the *Athlete* must provide sufficient information to enable the DCO to find the location, to gain access to the location, and to find the *Athlete* at the location. A failure to do so may be pursued as a Filing Failure and/or (if the circumstances so warrant) as evasion of *Sample* collection under *Code* Article 2.3, and/or *Tampering* or *Attempted Tampering with Doping Control* under *Code* Article 2.5. In any event, the *Anti-Doping Organization* shall consider *Target Testing* of the *Athlete*.

*[Comment to I.3.4: For example, declarations such as "running in the Black Forest" are insufficient and are likely to result in a Filing Failure. Similarly, specifying a location that the DCO cannot access (e.g., a "restricted-access" building or area) is likely to result in a Filing Failure. The Anti-Doping Organization may be able to*

*determine the insufficiency of the information from the Whereabouts Filing itself, or alternatively it may only discover the insufficiency of the information when it attempts to test the Athlete and is unable to locate him/her. In either case, the matter should be pursued as an apparent Filing Failure, and/or (where the circumstances warrant) as an evasion of Sample collection under Code Article 2.3, and/or as Tampering or Attempting to Tamper with Doping Control under Code Article 2.5.*

*Where an Athlete does not know precisely what his/her whereabouts will be at all times during the forthcoming quarter, he/she must provide his/her best information, based on where he/she expects to be at the relevant times, and then update that information as necessary in accordance with Article I.3.5.]*

I.3.5 Where a change in circumstances means that the information in a Whereabouts Filing is no longer accurate or complete as required by Article I.3.4, the Athlete must file an update so that the information on file is again accurate and complete. In particular, the Athlete must always update his/her Whereabouts Filing to reflect any change in any day in the quarter in question (a) in the time or location of the 60-minute time slot specified in Article I.3.2; and/or (b) in the place where he/she is staying overnight. The Athlete must file the update as soon as possible after the circumstances change, and in any event prior to the 60-minute time slot specified in his/her filing for the day in question. A failure to do so may be pursued as a Filing Failure and/or (if the circumstances so warrant) as evasion of Sample collection under Code Article 2.3, and/or Tampering or Attempted Tampering with Doping Control under Code Article 2.5. In any event, the Anti-Doping Organization shall consider Target Testing of the Athlete.

*[Comment to I.3.5: The Anti-Doping Organization collecting the Athlete's Whereabouts Filings should provide appropriate mechanisms (e.g., phone, fax, Internet, email, SMS) to facilitate the filing of such updates.*

*It is the responsibility of each Anti-Doping Organization with Testing Authority over the Athlete to ensure that it checks for any updates filed by the Athlete prior to attempting to collect a Sample from the Athlete based on his/her Whereabouts Filing. For the avoidance of doubt, however, an Athlete who updates his/her 60-minute time slot for a particular day prior to the original 60-minute slot must still submit to Testing during the original 60-minute time slot, if he/she is located for Testing during that time slot.]*

I.3.6 An Athlete may only be declared to have committed a Filing Failure where the Results Management Authority establishes each of the following:

- a. that the Athlete was duly notified (i) that he/she had been designated for inclusion in a Registered Testing Pool; (ii) of the consequent requirement to make Whereabouts Filings; and (iii) of the Consequences of any Failure to Comply with that requirement;
- b. that the Athlete failed to comply with that requirement by the applicable deadline;

*[Comment to I.3.6(b): An Athlete fails to comply with the requirement to make Whereabouts Filings (i) where he/she does not make any such filing, or where he/she fails to update the filing as required by Article I.3.5; or (ii) where he/she makes the filing or update but does not include all of the required information in that filing or update (e.g. he/she does not include the place where he/she will be staying overnight for each day in the following quarter, or for each day covered by the update, or omits to declare a regular activity that he/she will be pursuing during the quarter, or during the period covered by the update); or (iii) where he/she includes information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organization to locate him/her for Testing (e.g., “running in the Black Forest”).]*

- c. (in the case of a second or third Filing Failure in the same quarter) that he/she was given notice, in accordance with Article I.5.2(d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure he/she must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be no less than 24 hours after receipt of the notice and no later than the end of the month in which the notice is received) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and

*[Comment to I.3.6(c): The requirement is to give the Athlete notice of the first Filing Failure in the quarter and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against him/her that quarter. But that is all that is required. In particular, it is not necessary to complete the results management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Athlete.]*

- d. that the *Athlete's Failure to Comply* was at least negligent. For these purposes, the *Athlete* will be presumed to have committed the failure negligently upon proof that he/she was notified of the requirements yet failed to comply with them. That presumption may only be rebutted by the *Athlete* establishing that no negligent behaviour on his/her part caused or contributed to the failure.

## **I.4 Availability for Testing**

I.4.1 While Code Article 5.2 specifies that every *Athlete* must submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with *Testing* jurisdiction over him/her, in addition an *Athlete* in a *Registered Testing Pool* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day in his/her Whereabouts Filing, at the location that the *Athlete* has specified for that time slot in such filing. A Failure to Comply with this requirement shall be pursued as an apparent Missed Test. If the *Athlete* is tested during such a time slot, the *Athlete* must remain with the DCO until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot.



A failure to do so shall be pursued as an apparent violation of *Code* Article 2.3 (refusal or failure to submit to *Sample* collection).

*[Comment to I.4.1: For Testing to be effective in deterring and detecting cheating, it should be as unpredictable as possible. Therefore, the intent behind the 60-minute time slot is not to limit Testing to that period, or to create a 'default' period for Testing, but rather:*

- a. to make it very clear when an unsuccessful attempt to test an Athlete will count as a Missed Test;*
- b. to guarantee that the Athlete can be found, and a Sample can be collected, at least once per day (which should deter doping, or, as a minimum, make it far more difficult);*
- c. to increase the reliability of the rest of the whereabouts information provided by the Athlete, and so to assist the Anti-Doping Organization in locating the Athlete for Testing outside the 60-minute time slot. The 60-minute time slot "anchors" the Athlete to a certain location for a particular day. Combined with the information that the Athlete must provide as to where he/she is staying overnight, training, competing and conducting other 'regular' activities during that day, the Anti-Doping Organization should be able to locate the Athlete for Testing outside the 60-minute time slot; and*
- d. to generate useful anti-doping intelligence, e.g., if the Athlete regularly specifies time slots with large gaps between them, and/or changes his time slot and/or location at the last minute. Such intelligence can be relied upon as a basis for the Target Testing of such Athlete.]*

I.4.2 To ensure fairness to the *Athlete*, where an unsuccessful attempt has been made to test an *Athlete* during one of the 60-minute time slots specified in his/her Whereabouts Filing, any subsequent unsuccessful attempt to test that *Athlete* (by the same or any other *Anti-Doping Organization*) during one of the 60-minute time slots specified in his/her Whereabouts Filing may only be counted as a Missed Test (or, if the unsuccessful attempt was because the information filed was insufficient to find the *Athlete* during the time slot, as a Filing Failure) against that *Athlete* if that subsequent attempt takes place after the *Athlete* has received notice, in accordance with Article I.5.2(d), of the original unsuccessful attempt.

*[Comment to I.4.2: The requirement is to give the Athlete notice of one Missed Test before a subsequent Missed Test may be pursued against him/her. But that is all that is required. In particular, it is not necessary to complete the results management process with respect to the first Missed Test before pursuing a second Missed Test against the Athlete.]*

I.4.3 An *Athlete* may only be declared to have committed a Missed Test where the Results Management Authority can establish each of the following:

- a. that when the *Athlete* was given notice that he/she had been designated for inclusion in a *Registered Testing Pool*, he/she was advised that he/she would be liable for a Missed Test if he/she was unavailable for *Testing* during the 60-minute time slot specified in his/her Whereabouts Filing at the location specified for that time slot;
- b. that a DCO attempted to test the *Athlete* on a given day in the quarter, during the 60-minute time slot specified in the *Athlete's* Whereabouts Filing for that day, by visiting the location specified for that time slot;

*[I.4.3(b) Comment: If the Athlete is not available for Testing at the beginning of the 60-minute time slot, but becomes available for Testing later on in the 60-minute time slot, the DCO should collect the Sample and should not process the attempt as an unsuccessful attempt to test, but should include full details of the delay in availability of the Athlete in the mission report. Any pattern of behavior of this type should be investigated as a possible anti-doping rule violation of evading Sample collection under Code Article 2.3 or Code Article 2.5. It may also prompt Target Testing of the Athlete.]*

*If an Athlete is not available for Testing during his/her specified 60-minute time slot at the location specified for that time slot for that day, he/she will be liable for a Missed Test even if he/she is located later that day and a Sample is successfully collected from him/her.]*

- c. that during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the *Athlete*, short of giving the *Athlete* any advance notice of the test;

*[Comment to I.4.3(c): Once the DCO has arrived at the location specified for the 60-minute time slot, if the Athlete cannot be located immediately then the DCO should remain at that location for whatever time is left of the 60-minute time slot and during that remaining time he/she should do what is reasonable in the circumstances to try to locate the Athlete. See WADA's Guidelines for Implementing an Effective Testing Program for guidance in determining what is reasonable in such circumstances.]*

*Where an Athlete has not been located despite the DCO's reasonable efforts, and there are only five minutes left within the 60-minute time slot, then as a last resort the DCO may (but does not have to) telephone the Athlete (assuming he/she has provided his/her telephone number in his/her Whereabouts Filing) to see if he/she is at the specified location. If the Athlete answers the DCO's call and is available at (or in the immediate vicinity of) the location for immediate testing (i.e., within the 60 minute time slot), then the DCO should wait for the Athlete and should collect the Sample from him/her as normal. However, the DCO should also make a careful note of all the circumstances, so that it can be decided if any further investigation should be conducted. In particular, the DCO should make a note of any facts suggesting that there could have been tampering or manipulation of the Athlete's urine or blood in the time that elapsed between the phone call and the Sample collection. If the Athlete answers the DCO's call and is not at the specified location or in the immediate*

*vicinity, and so cannot make himself/herself available for testing within the 60-minute time slot, the DCO should file an Unsuccessful Attempt Report.*

*Because the making of a telephone call is discretionary rather than mandatory, and is left entirely to the absolute discretion of the Sample Collection Authority, proof that a telephone call was made is not a requisite element of a Missed Test, and the lack of a telephone call does not give the Athlete a defense to the assertion of a Missed Test.]*

- d. that Article I.4.2 does not apply or (if it applies) was complied with; and
- e. that the *Athlete's* failure to be available for *Testing* at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the *Athlete* will be presumed to have been negligent upon proof of the matters set out at sub-Articles I.4.3(a) to (d). That presumption may only be rebutted by the *Athlete* establishing that no negligent behavior on his/her part caused or contributed to his/her failure (i) to be available for *Testing* at such location during such time slot, and (ii) to update his/her most recent Whereabouts Filing to give notice of a different location where he/she would instead be available for *Testing* during a specified 60-minute time slot on the relevant day.

## **I.5 Results Management**

I.5.1 In accordance with *Code* Articles 7.1.2 and 7.6, the Results Management Authority in relation to potential Whereabouts Failures shall be the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files his/her whereabouts information.

*[Comment to I.5.1: If an Anti-Doping Organization that receives an Athlete's Whereabouts Filings (and so is his/her Results Management Authority for whereabouts purposes) removes the Athlete from its Registered Testing Pool after recording one or two Whereabouts Failures against him/her, then if the Athlete remains in (or is put in) another Anti-Doping Organization's Registered Testing Pool, and that other Anti-Doping Organization starts receiving his/her Whereabouts Filings, then that other Anti-Doping Organization becomes the Results Management Authority in respect of all Whereabouts Failures by that Athlete, including those recorded by the first Anti-Doping Organization. In that case, the first Anti-Doping Organization shall provide the second Anti-Doping Organization with full information about the Whereabouts Failure(s) recorded by the first Anti-Doping Organization in the relevant period, so that if the second Anti-Doping Organization records any further Whereabouts Failure(s) against that Athlete, it has all the information it needs to bring proceedings against him/her, in accordance with Article I.5.4, for violation of *Code* Article 2.4.]*

I.5.2 When a Whereabouts Failure appears to have occurred, results management shall proceed as follows:

- a. If the apparent Whereabouts Failure has been uncovered by an attempt to test the *Athlete*, the Testing Authority shall obtain an Unsuccessful

Attempt Report from the DCO. If the Testing Authority is different from the Results Management Authority, it shall provide the Unsuccessful Attempt Report to the Results Management Authority without delay, and thereafter it shall assist the Results Management Authority as necessary in obtaining information from the DCO in relation to the apparent Whereabouts Failure.

- b. The Results Management Authority shall review the file (including any Unsuccessful Attempt Report filed by the DCO) to determine whether all of the Article I.3.6 requirements (in the case of a Filing Failure) or all of the Article I.4.3 requirements (in the case of a Missed Test) are met. It shall gather information as necessary from third parties (e.g., the DCO whose test attempt uncovered the Filing Failure or triggered the Missed Test) to assist it in this task.

*[Comment to I.5.2(b): WADA's Results Management, Hearings and Decisions Guidelines include guidance as to what explanations may or may not excuse an apparent Filing Failure or Missed Test.]*

- c. If the Results Management Authority concludes that any of the relevant requirements have not been met (so that no Whereabouts Failure should be declared), it shall so advise *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13.
- d. If the Results Management Authority concludes that all of the relevant requirements have been met, it shall notify the *Athlete* within 14 days of the date of the apparent Whereabouts Failure. The notice shall include sufficient details of the apparent Whereabouts Failure to enable the *Athlete* to respond meaningfully, and shall give the *Athlete* a reasonable deadline to respond, advising whether he/she admits the Whereabouts Failure and, if not, then why not. The notice should also advise the *Athlete* that three Whereabouts Failures in any 12-month period is a *Code* Article 2.4 anti-doping rule violation, and should note whether he/she has any other Whereabouts Failures recorded against him/her in the previous 12 months. In the case of a Filing Failure, the notice must also advise the *Athlete* that in order to avoid a further Filing Failure he/she must file the missing whereabouts information by the deadline specified in the notice (which must be no less than 24 hours after receipt of the notice and no later than the end of the month in which the notice is received).
- e. If the *Athlete* does not respond within the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against him/her. If the *Athlete* does respond within the deadline, it shall

consider whether his/her response changes its original decision that all of the requirements for recording a Whereabouts Failure have been met.

- i. If so, it shall so advise *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13.
  - ii. If not, it shall so advise the *Athlete* (with reasons) and specify a reasonable deadline by which he/she may request an administrative review of its decision. The Unsuccessful Attempt Report should be provided to the *Athlete* at this point if it has not been provided to him/her earlier in the process.
- f. If the *Athlete* does not request an administrative review by the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against him/her. If the *Athlete* does request an administrative review before the deadline, it shall be carried out, based on the papers only, by one or more persons not previously involved in the assessment of the apparent Whereabouts Failure. The purpose of the administrative review shall be to determine anew whether or not all of the relevant requirements for recording a Whereabouts Failure are met.
- g. If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, the Results Management Authority shall so advise *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13. On the other hand, if the conclusion is that all of the requirements for recording a Whereabouts Failure are met, it shall notify the *Athlete* and shall record the notified Whereabouts Failure against him/her.

I.5.3 The Results Management Authority shall report a decision to record a Whereabouts Failure against an *Athlete* to *WADA* and all other relevant *Anti-Doping Organizations*, on a confidential basis, via *ADAMS* or other system approved by *WADA*.

*[Comment to I.5.3: For the avoidance of doubt, the Results Management Authority is entitled to notify other relevant Anti-Doping Organizations (on a strictly confidential basis) of the apparent Whereabouts Failure at an earlier stage of the results management process, where it considers it appropriate (for test planning purposes or otherwise). In addition, an Anti-Doping Organization may publish a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been recorded in respect of Athletes under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the Athletes involved. Prior to any*

*proceedings under Code Article 2.4, an Anti-Doping Organization should not Publicly Disclose that a particular Athlete does (or does not) have any Whereabouts Failures recorded against him/her (or that a particular sport does, or does not, have Athletes with Whereabouts Failures recorded against them).]*

I.5.4 Where three Whereabouts Failures are recorded against an *Athlete* within any 12-month period, the Results Management Authority shall bring proceedings against the *Athlete* alleging violation of *Code Article 2.4*. If the Results Management Authority fails to bring such proceedings against an *Athlete* within 30 days of *WADA* receiving notice of the recording of that *Athlete*'s third Whereabouts Failure in any 12-month period, then the Results Management Authority shall be deemed to have decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at *Code Article 13.2*.

I.5.5 An *Athlete* alleged to have committed a *Code Article 2.4* anti-doping rule violation shall have the right to have such allegation determined at a full evidentiary hearing in accordance with *Code Article 8*. The hearing panel shall not be bound by any determination made during the results management process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the *Anti-Doping Organization* bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure to the comfortable satisfaction of the hearing panel. If the hearing panel decides that one (or two) Whereabouts Failures(s) have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no *Code Article 2.4* anti-doping rule violation shall be found to have occurred. However, if the *Athlete* then commits one (or two, as applicable) further Whereabouts Failure(s) within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in accordance with *Code Article 3.2.3*) and the Whereabouts Failure(s) subsequently committed by the *Athlete*.

*[Comment to I.5.5: Nothing in Article I.5.5 is intended to prevent the Anti-Doping Organization challenging an argument raised on the Athlete's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the results management process.]*

I.5.6 A finding that an *Athlete* has committed a *Code Article 2.4* anti-doping rule violation has the following *Consequences*: (a) imposition of a period of *Ineligibility* in accordance with *Code Article 10.3.2* (first violation) or *Code Article 10.7* (subsequent violation(s)); and (b) in accordance with *Code Article 10.8, Disqualification* (unless fairness requires otherwise) of all individual results obtained by the *Athlete* from the date of the *Code Article 2.4* anti-doping rule violation through to the date of commencement of any *Provisional Suspension* or *Ineligibility* period, with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes. For these purposes, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure found by the hearing panel to have occurred. The impact of any *Code Article 2.4* anti-doping rule violation by an

individual *Athlete* on the results of any team for which that *Athlete* has played during the relevant period shall be determined in accordance with *Code* Article 11.

## **I.6 Whereabouts Responsibilities**

I.6.1 Notwithstanding any other provision of this Annex I:

- a. an International Federation may propose, and a *National Anti-Doping Organization* may agree to, the delegation of some or all of the whereabouts responsibilities of the International Federation under this Annex I to the *National Anti-Doping Organization*;
- b. an International Federation may delegate some or all of its whereabouts responsibilities under this Annex I to the *Athlete's* National Federation; or
- c. a *National Anti-Doping Organization* may delegate some or all of its whereabouts responsibilities under this Annex I to the *Athlete's* National Federation or other appropriate *Anti-Doping Organization* with authority over the *Athlete* in question;
- d. where no appropriate *National Anti-Doping Organization* exists, the *National Olympic Committee* shall assume the whereabouts responsibilities of the *National Anti-Doping Organization* set out in this Annex I; and
- e. where *WADA* determines that the International Federation or *National Anti-Doping Organization* (as applicable) is not discharging some or all of its whereabouts responsibilities under this Annex I, *WADA* may delegate some or all of those responsibilities to any other appropriate *Anti-Doping Organization*.

I.6.2 A National Federation must use its best efforts to assist its International Federation and/or *National Anti-Doping Organization* (as applicable) in collecting Whereabouts Filings from *Athletes* who are subject to that National Federation's authority, including (without limitation) making special provision in its rules for that purpose.

I.6.3 An *Athlete* may choose to delegate the task of making his/her Whereabouts Filings (and/or any updates thereto) to a third party, such as a coach, a manager or a National Federation, provided that the third party agrees to such delegation. The *Anti-Doping Organization* collecting the *Athlete's* Whereabouts Filings may require written notice of any agreed delegation to be filed with it, signed by both the *Athlete* in question and the third party delegate.

*[Comment to I.6.3: For example, an Athlete participating in a Team Sport or other sport where competing and/or training is carried out on a collective basis, may delegate the task of making his/her Whereabouts Filings to the team, to be carried out by a coach, a manager or a National Federation. Indeed, for the sake of convenience and efficiency, an Athlete in such a sport may delegate the making of his/her Whereabouts Filings to his/her team not only in respect of periods of Team Activities*

*but also in respect of periods where he/she is not with the team, provided the team agrees. In such circumstances, the Athlete will need to provide the information as to his/her individual whereabouts for the period in question to the team, to supplement the information it provides in relation to Team Activities.]*

I.6.4 In all cases, however, including in the case of *Athletes in Team Sports*:

- a. each *Athlete* in a *Registered Testing Pool* remains ultimately responsible at all times for making accurate and complete Whereabouts Filings, whether he/she makes each filing personally or delegates the task to a third party. It shall not be a defense to an allegation of a Filing Failure that the *Athlete* delegated such responsibility to a third party and that third party failed to comply with the applicable requirements; and
- b. such *Athlete* remains personally responsible at all times for ensuring he/she is available for *Testing* at the whereabouts declared on his/her Whereabouts Filings. It shall not be a defense to an allegation of a Missed Test that the *Athlete* delegated responsibility for filing his/her whereabouts information for the relevant period to a third party and that third party failed to file the correct information or failed to update previously-filed information so as to ensure that the whereabouts information in the Whereabouts Filing for the day in question was current and accurate.

*[Comment to I.6.4: For example, if an attempt to test an Athlete during a 60-minute time slot designated within a particular Team Activity period is unsuccessful due to a team official filing the wrong information in relation to the Team Activity, or failing to update previously-filed information where the details of the Team Activity have subsequently changed, the team may be liable for sanction under the applicable rules of the International Federation for such failure, but the Athlete himself/herself will still be liable for a Whereabouts Failure. This must be the case because if an Athlete is able to blame his/her team if he/she is not available for Testing at a location declared by his/her team, then he/she will be able to avoid accountability for his/her whereabouts for Testing. Of course the team has the same interest as the Athlete in ensuring the accuracy of the Whereabouts Filing and avoiding any Whereabouts Failures on the part of the Athlete.]*



## **Annex J – Event Testing**

J.1 As anticipated by *Code* Article 5.3.2., this Annex sets out the procedure to be followed by *WADA* in considering requests made by *Anti-Doping Organizations* for permission to conduct *Testing* at an *Event* where they have been unable to reach agreement on such *Testing* with the ruling body of the *Event*.

J.2 *WADA's* aim in considering such requests is to encourage collaboration and coordination between different *Anti-Doping Organizations* to optimize the effectiveness of their respective *Testing* programs while ensuring that each *Anti-Doping Organization's* responsibilities are properly managed to avoid creating operational disturbance and harassment for *Athletes*.

J.3 Any *Anti-Doping Organization* that is not responsible for initiating and directing *Testing* at an *Event* in accordance with *Code* Article 5.3.2, but which nevertheless desires to conduct *Testing* at such *Event* shall, **prior to contacting *WADA***, request such permission from the ruling body of the *Event* in written form with full supporting reasons.

J.4 Such request shall be sent to the ruling body at least **35 days** prior to the beginning of the *Event* (i.e., 35 days prior to the beginning of the *In-Competition* period as defined by the rules of the International Federation in charge of that sport).

J.5 If the ruling body refuses, or does not respond within **7 days** from receipt of the request, the requesting *Anti-Doping Organization* may send to *WADA* (with a copy to the ruling body) a written request with full supporting reasons, a clear description of the situation, and all the relevant correspondence between the ruling body and the requesting *Anti-Doping Organization*. Such request must be received by *WADA* no later than **21 days** prior to the beginning of the *Event*.

J.6 Upon receipt of such request, *WADA* will immediately ask the ruling body for its position on the request and the ground for its refusal. The ruling body shall send *WADA* an answer within **7 days** of receipt of *WADA's* request.

J.7 Upon receipt by *WADA* of the ruling body's answer, or if no answer is provided by the ruling body within the **7 days**, *WADA* will render a reasoned decision within the next **7 days**. In making its decision, *WADA* will consider, amongst others, the following:

- a) The Test Distribution Plan for the *Event*, including the number and type of tests planned for the *Event*;
- b) The menu of *Prohibited Substances* for which the *Samples* collected will be analyzed;
- c) The overall anti-doping program applied in the sport;

- d) The logistical issues that would be created by allowing the requesting *Anti-Doping Organization* to test at the *Event*;
- e) Any other grounds submitted by the requesting *Anti-Doping Organization* and/or the ruling body refusing such *Testing*; and
- f) Any other available information that *WADA* considers relevant.

J.8 If *WADA* decides that permission for *Testing* at the *Event* should be granted, either as requested by the requesting *Anti-Doping Organization* or as proposed by *WADA*, *WADA* may give the ruling body the possibility of conducting such *Testing*, unless *WADA* judges that this is not realistic and/or appropriate in the circumstances.

## Annex K - Collection, Storage and Transport of Blood ABP Samples

### K.1 Objective

To collect an *Athlete's* blood *Sample*, intended for use in connection with the measurement of individual *Athlete* blood variables within the framework of the *Athlete Biological Passport* program, in a manner appropriate for such use.

### K.2 Requirements

K.2.1 If collection occurs after training or *Competition*, test planning shall consider the *Athlete's* whereabouts information to ensure *Testing* does not occur within two hours of such activity. If the *Athlete* has trained or competed less than two hours before the time the *Athlete* has been notified of his/her selection, the DCO or other designated Sample Collection Personnel shall chaperone the *Athlete* until this two-hour period has elapsed.

If the *Sample* was collected within two hours of training or *Competition*, the nature, duration and intensity of the exertion shall be recorded by the DCO to make this information available to the APMU and subsequently to the Experts.

K.2.2 Although a single blood *Sample* is sufficient within the framework of the *ABP*, it is recommended to collect an additional “B” *Sample* for a possible subsequent analysis of *Prohibited Substances* and *Methods* in whole blood (e.g. detection of Homologous Blood Transfusion (HBT), and/or Erythropoiesis Stimulating Agents (ESAs).

For *Out-of-Competition Testing*, “A” and “B” urine *Samples* should be collected together with the blood *Sample(s)* in order to permit Analytical Testing for ESAs unless otherwise justified by a specific intelligent testing strategy.

*[Comment: WADA's Blood Sample Collection Guidelines reflect these protocols and include practical information on the integration of ABP Testing into “traditional” Testing activities. A table has been included within the Blood Sample Collection Guidelines that identifies which particular timelines for delivery are appropriate when combining particular test types (i.e. ABP + Growth Hormone (GH), ABP + HBT, etc.), and which types of Samples may be suited for simultaneous transport.]*

K.2.3 The *Sample* shall be refrigerated from its collection until its analysis with the exception of when the *Sample* is analyzed at the collection site without delay. The storage procedure is the DCO's responsibility.

The storage and transport device shall be capable of maintaining blood *Samples* at a cool temperature during storage. Whole blood *Samples* shall not be allowed to freeze at any time. In choosing the storage and transport device, the DCO shall take into account the time of storage, the number of *Samples* to be stored in the device and the prevailing environmental conditions (hot or cold temperatures). The storage device shall be:

- a) Refrigerator.

- b) Insulated cool box.
- c) Isotherm bag.
- d) Any other device that possesses the capabilities mentioned below.

K.2.4 A temperature data logger shall be used to record the temperature from the collection to the analysis of the *Sample* except when the *Sample* is analyzed at the collection site without delay. The temperature data logger shall be able to:

- a) record the temperature in degrees Celsius at least once per minute;
- b) record time in GMT;
- c) report the temperature profile over time in text format with one line per measurement following the format “YYYY-MM-DD HH:MM T”;
- d) have a unique ID of at least six characters.

K.2.5 Following notification to the *Athlete* that he/she has been selected for *Doping Control*, and following the DCO/BCO’s explanation of the *Athlete*’s rights and responsibilities in the *Doping Control* process, the DCO/BCO shall ask the *Athlete* to remain in a normal seated position with feet on the floor for at least 10 minutes prior to providing a blood *Sample*.

*[Comment: the Athlete shall not stand up at any time during the 10 minutes prior to Sample collection. To have the Athlete seated during 10 minutes in a waiting room and then to call the Athlete into a blood collection room is not acceptable.]*

K.2.6 In addition to a regular *Doping Control* form, the DCO/BCO shall use the ABP Supplementary Form if such a form is available. If an ABP-specific *Doping Control* form is unavailable, the DCO/BCO shall still use a regular *Doping Control* form but he/she shall collect and record the following additional information on a related form or supplementary report to be signed by the *Athlete* and the DCO/BCO:

- a) Confirm that there was no training or *Competition* in the two hours prior to the blood test.
- b) Did the *Athlete* train, compete or reside at an altitude greater than 1,500 meters within the prior two weeks? If so, or if in doubt, the name and location of the place where the *Athlete* had been and the duration of his/her stay shall be recorded. The estimated altitude shall be entered, if known.
- c) Did the *Athlete* use any form of altitude simulation such as a hypoxic tent, mask, etc. during the prior two weeks? If so, as much information as possible on the type of device and the manner in which it was used (e.g. frequency, duration, intensity) should be recorded.
- d) Did the *Athlete* receive any blood transfusion(s) during the prior three months? Was there any blood loss due to accident, pathology or donation in the prior three months? What was the estimated volume?
- e) The DCO/BCO should record on the *Doping Control* form any extreme environmental conditions the *Athlete* was exposed to during the last two hours

prior to blood collection, including any sessions in any artificial heat environment, such as a sauna.

- f) Was the *Sample* collected immediately following at least three consecutive days of an intensive endurance *Competition*, such as a stage race in cycling?

K.2.7 The DCO/BCO shall start the temperature data logger and place it in the storage device. It is important to start recording the temperature before *Sample* collection.

The storage device shall be located in *Doping Control Station* and shall be kept secured appropriately in accordance with the ISTI.

K.2.8 The DCO/BCO instructs the *Athlete* to select the *Sample Collection Equipment* in accordance with ISTI Article E.4.6. If Vacutainer®(s) are not pre-labelled, the DCO/BCO shall label them with a unique *Sample* code number prior to the blood being drawn and the *Athlete* shall check that the code numbers match.

### **K.3 The *Sample* Collection Procedure**

The *Sample* collection procedure for the collection of blood for the purposes of the *ABP* is consistent with the procedure set out in ISTI Articles E.4, with the following additional elements:

- a) The BCO ensures that the 10-minute (or more) seated period has elapsed prior to performing venipuncture and drawing blood; and
- b) The BCO ensures that the vacuum tubes were filled appropriately; and
- c) After the blood flow into the tube ceases, the BCO removes the tube from the holder and homogenizes the blood in the tube manually by inverting the tube gently at least three times.

K.3.1 The *Athlete* and the DCO/BCO sign the *Doping Control* and ABP supplementary form(s), when applicable.

The blood *Sample* is sealed and deposited in the storage device next to the temperature data logger.

### **K.4 Transportation Requirements**

Blood *Samples* shall be transported in a device that maintains the integrity of *Samples* over time, due to changes in external temperature.

The transport procedure is the DCO's responsibility. The transport device shall be transported by secure means using an *ADO*-authorized transport method.

K.4.1 The integrity of the *Markers* used in the haematological module of the *ABP* is guaranteed when the Blood Stability Score (BSS) remains below 85, where the BSS is computed as

$$\text{BSS} = 3 * \text{T} + \text{CAT}$$

with CAT being the Collection to Analysis Time (in hours), and T the average Temperature (in degrees Celsius) measured by the data logger between *Sample* collection and analysis.

Within the framework of the BSS, the following table can be used by the DCO/BCO to estimate the maximal transport time to a Laboratory or WADA- Approved Laboratory for the ABP, called the Collection to Reception Time (CRT), for a given average temperature T:

T [°C]	CRT [h]
15	35
12	41
10	46
9	48
8	50
7	53
6	55
5	58
4	60

The DCO/BCO shall apply a conservative approach and rapidly transport the *Sample* to a Laboratory or WADA- Approved Laboratory for the ABP located close to the *Sample* collection site.

K.4.2 The DCO, BCO or other Sample Collection Personnel shall report without delay into ADAMS:

- a) The *Doping Control* form;
- b) The *ABP* Supplementary form, and/or the additional information specific to the *ABP* collected on a related form or supplementary report;
- c) In the Chain of Custody, the temperature data logger ID (without any time reference) and the time zone of the testing location in GMT.

## **Annex L – Results Management Requirements and Procedures for the *Athlete Biological Passport***

### **L.1 Administrative Management**

The *Anti-Doping Organization (ADO)* referred to throughout this Annex on Results Management is the Passport Custodian. As a rule, all requirements and procedures described in this Annex apply to all modules of the *Athlete Biological Passport (ABP)* except where expressly stated, or implied by the context.

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

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

- a) The review begins with the application of the Adaptive Model.
- b) In case of an *Atypical Passport Finding (ATPF)* or when the APMU considers that a review is otherwise justified, an Expert conducts an initial review and returns an evaluation based on the information available at that time.
- c) In case of a “Likely doping” initial review, the Passport is then subjected to a review by three Experts including the Expert who conducted the initial review.
- d) In case of a “Likely doping” consensus of the three Experts, the process continues with the creation of an ABP Documentation Package.
- e) An *Adverse Passport Finding (APF)* is reported by the APMU to the *ADO* if the Experts opinion is maintained after review of all information available at that stage, including the ABP Documentation Package.
- f) The *Athlete* is notified of the *Adverse Passport Finding (APF)* and offered the opportunity to provide explanations.
- g) If after review of the explanations provided by the *Athlete*, the Experts maintain their unanimous conclusion that it is highly likely that the *Athlete* used a *Prohibited Substance* or a *Prohibited Method*, an anti-doping rule violation (ADRV) is asserted against the *Athlete* by the *ADO* and disciplinary proceedings are initiated (*Code Article 7.5*).

[Comment: The *ABP* follows a similar logical structure to Results Management for analytical *Testing*, with both processes culminating in a possible ADRV based on, respectively, *Code Article 2.2* and *Code Article 2.1*. An *ATPF* is to the *ABP* what an *Atypical Finding (ATF)* is to analytical *Testing*; both require further investigation. Similarly, an *APF* is to the *ABP* what the *Adverse Analytical Finding (AAF)* is to

analytical *Testing*; both require Results Management in accordance with *Code* Article 7.]

## L.2 Initial Review Phase

### L.2.1 Review by the Adaptive Model

The biological *Markers* of the *ABP* are automatically processed in *ADAMS* by the Adaptive Model. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values outside of the 99%-range, from a lower limit corresponding to the 0.5<sup>th</sup> percentile to an upper limit corresponding to the 99.5<sup>th</sup> percentile (1:100 chance or less that this result is due to normal physiological variation). A specificity of 99% is used to identify both haematological and steroidal *ATPFs*. In the case of sequence deviations (sequence *ATPFs*), the applied range is 99.9% (1:1000 chance or less that this is due to normal physiological variation).

An *ATPF* is a result generated by the Adaptive Model in *ADAMS* which identifies either a *Marker(s)* value(s) as being outside the *Athlete's* intra-individual range or a longitudinal profile of *Marker* values (sequence deviations) as being outside expected ranges, assuming a normal physiological condition. An *ATPF* requires further attention and review.

The APMU may also submit a Passport to the Expert when there is no *ATPF* (see 2.2.3 below).

#### L.2.1.2 *ATPF* – Haematological Module

For the Haematological Module, an *ATPF* is generated when the haemoglobin concentration (HGB) and/or stimulation index OFF-score (OFFS) value of the last test falls outside the expected intra-individual ranges. Furthermore, the longitudinal profile composed of (up to) the last 20 valid HGB and/or OFFS values is also considered as an *ATPF* when deviating from the expected ranges, as determined by the Adaptive Model (sequence *ATPF*). An *ATPF* is only generated by the Adaptive Model based on values of the primary *Markers* HGB and OFFS or the sequence thereof.

#### L.2.1.3 *ATPF* – Steroidal Module

For the Steroidal Module, an *ATPF* is generated when at least one value of the ratios T/E, A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol or 5 $\alpha$ Adiol/E falls outside the expected intra-individual ranges. In addition, the “longitudinal steroid profile” composed of (up to) the last 20 valid values of one of these five ratios is also considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model (sequence *ATPF*).

In the case of a “longitudinal steroidal profile,” an *ATPF* caused by an atypically high T/E value will trigger an *ATPF Confirmation Procedure* Request notification through *ADAMS* as established in the TDEAAS. When the Adaptive Model determines an *ATPF* for any of the other ratios of the “steroid profile” (A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol, 5 $\alpha$ Adiol/E), the APMU should advise the Testing Authority in the



APMU Report, or via the Passport Custodian where appropriate, on whether the *Sample* should be subjected to a Confirmation Procedure.

Ratios coming from a *Sample* that showed signs of heavy microbial degradation, and ratios for which one or both of the concentrations were not measured accurately by the Laboratory as established in the TDEAAS, shall not be processed by the Adaptive Model. In the case where the Laboratory reports a factor that may otherwise cause an alteration in the steroid profile, such as the presence of ethanol glucuronide in the *Sample*, the APMU shall evaluate whether the steroid profile can still be processed by the Adaptive Model and the *Sample* be subjected to a Confirmation Procedure.

#### L.2.1.4 Departure from WADA *ABP* requirements

If there is a departure from WADA *ABP* requirements for *Sample* collection, transport and analysis, the biological result obtained from this *Sample* affected by the non-conformity shall not be considered in the Adaptive Model calculations (for example, reticulocytes are affected but not haemoglobin).

The part of the result which is not affected by the non-conformity can still be considered in the Adaptive Model calculations. In such case, the APMU shall provide the specific explanations supporting the inclusion of the results. In all cases, the *Sample* shall remain recorded in the Athlete's Passport. The Experts may include all results in their review provided that their conclusions may be validly supported in the context of the non-conformity.

#### L.2.2 The Initial Expert Review

A Passport generating an *ATPF*, or for which a review is otherwise justified, shall be sent by the APMU to an Expert for anonymous review in *ADAMS*. This should take place no later than 7 working days following the generation of the *ATPF* in *ADAMS*. The review of the Passport shall be conducted anonymously (without reference to the specific *Athlete* by name) based on the profile and other basic information (e.g. competition schedules), which could be already available.

The Experts shall be external to the APMU and to the *ADO*, except in the case described in 2.2.2 for the Steroidal Module.

##### L.2.2.1 Review – Haematological Module

If the Haematological Module generates an *ATPF* or if such review is otherwise requested by the APMU, then the results/profile must be reviewed by an Expert designated by the APMU.

##### L.2.2.2 Review - Steroidal Module

If a result rendered by a Laboratory represents an *ATPF* caused by an atypically high T/E value, the *Sample* will undergo a Confirmation Procedure, including GC-C-IRMS analysis. If the result of the GC-C-IRMS Confirmation Procedure is negative or inconclusive then the APMU shall seek an Expert review. An APMU or Expert review is not required when the GC-C-IRMS Confirmation Procedure renders an *Adverse Analytical Finding* (*AAF*).

If the first and unique result in a Passport is identified as atypical by the Adaptive Model (with a negative or inconclusive IRMS result, if applicable), the APMU may recommend the collection of an additional *Sample* before initiating the initial Expert review.

If the result represents an *ATPF* for any of the ratios A/T, A/Etio, 5 $\alpha$ -Adiol/5 $\beta$ -Adiol, 5 $\alpha$ -Adiol/E, the APMU should evaluate the Passports and provide an APMU report in *ADAMS*.

When the APMU is associated to a Laboratory, it can replace the first external Expert and provide a review through the APMU Report in *ADAMS*.

### L.2.2.3 Review in the absence of an ATPF

For both Modules, a Passport may also be sent for Expert review in the absence of an *ATPF* where the Passport includes other elements otherwise justifying a review. These elements may include, without limitation:

- a) Data not considered in the Adaptive Model
- b) Any abnormal levels and/or variations of *Markers*
- c) Signs of hemodilution in the haematological Passport
- d) Steroid levels in urine below the corresponding limit of quantification (LOQ) of the assay
- e) Intelligence in relation to the *Athlete* concerned.

An Expert review initiated in the above-mentioned situations may result in the same consequences as an Expert review triggered by an *ATPF*.

### L.2.3 Consequences of the Initial Review

Depending on the outcome of the initial review, the APMU will take the following action:

<u>Expert Evaluation</u>	<u>APMU Action</u>
<b>Normal:</b> Likely physiological condition	Continue normal <i>Testing</i> pattern.
<b><u>Passport</u> suspicious:</b> Further data is required.	Alert <i>ADO</i> to do Target <i>Testing</i> and provide recommendations.
<b>Likely doping:</b> Considering the information within the <i>Athlete's Passport</i> , it is likely that the <u>Passport</u> is the result the <i>Use</i> of a <i>Prohibited Substance</i> or <i>Prohibited Method</i> and it is highly unlikely that it may be the result of a normal physiological or pathological condition.	Send to a panel of three <u>Experts</u> , including the initial <u>Expert</u> , as per section 3 of this Annex L.

<b>Likely medical condition:</b> Considering the information within the <u>Passport</u> , it is likely that the <u>Passport</u> is the result of a pathological condition	Inform the <i>Athlete</i> via the <i>ADO</i> (or send to other <u>Experts</u> ).
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*[Comment: The ABP is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s) and it is not intended as a health check or for medical monitoring. It is important that the ADO educates the Athletes to ensure that they undergo regular health monitoring and not rely on the ABP for this purpose. Nevertheless, the ADO should inform the Athlete in case the Passport indicates a likely pathology as determined by the Experts.]*

### **L.3      Review by Three Experts**

In the event that the evaluation by the appointed Expert in the initial review supports the proposition that the profile, pending other explanation to be provided at a later stage, is likely to be the result the *Use* of a *Prohibited Substance* or *Prohibited Method* and highly unlikely to be the result of a normal physiological or a pathological condition, the Passport shall then be sent for review by the APMU to a group of three Experts, referred to as the Expert Panel, composed of the Expert appointed in the initial review and two other Experts. This should take place no later than 7 working days after the reporting of the initial review.

For the review of a Haematological Passport, the Expert Panel should have knowledge in the fields of clinical haematology, sport medicine and/or exercise physiology.

For the review of the Steroidal Passport, the Expert Panel should be composed of individuals with knowledge in the fields of Laboratory steroid analysis, steroid doping and metabolism and/or clinical endocrinology. In the case of the Steroidal Module, where the first Expert may be from the APMU, the two other Experts must be external to the APMU.

The review by the three Experts must follow the same logic as presented in section 2.2 of this Annex. The three Experts shall each provide their reports in *ADAMS*. This should take place no later than 7 working days after reception of the request.

The APMU is responsible for liaising with the Experts and for advising the *ADO* of the subsequent Expert assessment. If more information is required to review the file, the Experts can request further details, such as those related to medical issues, competition schedule and/or *Sample(s)* analysis details. Such requests are directed via the APMU to the *ADO*.

A unanimous opinion among the three Experts is necessary in order to proceed further towards declaring an *APF*, which means that all three Experts come to the conclusion that considering the available information contained within the Passport at this stage, it is likely that a *Prohibited Substance* or *Prohibited Method* had been used, and highly unlikely that the biological profile is the result of any other cause. The conclusion of the Experts must be reached with the three Experts assessing the *Athlete's Passport* with the same data (i.e three Expert opinions cannot be accumulated over time, as data is added to a profile).

In the case when two Experts evaluate the Passport as “Likely doping” and the third Expert as “Suspicious” but asking for more information, the APMU can confer with the Expert Panel before they finalize their opinion. The group can also seek advice from an appropriate outside Expert, although this must be done with strict confidentiality.

To reach a conclusion in the absence of an ATPF, the Expert Panel shall come to the unanimous opinion that it is highly likely that the Passport is the result of the *Use of a Prohibited Substance or Method* and that there is no reasonably conceivable hypothesis under which the Passport might be the result of a physiological condition and highly unlikely that it is the result of pathological condition.

If no unanimity can be reached among the three Experts, the APMU should follow up on requests for additional information or expertise, or recommend the ADO to pursue additional *Testing* and/or gather intelligence on the *Athlete* (refer to Information Gathering and Intelligence Sharing Guidelines).

#### **L.4      Compilation of the *ABP Documentation Package* and Joint *Expert Evaluation***

If the evaluation by the Expert Panel supports the proposition that the *Athlete* has likely used a *Prohibited Substance* or *Prohibited Method*, and that the result is highly unlikely due to any another cause, the APMU shall declare a “Likely doping” evaluation in the APMU Report in *ADAMS* and proceed with the compilation of the *ABP Documentation Package*. The APMU may confer with the Expert Panel to determine the scope of such compilation, including the recommended elements and the number of tests that need to be included.

*[Comment: It is only mandatory to have a full Laboratory Documentation Package for those tests that are deemed essential by the APMU and Expert Panel. The other tests, for example those that confirm the baseline levels of a Marker, only require a Certificate of Analysis. A template of the Certificate is available to Laboratories and WADA-Approved Laboratories for the ABP upon request to WADA.]*

The following key information needs to be included in both Haematological and Steroidal Modules of the *ABP Documentation Package*:

- a) Age of the *Athlete*.
- b) Gender of the *Athlete*.
- c) Sport and discipline.
- d) Type of test (in competition or out of competition).
- e) Date of test.
- f) *Sample* code number.
- g) Internal Laboratory (or WADA-Approved Laboratory for the ABP) *Sample* number.
- h) Biological data and results obtained by the Adaptive Model.

- i) *Competition* information.
- j) Chain of Custody documentation.
- k) Information from the *Doping Control* forms for each *Sample* collected during the period, as determined by the APMU and Expert Panel.

For the Haematological Module, the following additional information is required:

- l) Information on possible exposure of the *Athlete* to altitude, or altitude simulating devices, for the period defined by the Expert Panel.
- m) Temperature profile during the transportation of the blood *Sample* and the Blood Stability Score (BSS).
- n) Laboratory (or WADA-Approved Laboratory for the ABP) documentation, including blood results, scattergrams, and internal and external quality controls.
- o) Information on whether the *Athlete* received a blood transfusion and/or suffered significant blood loss in the prior three months.

For the Steroidal Module, this additional information is required:

- p) pH of the urine *Sample*.
- q) Specific gravity of the urine *Sample*.
- r) Laboratory documentation, including screening and confirmed (when applicable) values of steroid concentrations and ratios.
- s) GC-C-IRMS results, when applicable.
- t) Indication of ethanol consumption: urinary concentrations of ethanol and/or ethanol *Metabolites*.
- u) Indication of bacterial activities, including 5 $\alpha$ -androstandione/A and/or 5 $\beta$ -androstandione/Etio ratio.
- v) Indication of medications taken (declared or detected) that may influence the “steroid profile”, such as human chorionic gonadotrophin (hCG), ketoconazole, and 5 $\alpha$ -reductase inhibitors.

The ABP Documentation Package shall be sent by the APMU to the Expert Panel, which will review it and provide a joint evaluation to be signed by all three Experts and included in the ABP Documentation Package. If necessary, the Expert Panel may request complementary information from the APMU.

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

## **L.5 Issuing an Adverse Passport Finding (APF)**

If the Expert Panel confirms their previous position, considering the information within the Passport at this stage, that it is likely that a *Prohibited Substance* or

*Prohibited Method* had been used, and highly unlikely that it is the result of any other cause, the APMU will issue an *Adverse Passport Finding (APF)*.

The *APF* represents the end result of the Expert review of the longitudinal profile of *Markers* and other Passport information.

After reviewing the ABP Documentation Package, the *ADO* shall:

- a) Notify the *Athlete* of the *APF* and inform *WADA* that the *ADO* is considering the assertion of an anti-doping rule violation (ADRV) against the *Athlete*.
- b) Provide the *Athlete* and *WADA* the ABP Documentation Package.
- c) Invite the *Athlete* to provide his/her own explanation, in a timely manner, of the data provided to the *ADO*.

## **L.6 Review of Explanation from *Athlete***

Upon receipt of any explanation and supporting information from the *Athlete* which should be received within the specified deadline, the APMU shall forward it to the Expert Panel for review with any additional information that the Expert Panel considers necessary to render its opinion in coordination with both the *ADO* and the APMU. At this stage, the review is no longer anonymous. The Expert Panel shall reassess or reassert the case and reach one of the following conclusions:

- a. Unanimous opinion of the Experts that based on the information in the Passport, it is likely that the *Athlete* used a *Prohibited Substance* or *Prohibited Method*, and that it is highly unlikely to find the Passport abnormal assuming any other cause; or
- b. Based on the available information, the Experts are unable to reach the unanimous opinion set forth above and, in such a case, the Expert Panel may or may not recommend further investigation or *Testing*.

## **L.7 Disciplinary Proceeding**

If the Expert Panel expresses the opinion set forth in section 6.a., then the *ADO* shall be informed by the APMU and proceed to Results Management (*Code Article 7.5*).

## **L.8 Passport Re-setting**

In the event the *Athlete* has been found to have committed an ADRV based on the Passport, the *Athlete's Passport* shall be reset at the start of the relevant period of suspension and a new Biological Passport ID shall be assigned in *ADAMS*. This maintains the *Athlete's* anonymity for potential APMU and Expert Panel reviews conducted in the future.

When an *Athlete* is found to have committed an ADRV on any basis other than the *ABP*, the Haematological and/or Steroidal Passport will remain in effect, except in those cases where the *Prohibited Substance* or *Prohibited Method* resulted in an

alteration of the haematological or steroidal *Markers*, respectively (e.g. for *AAF* reported for anabolic androgenic steroids, hCG, masking agents or diuretics, which may affect *the Markers* of the “steroid profile,” or for the *Use* of Erythropoiesis-Stimulating Agents or blood transfusions, which would alter the haematological *Markers*). In such instances, the *Athlete's* profile(s) would be reset from the time of the beginning of the sanction.

## APPENDIX SIX

### INTERNATIONAL STANDARD FOR THE PROTECTION OF PRIVACY AND PERSONAL INFORMATION (Valid from 1 June 2018)

The World Anti-Doping Code International Standard for the Protection of Privacy and Personal Information (ISPPPI) is a mandatory *International Standard* developed as part of the World Anti-Doping Program.

The International Standard for Protection of Privacy and Personal Information was first adopted 9 May 2009 and came into effect 1 June 2009. The enclosed ISPPPI incorporates revisions to the ISPPPI and was approved at the World Conference on Doping in Sport in Johannesburg by the WADA Executive Committee on 16 May 2018. It will come into effect on 1 June 2018.

The official text of the International Standard for the Protection of Privacy and Personal Information shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

#### PART ONE: INTRODUCTION, *CODE* PROVISIONS AND DEFINITIONS

##### 1.0 INTRODUCTION AND SCOPE

The purpose of the International Standard for the Protection of Privacy and Personal Information is to ensure that *Anti-Doping Organizations* apply appropriate, sufficient and effective privacy protections to the Personal Information they Process when conducting anti-doping programs, in recognition of the fact that Personal Information gathered in the anti-doping context can impinge upon and implicate the privacy rights of *Persons* involved in and associated with organized sport.

The *Code*, in particular, requires *Athletes* and *Athlete Support Personnel* to furnish a significant amount of Personal Information to *Anti-Doping Organizations*. As a result, it is essential that *Anti-Doping Organizations* appropriately protect the Personal Information that they Process both to meet legal standards and to ensure the continued confidence and trust of those involved in organized sport.

The *Code* recognizes and affirms the importance of ensuring that the privacy rights of *Persons* subject to anti-doping programs based on the *Code* are fully respected. In support of this commitment, this *International Standard* provides mandatory rules and standards relating to the protection of Personal Information by *Anti-Doping Organizations*.



Consistent with other *International Standards* that have been developed and implemented to date, this *International Standard* sets forth a minimum, common set of rules to which *Anti-Doping Organizations* must conform when collecting and handling Personal Information pursuant to the *Code*. In some cases, *Anti-Doping Organizations* may be required by applicable laws to apply rules or standards that exceed those set forth in this Standard. For purposes of this *International Standard*, definitions appearing in the *Code* shall be italicized, and additional definitions created for purposes of this *International Standard* shall be underlined.

## 2.0 CODE PROVISIONS

The following articles of the *Code* are directly relevant to this International Standard for the Protection of Privacy and Personal Information:

### ➤ **Code Article 14 Confidentiality and Reporting**

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

#### 14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and other Asserted Anti-Doping Rule Violations.

##### 14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*.

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the *Anti-Doping Organization* with results management responsibility.

##### 14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, International Federations and *WADA*.

The *Anti-Doping Organization* with results management responsibility shall also notify the *Athlete's National Anti-Doping Organization*, International Federation and *WADA* of the assertion of an anti-doping rule violation simultaneously with the notice to the *Athlete* or other *Person*.

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

Notification shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the International Standard for Testing and Investigations, or for anti-doping rule violations other than Article 2.1, the rule violated and the basis of the asserted violation.

##### 14.1.4 Status Reports.

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Anti-Doping Organizations* referenced in Article 14.1.2 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.1.5 Confidentiality.

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until the *Anti-Doping Organization* with results management responsibility has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3.

*[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]*

#### 14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files.

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.10, 8.4, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the *Anti-Doping Organization* shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.

#### 14.3 *Public Disclosure.*

14.3.1 The identity of any *Athlete* or other *Person* who is asserted by an *Anti-Doping Organization* to have committed an anti-doping rule violation, may be *Publicly Disclosed* by the *Anti-Doping Organization* with results management responsibility only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2.

14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been

waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the *Anti-Doping Organization* responsible for results management must *Publicly Report* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The same *Anti-Doping Organization* must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.

14.3.5 No *Anti-Doping Organization* or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

14.3.6 The mandatory *Public Reporting* required in 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

#### 14.4 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. *Anti-Doping Organizations* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.

#### 14.5 *Doping Control* Information Clearinghouse.

*WADA shall act as a central clearinghouse for Doping Control Testing data and results, including, in particular, Athlete Biological Passport data for International-Level Athletes and National-Level Athletes and whereabouts information for Athletes including those in Registered Testing Pools. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by various Anti-Doping Organizations, each Anti-Doping Organization shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS or another system approved by WADA, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's National Anti-Doping Organization and International Federation, and any other Anti-Doping Organizations with Testing authority over the Athlete.*

To enable it to serve as a clearinghouse for *Doping Control Testing* data and results management decisions, *WADA* has developed a database management tool, *ADAMS*, that reflects data privacy principles. In particular, *WADA* has developed *ADAMS* to be consistent with data privacy statutes and norms applicable to *WADA* and other organizations using *ADAMS*. Private information regarding an *Athlete*, *Athlete Support Personnel*, or others involved in anti-doping activities shall be maintained by *WADA*, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the International Standard for the Protection of Privacy and Personal Information.

#### 14.6 Data Privacy.

*Anti-Doping Organizations* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code* and *International Standards* (including specifically the International Standard for the Protection of Privacy and Personal Information), and in compliance with applicable law.

*[Comment to Article 14.6: Note that Article 22.2 provides that “Each government will put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organizations and sharing of data among Anti-Doping Organizations as provided in the Code.”]*

### 3.0 TERMS AND DEFINITIONS

#### 3.1 Selected Defined Terms from the *Code*

***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:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “Athlete.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

*[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]*

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

**Participant:** Any *Athlete* or *Athlete Support Person*.

### 3.2 Defined Terms from the International Standard on Privacy and Personal Information

Anti-Doping Activities: Activities specified by the *Code* and the *International Standards* to be carried out by *Anti-Doping Organizations*, and their Third-Party Agents, for the purpose of establishing whether anti-doping rule violations took place,

including collecting whereabouts information; conducting *Testing*; performing results management; determining whether an *Athlete's Use* of a *Prohibited Substance* or *Prohibited Method* is strictly limited to legitimate and documented therapeutic purposes; educating *Participants* on their rights and responsibilities; conducting investigations into anti-doping rule violations; and initiating legal proceedings against those who are alleged to have committed such a violation.

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Persons* whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

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

Processing (and its cognates, Process and Processed): Collecting, retaining, storing, disclosing, transferring, transmitting, amending, deleting or otherwise making use of Personal Information.

Security Breach: Any unauthorized and/or unlawful Processing of, including access to, Personal Information whether in electronic or hard-copy or other form, or interference with an information system, that compromises the privacy, security, confidentiality, availability or integrity of Personal Information.

Sensitive Personal Information: Personal Information relating to a *Participant's* racial or ethnic origin, commission of offences (criminal or otherwise), health (including information derived from analyzing an *Athlete's Samples* or *Specimens*) and biometric and genetic information.

Third Party: Any natural *Person* or legal entity other than the natural *Person* to whom the relevant Personal Information relates, *Anti-Doping Organizations* and Third-Party Agents.

Third-Party Agent: Any natural or legal *Person*, public authority, agency or body, including without limitation subcontractors and their subcontractors, that Processes Personal Information for or on behalf of an *Anti-Doping Organization*.

## PART TWO: STANDARDS FOR HANDLING PERSONAL INFORMATION

### 4.0 Processing Personal Information in Accordance with International Standard and Applicable Law

4.1 This *International Standard* sets forth a minimum set of requirements applicable to the Processing of Personal Information by *Anti-Doping Organizations* and their Third-Party Agents in the context of their Anti-Doping Activities. All *Anti-Doping Organizations* must comply with this Standard, even when its requirements exceed those arising under the *Anti-Doping Organization's* applicable data protection and/or privacy laws, reflecting the vital need to protect the privacy of *Participants* and other *Persons* involved in and associated with anti-doping in sport.

*[4.1 Comment: Anti-Doping Organizations, along with any Third-Party Agents that Process Personal Information for or on behalf of Anti-Doping Organizations, minimally must comply with the requirements set forth in this International Standard, provided that such compliance does not breach other applicable laws. In cases where compliance with the requirements of this International Standard may cause an Anti-Doping Organization to breach other applicable laws, those laws shall prevail. This result will not lead to a determination of non-compliance with the World Anti-Doping Code.]*

4.2 *Anti-Doping Organizations* may be subject to data protection and privacy laws and regulations that impose requirements that exceed those arising under this *International Standard*. In such circumstances, *Anti-Doping Organizations* must ensure that their Processing of Personal Information complies with all such data protection and privacy laws and regulations.

*[4.2 Comment: Anti-Doping Organizations in certain countries may be subject to laws and regulations that govern their Processing of Personal Information relating to natural Persons in addition to Participants, such as their own employees or staff employed by other Anti-Doping Organizations, or impose additional restrictions going beyond this International Standard. In all such cases, Anti-Doping Organizations are expected to comply with applicable data protection laws and regulations.]*

4.3 *Anti-Doping Organizations* shall be able to demonstrate that their Processing of Personal Information takes place in accordance with this *International Standard*, and in particular through the adoption of appropriate internal policies and procedures reflecting their adherence to this *International Standard*.

*[4.3 Comment: Anti-Doping Organizations can only effectively adhere to the requirements of this International Standard by having in place documented internal policies, procedures and information governance standards relating to Personal Information.]*

4.4 *Anti-Doping Organizations* shall maintain a record of the Processing of Personal Information for which they are responsible, which shall describe the general purposes of the Processing, a description of the types of Personal Information, the

categories of potential recipients of the Personal Information, the safeguards used where Personal Information are disclosed to other *Anti-Doping Organizations* or Third Parties, the period for which the Personal Information will be stored or the criteria used to determine this period, and a general description of the technical and organizational security measures applied to the Personal Information.

*[4.4 Comment: Anti-Doping Organizations must maintain a record of their Processing activities, to better ensure their effective oversight of these activities and to facilitate compliance with this International Standard. With respect to the ADAMS database administered by WADA, WADA shall be solely responsible for maintaining a record reflecting the Processing of Personal Information in the database.]*

4.5 *Anti-Doping Organizations* shall designate a *Person* who is accountable for compliance with this *International Standard* and all locally applicable privacy and data protection laws. They shall take reasonable measures to ensure that the name and contact information of the *Person* so designated is made readily available to *Participants* should they request it.

## **5.0 Processing Relevant and Proportionate Personal Information**

5.1 *Anti-Doping Organizations* shall only Process Personal Information where relevant, in order to conduct Anti-Doping Activities under the *Code* and *International Standards*, or where otherwise required by applicable law, regulation or compulsory legal process, provided such Processing does not conflict with applicable privacy and data protection laws.

5.2 *Anti-Doping Organizations* shall not Process Personal Information that is irrelevant or unnecessary in the context of their Anti-Doping Activities as identified in Article 5.1.

*[5.2 Comment: Anti-Doping Organizations shall examine the different contexts in which they Process Personal Information to ensure that the Processing of the Personal Information in any given case is required in order to satisfy one of the purposes identified in Article 5.1. Where Anti-Doping Organizations cannot satisfy themselves that the Processing is necessary, they shall refrain from Processing the Personal Information.]*

5.3 In particular, except as otherwise required by the *Code* or expressly required by law:

- a. *Anti-Doping Organizations* Processing Personal Information (which may involve Processing Sensitive Personal Information relating to *Athletes* and Processing non-sensitive Personal Information relating to *Participants* and potentially other *Persons*) in order to determine whether an *Athlete's Use* of a *Prohibited Substance* or *Prohibited Method* is strictly limited to legitimate and documented therapeutic purposes, shall Process only the Personal Information



appropriate and relevant for making this determination as required by the International Standard for Therapeutic Use Exemptions.

b. *Anti-Doping Organizations* Processing Personal Information relating to *Participants* and other *Persons* in order to perform *Testing*, shall Process only the Personal Information (including whereabouts information and Therapeutic Use Exemptions) appropriate and relevant for conducting *Testing* (e.g., test distribution planning, *Sample* collection, *Sample* handling, *Sample* transport to the laboratory or associated matters) in accordance with the *Code* and/or the International Standard for Testing and Investigations.

c. *Anti-Doping Organizations* Processing Personal Information relating to *Participants* and other *Persons* in order to engage in investigation and results management (including associated disciplinary hearings, appeals and adjudications) shall Process only the Personal Information, including but not limited to whereabouts information, Therapeutic Use Exemptions, and test results, appropriate and relevant for investigating and establishing one or more anti-doping rule violations.

d. *Anti-Doping Organizations* may Process Personal Information relating to *Participants* and other *Persons* for other specified purposes, provided that those purposes relate exclusively to the fight against doping and are found to be relevant to that fight following an appropriately documented assessment performed by the *Anti-Doping Organization*.

*[5.3.d. Comment: In certain contexts, it may be appropriate or necessary for Anti-Doping Organizations to Process Personal Information for additional purposes, besides those identified in Articles 5.3.a.-c., in order to engage effectively in the fight against doping. Such purposes may include, for example, the development and improvement of test planning and Testing procedures and processes. Such Processing must be exclusively linked to the fight against doping and may only occur where the Anti-Doping Organization has documented the need to perform such Processing.]*

**5.4** Personal Information Processed by *Anti-Doping Organizations* shall be processed fairly and shall be accurate, complete and kept up-to-date. *Anti-Doping Organizations* shall correct or amend as soon as possible any Personal Information that they know to be incorrect or inaccurate, taking into account the responsibilities of *Participants* such as under Article 14.3 of the *Code* and Article 11 of the International Standard for Testing and Investigations.

*[5.4 Comment: Where Participants are responsible for providing Personal Information about themselves directly to Anti-Doping Organizations and for keeping it accurate, complete and up-to-date, they should be informed of this obligation and, whenever practicable, offered reasonable means to fulfill it. For instance, this could involve furnishing individuals with access to their Personal Information via the Internet through online tools and resources.]*

## **6.0 Processing Personal Information in Accordance with Law or with Consent**

### **6.1 *Anti-Doping Organizations* shall only Process Personal Information:**

- on valid legal grounds, which can include compliance with legal obligations, performance of a public task, where necessary for reasons of substantial public interest, fulfillment of a contract or to protect the vital interests of the *Participant* and other *Persons*; or
- where permitted, with a *Participant's* or other *Person's* consent, which shall be informed, freely given, specific and unambiguous, subject to the exceptions in Article 6.2.b, 6.3 and 6.4 of this *International Standard*.

*[6.1 Comment: This International Standard envisions that Personal Information will be Processed in cases where the law expressly provides for its Processing or with the consent of Participants, subject to appropriate exceptions to avoid Participants or other persons undermining the Code. Principal responsibility for obtaining the consent of an Athlete, and/or his or her associated Athlete Support Personnel, shall rest with the Anti-Doping Organization(s) that places the relevant Athlete in its Registered Testing Pool.]*

### **6.2 Where *Anti-Doping Organizations* Process Personal Information with consent, *Anti-Doping Organizations* shall, in order to obtain an informed consent, ensure that adequate information is furnished to the *Participant* or *Person* to whom the Personal Information relates as described more fully in Article 7.**

- a. *Anti-Doping Organizations* shall inform *Participants* of the negative *Consequences* that could arise from their refusal to participate in *Doping Controls*, including *Testing*, and of the refusal to consent to the Processing of Personal Information as required for this purpose.

*[6.2.a. Comment: For the avoidance of doubt, Participants shall be informed that their refusal to participate in Doping Controls, when requested to do so, could prevent their continued involvement in organized sport and, for Athletes, constitute a violation of the Code and invalidate Competition results, among other things. A Participant who believes that an Anti-Doping Organization does not comply with this International Standard may notify WADA pursuant to Article 11.5, which shall, without prejudice to any other rights the Participant may have under applicable law, consider the grounds for the complaint.]*

- b. *Anti-Doping Organizations* shall inform *Participants* that regardless of any refusal to grant or subsequent withdrawal of consent, the Processing of their Personal Information by *Anti-Doping Organizations* still may be required, unless otherwise prohibited by applicable law, where necessary to enable *Anti-Doping Organizations*:

- to commence or pursue investigations involving suspected anti-doping rule violations relating to the *Participant*;

- to conduct or participate in proceedings involving suspected anti-doping rule violations relating to the *Participant*; or
- to establish, exercise or defend against legal claims relating to the *Anti-Doping Organization*, the *Participant* or both.

*[6.2.b. Comment: In certain limited circumstances, Anti-Doping Organizations must have the ability to Process Personal Information in the absence of the Participant's consent. These exceptions are necessary to avoid situations where Participants refuse to grant consent or withdraw consent in order to circumvent anti-doping efforts and procedures and evade detection for a doping violation.]*

**6.3** Where *Anti-Doping Organizations* Process Sensitive Personal Information with consent, the explicit consent of the *Participant* or *Person* to whom the Personal Information relates shall be obtained. The Processing of Sensitive Personal Information shall occur in accordance with any specific safeguards or procedures established under applicable data protection laws and regulations.

*[6.3 Comment: This International Standard imposes additional restrictions where Anti-Doping Organizations Process Sensitive Personal Information, reflecting the greater sensitivities surrounding the Processing of such information. Although the Standard defines Sensitive Personal Information to expressly include different classes of information, this is not to suggest that such information should be Processed by Anti-Doping Organizations, as required by Article 5.1.]*

**6.4** In cases where a *Participant* is incapable of furnishing an informed consent by virtue of age, mental capacity or other legitimate reason recognized in law, the *Participant's* legal representative, guardian or other competent representative may furnish consent on the *Participant's* behalf for purposes of this *International Standard*, as well as exercise the *Participant's* rights arising under Article 11 below. *Anti-Doping Organizations* shall ensure that obtaining consents under such circumstances is permitted by applicable law.

## **7.0 Ensuring Appropriate Information is Furnished to *Participants* and Other *Persons***

**7.1** An *Anti-Doping Organization* shall inform *Participants* or *Persons* to whom the Personal Information relates about the Processing of their Personal Information. This information shall include:

- the identity of the *Anti-Doping Organization* collecting the Personal Information and contact details of the person appointed pursuant to Section 4.5;
- types of Personal Information that may be Processed;
- the purposes for which the Personal Information may be used;

- other categories of potential recipients of the Personal Information, including *Anti-Doping Organizations* located in other countries where the *Participant* may compete, train or travel;
- the possibility and circumstances under which Personal Information may, where permitted by applicable law, be *Publicly Disclosed* (such as the disclosure of test results and tribunal decisions);
- the *Participant's* rights with respect to the Personal Information under this *International Standard* and the means to exercise those rights;
- the procedure for submitting complaints pursuant to Article 11.5 and the possibility, if any, to submit complaints to competent data protection authorities;
- the period for which the Personal Information will be stored or the criteria used to determine this period; and
- any other information necessary to ensure that the Processing of the Personal Information remains fair, such as information about regulatory authorities or bodies that oversee the *Anti-Doping Organization's* Processing of Personal Information.

**7.2.** *Anti-Doping Organizations* shall communicate the above information to *Participants* or other *Persons* prior to or at the time that they collect Personal Information from *Participants* or other *Persons*, and *Anti-Doping Organizations* shall be responsive to the questions or concerns of *Participants* relating to the Processing of their Personal Information by the *Anti-Doping Organization*. Where *Anti-Doping Organizations* receive Personal Information from Third Parties, and not directly from the *Participant*, they shall communicate the above information as soon as possible and without undue delay, unless it has previously been furnished to the *Participant* or other *Person* by other parties. Exceptionally, notice to the *Participant* or other *Persons* may be delayed or suspended where providing such notice might reasonably be considered to jeopardize an anti-doping investigation or otherwise undermine the integrity of the anti-doping process. In such cases, the justification for the delay must be appropriately documented and the information provided to the *Participant* or other *Persons* as soon as reasonably possible.

*[7.2 Comment: Anti-Doping Organizations should recognize that basic principles of fairness require that where a Participant's Personal Information is Processed in the context of Anti-Doping Activities, he or she should receive or have access to information that explains in simple terms the purpose and procedures for the collection and processing of their Personal Information. This International Standard aspires to ensure that Participants acquire a basic grasp of the roles and responsibilities performed by the different organizations involved in anti-doping in sport, as those relate to the Processing of Personal Information. Under no circumstances should Anti-Doping Organizations seek to mislead or misinform Participants in order to collect or use their Personal Information. In addition to furnishing such information directly to Participants or other Persons, Anti-Doping*

*Organizations may wish to make such information available on any websites or other online platforms that they operate.*

*Each Anti-Doping Organization should ensure that its Processing of Personal Information is transparent to Participants, notwithstanding the fact that certain information relating to Anti-Doping Activities, notably information concerning scheduled Testing and investigations and proceedings relating to anti-doping rule violations, may need to be temporarily withheld from Participants in order to maintain the integrity of the anti-doping process. Similarly, notice to Participants also may need to be temporarily withheld if providing the information might reasonably risk jeopardizing an ongoing or imminent investigation into doping-related activities conducted by an Anti-Doping Organization or law enforcement agencies. The prompt provision of appropriate information to Participants pursuant to this Article 7 is essential given the serious, adverse consequences that might arise if Participants are found to have committed an anti-doping rule violation.]*

**7.3** *Anti-Doping Organizations shall provide the above information, in a manner and format, whether written, oral or otherwise, that Participants or Persons to whom the Personal Information relates can easily comprehend, using clear and plain language. Anti-Doping Organizations shall take into account the age and mental capacity of the Participant or other Person, as well as local practices, customs and the particular circumstances surrounding the Processing of the Personal Information.*

*[7.3 Comment: Anti-Doping Organizations need to determine the most effective means of providing information in particular cases, recognizing that furnishing Participants with written notice is to be preferred when practical. This also may include furnishing notices through generally available sources, such as brochures and Internet websites, alone or preferably in combination with more succinct notices on forms and other documentation provided directly to Participants. Anti-Doping Organizations also must take into account the specific circumstances of the Participant or other Person, in particular factors such as their age or mental capacity that impact their ability to understand the information being presented to them by the Anti-Doping Organization.]*

## **8.0 Disclosures of Personal Information to other Anti-Doping Organizations and Third Parties**

**8.1** *Anti-Doping Organizations shall not disclose Personal Information to other Anti-Doping Organizations except where such disclosures are necessary to allow the Anti-Doping Organizations receiving the Personal Information to fulfill obligations under the Code and in accordance with applicable privacy and data protection laws.*

*[8.1 Comment: In many instances required by the Code, it is necessary for Anti-Doping Organizations to share certain Personal Information relating to Participants with other Anti-Doping Organizations so that they may engage in Code-mandated Testing. For instance, this may occur in order to subject Athletes to In-Competition and Out-of-Competition Testing. In such cases, Anti-Doping Organizations shall cooperate with one another to ensure that the participation by Participants in such*

*Testing remains suitably transparent to Participants and complies with the rules set out in this International Standard and applicable laws.]*

8.2 *Anti-Doping Organizations* shall not disclose Personal Information to other *Anti-Doping Organizations*: (i) where the recipient *Anti-Doping Organizations* cannot establish a right, authority or need to obtain the Personal Information; (ii) where there is evidence that the recipient *Anti-Doping Organizations* do not or cannot comply with this *International Standard*; (iii) where the *Anti-Doping Organization* is prohibited from disclosing the Personal Information by applicable law or restrictions imposed by a competent supervisory authority; or (iv) where the disclosure would seriously compromise the status of an ongoing investigation into anti-doping rule violations. Where an *Anti-Doping Organization* has concerns that another *Anti-Doping Organization* is incapable of complying with this *International Standard*, it shall make its concerns known to the *Anti-Doping Organization* and WADA as soon as possible.

8.3 Apart from the disclosures referenced in Sections 8.1 and 8.2 above, *Anti-Doping Organizations* may disclose Personal Information to Third Parties where such disclosures:

- a. are required by law, regulation or compulsory legal process;
- b. take place with the informed, express consent of the relevant *Participant*; or
- c. are necessary to assist law enforcement or governmental or other authorities in the detection, investigation or prosecution of a criminal offence or breach of the *Code*, provided that the Personal Information is reasonably relevant to the offence in question and cannot otherwise reasonably be obtained by the authorities.

*[8.3.c. Comment: The ability of an Anti-Doping Organization to cooperate and exchange Personal Information with law enforcement agencies and the manner by which this is to occur may depend upon applicable national laws and regulations. Such rules may sometimes require or encourage Anti-Doping Organizations to disclose Personal Information to law enforcement when they are aware that this information may be relevant to an investigation. Anti-Doping Organizations must comply with such national obligations where they exist.]*

## **9.0 Maintaining the Security of Personal Information**

9.1 *Anti-Doping Organizations* shall protect Personal Information that they Process by applying all necessary security safeguards, including physical, organizational, technical, environmental and other measures, to prevent the loss, theft, or unauthorized access, destruction, use, modification or disclosure (including disclosures made via electronic networks) of Personal Information.

*[9.1 Comment: Anti-Doping Organizations shall ensure that any access to Personal Information by their own personnel shall take place on a need-to-know basis only and*

where consistent with assigned roles and responsibilities. Personnel accessing Personal Information should be informed of the need to hold Personal Information in confidence.]

**9.2** *Anti-Doping Organizations* shall apply security measures that take into account the sensitivity of the Personal Information being Processed. *Anti-Doping Organizations* shall apply a higher level of security to the Sensitive Personal Information that they Process, reflecting the correspondingly greater risk that the unlawful or unauthorized disclosure of such information presents to the *Participant* or *Person* to whom the Personal Information relates.

**9.3** *Anti-Doping Organizations* disclosing Personal Information to Third-Party Agents in connection with their Anti-Doping Activities shall ensure that such Third-Party Agents are subject to appropriate controls, including contractual and technical controls, in order to protect the confidentiality and privacy of the Personal Information and to ensure that the Personal Information is only Processed for and on behalf of the *Anti-Doping Organization*.

*[9.3 Comment: Anti-Doping Organizations have an ongoing responsibility to protect any Personal Information under their effective control or in their possession, including Personal Information Processed by their Third-Party Agents, such as IT-service providers, laboratories and external Doping Control Officers. Anti-Doping Organizations shall apply contractual controls that include, inter alia, provisions to ensure Third-Party Agents only process Personal Information on the documented instructions of the Anti-Doping Organization, subject any staff handling Personal Information to a duty of confidentiality, apply appropriate technical security measures and organizational measures to the Personal Information, refrain from engaging other parties to Process the Personal Information without prior authorization and appropriate contractual controls being in place, require assistance where Participants or other Persons assert rights under this International Standard or applicable law, delete or return all Personal Information at the conclusion of the service or upon request, and make information available to the Anti-Doping Organization to demonstrate compliance with such controls. Anti-Doping Organizations shall consider technical controls where Third-Party Agents are granted access to their systems that include, inter alia, access restrictions and authentication requirements.]*

**9.4** *Anti-Doping Organizations* are required to choose Third-Party Agents that provide sufficient guarantees, in accordance with applicable law and this Standard, in respect of the technical security measures and organizational measures governing the Processing to be carried out.

**9.5** In the event of a Security Breach, the responsible *Anti-Doping Organization* shall inform affected *Participants* or other *Persons* of the breach, where this breach is likely to affect in a significant way the rights and interests of those persons concerned. The information must be provided as soon as reasonably possible once the *Anti-Doping Organization* becomes aware of the details of the Security Breach and should describe the nature of the breach, the possible negative *Consequences* for those

*Persons concerned and the remediation measures taken or to be taken by the Anti-Doping Organization. Additionally, the Anti-Doping Organization shall ensure that the Person appointed pursuant to Section 4.5 is also informed about the Security Breach. The Anti-Doping Organization shall keep a record of Security Breaches, including the facts relating to the breach, its effects and remedial actions taken.*

*[9.5 Comment: Security Breach notification obligations are becoming increasingly common throughout the world. Pursuant to Article 4 of this Standard, Anti-Doping Organizations must comply with national obligations that go beyond the Standard (i.e., some national regimes may require additional notification to a competent authority or impose specific timeframes for notification). A breach does not significantly affect an individual when the Personal Information in question is subject to suitable technological protection measures (e.g., encryption) and there is no indication that the protection has been compromised. Notice shall be given by any appropriate means, whether written, verbally or otherwise, taking into account the particular circumstances of the Security Breach, including the prejudice that the relevant Persons may suffer as a result of the Security Breach.]*

**9.6** *Anti-Doping Organizations shall assess their Processing of Sensitive Personal Information and whereabouts information every three years to determine the proportionality and risks of their Processing and to assess any measures, including privacy by design measures that could be taken to reduce the risks for the Participants concerned.*

**9.7** *Anti-Doping Organizations shall ensure that staff Processing Personal Information of Participants is subject to a fully enforceable contractual and/or statutory duty of confidentiality.*

## **10.0 Retaining Personal Information Where Relevant and Ensuring Its Destruction**

**10.1** *As a general rule, retaining Sensitive Personal Information requires stronger or more compelling reasons and justifications than retaining non-Sensitive Personal Information.*

**10.2** *Anti-Doping Organizations shall ensure that Personal Information is only retained where it remains relevant to fulfilling their obligations under the Code or under this Standard or where otherwise required by applicable law, regulation or compulsory legal process. Once Personal Information no longer serves the above purposes, it shall be deleted, destroyed or permanently anonymized.*

**10.3** *In order to ensure the effective application of Article 10.1, Anti-Doping Organizations shall establish clear retention times to govern their Processing of Personal Information consistent with the above-described limitations. Anti-Doping Organizations shall develop specific plans and procedures to ensure the secure retention and eventual destruction of Personal Information.*

**10.4** *Different retention times may be applied to different types of Personal Information and shall take into account the purposes for which the Personal*



Information is Processed in the context of Anti-Doping Activities, including the granting of Therapeutic Use Exemptions, *Testing*, the investigation of doping violations, and the sanctioning of such violations. *Anti-Doping Organizations* shall adhere to those retention times set forth in Annex A (Retention Times), as amended from time to time.

## **11.0 Rights of *Participants* and Other *Persons* with Respect to Personal Information**

**11.1** *Participants* or *Persons* to whom the Personal Information relates shall have the right to obtain from *Anti-Doping Organizations*: (a) confirmation of whether or not *Anti-Doping Organizations* Process Personal Information relating to them, (b) the information as per Article 7.1, and (c) a copy of the relevant Personal Information within one month, where practicable, or as soon as possible thereafter, in a readily intelligible format, and without excessive cost, unless to do so in a particular case plainly conflicts with the *Anti-Doping Organization's* ability to plan or conduct *No Advance Notice Testing* or to investigate and establish anti-doping rule violations.

*[11.1 Comment: Save in exceptional circumstances, (which may include situations where the amount of Personal Information at issue is significant and involves a disproportionate effort to assemble), an Anti-Doping Organization ordinarily is expected to respond no later than 4 weeks from the date a properly formulated request is received. Anti-Doping Organizations shall be entitled to request additional information and clarifications from Participants or Persons in order to be able to respond to their request, including where appropriate additional information to confirm the identity of the Participant or Persons making the request.]*

**11.2** *Anti-Doping Organizations* have to respond to requests from *Participants* or *Persons* to whom the Personal Information relates seeking access to their Personal Information, except if doing so imposes a disproportionate burden on the *Anti-Doping Organizations* in terms of cost or effort given the nature of the Personal Information in question.

**11.3** In the event an *Anti-Doping Organization* refuses to allow a *Participant* or *Person* access to his or her Personal Information, it shall inform the *Participant* and set out in writing the reasons for refusing the request as soon as practicable. *Anti-Doping Organizations* shall ensure that *Participants* only obtain Personal Information relating to themselves, and not relating to other *Participants* or third *Persons*, where they seek to obtain access to Personal Information pursuant to this Article 11.

**11.4** Where an *Anti-Doping Organization's* Processing of Personal Information is shown to be inaccurate, incomplete, or excessive, it shall, as appropriate, rectify, amend, block or delete the relevant Personal Information as soon as possible. If the *Anti-Doping Organization* has disclosed the Personal Information in question to another *Anti-Doping Organization* that to its knowledge or belief continues to Process the Personal Information, it shall inform that *Anti-Doping Organization* of the change as soon as possible, unless this proves impossible or involves a disproportionate effort. The *Anti-Doping Organization* shall inform the *Participant* or *Person* about these *Anti-Doping Organizations* where they request the information.

**11.5** Without prejudice to any other rights a *Participant* or *Person* may have under applicable laws, a *Participant* or *Person* shall be entitled to initiate a complaint with an *Anti-Doping Organization* where he or she has a reasonable, good-faith belief that an *Anti-Doping Organization* is not complying with this *International Standard* and each *Anti-Doping Organization* shall have a documented procedure in place for dealing with such complaints in a fair and impartial manner. In the event that the complaint cannot be satisfactorily resolved, the *Participant* or *Person* may notify *WADA* and/or submit a complaint to *CAS*, which will determine whether a violation occurred. Where the *International Standard* is not being adhered to, the relevant *Anti-Doping Organization* will be required to rectify the breach. Nothing in the standard prevents a *Participant* or *Person* from lodging a complaint with any competent authority responsible for the protection of privacy and personal data, and *Anti-Doping Organizations* shall cooperate with such authorities when investigating the complaint.

# ANNEX A to the INTERNATIONAL STANDARD ON PROTECTION OF PRIVACY AND PERSONAL INFORMATION

## RETENTION TIMES

ADRV: anti-doping rule violation  
AAF: *adverse analytical finding*  
ATF: *atypical finding*  
NAF: non-analytical finding

- I. Referenced data will be deleted no later than the end of the calendar quarter following the expiry of the stated retention period.
- II. For practical reason, retention times are submitted to two categories; 18 months and 10 years.
- III. Retention times can be extended in case of pending anti-doping rule violations.

Module	Data	Retention periods	Remarks	Criteria
<b>1 – Athlete</b>		as of time when <i>Athlete</i> is excluded from ADO's testing pool:	<b>Athlete data relevant for practical purposes and because of multiple violations These data are not particularly sensitive Managed by ADO</b>	
Athlete (general)	Name Date of birth Sport discipline Gender	Indefinitely Indefinitely Indefinitely	This can be retained indefinitely. ADOs should be allowed to keep a record of <i>Athletes</i> that have been part of their <i>Testing</i> pool. For elite <i>Athletes</i> , this information is public information anyway.	
	Phone number(s)	10 yrs	10 years because of possible ADRV: AAF/ATF (stored <i>Sample</i> ) or NAF	Necessity
	Email address	10 yrs	10 years because of possible ADRV: AAF/ATF (stored <i>Sample</i> ) or NAF	Necessity
	Home address	10 yrs	10 years because of possible ADRV: AAF/ATF (stored <i>Sample</i> ) or NAF	Necessity
<b>2 – Whereabouts</b> (except for the <i>Athlete</i> Passport program see section 8)		as of date to which the data relate:	<b>Only small amount of Whereabouts is relevant to retain, but it is impossible to establish which part</b>	
Whereabouts	Whereabouts Failures Missed tests	18 months 18 months 18 months	Can be relevant to establish ADRV retrospectively Relevant to count three Strikes in 12 months time Relevant to count three Strikes in 12 months time	Necessity Necessity Necessity
			If ADRV, will be kept as part of disciplinary file indefinitely (see section 7).	

Module	Data	Retention periods	Remarks	Criteria
<b>3 – TUE</b>			<b>Destroying medical information makes it impossible for WADA to review TUEs retrospectively after TUE has lost its validity TUE information is largely medical and therefore specifically sensitive Managed by ADO / TUEC</b>	
<i>TUE</i>	<i>TUE</i> approval forms	10 yrs as of approval date	Can be relevant in case of re-testing	Proportionality / Necessity
	<i>TUE</i> supp. med information <i>TUE</i> info not included: (i) on the approval form; or (ii) in the supporting medical information	18 month from end of validity of <i>TUE</i>	Loses relevance after expiration of <i>TUE</i> except in case of re-application (and sensitive information)	Proportionality
<b>4 – Testing</b>			<b>Long retention only relevant in case of AAF, ATP, ADRV or stored Sample(s). Managed by ADO</b>	
<i>Testing</i>	Mission orders	as of document creation date / as of first indication of AAF, ATF, ADRV or <i>Sample</i> collection	18 months if there is no indication of an ADRV/ 10 yrs if there is an indication of a possible ADRV, if the <i>Sample</i> is stored for possible re-testing or if it is part of a passport program.	Proportionality /Necessity
	<i>Doping Control</i> Form	18 months / 10 yrs	18 months if there is no indication of an ADRV/ 10 yrs if there is an indication of a possible ADRV, if the <i>Sample</i> is stored for possible re-testing or if it is part of a passport program. Yrs	Proportionality /Necessity
	Chain of Custody	18 months/ 10 yrs	18 months if there is no indication of an ADRV/ 10 yrs if there is an indication of a possible ADRV, if the <i>Sample</i> is stored for possible re-testing or if it is part of a passport program.	Proportionality /Necessity
<b>5 – Samples (lab)</b>			<b>Only positive Samples are a possible privacy issue Managed by Laboratory</b>	
<i>Samples</i>	A <i>Sample</i> B <i>Sample</i>	Indefinitely / 10 yrs Indefinitely / 10 yrs	These <i>Samples</i> are anonymous, and may be retained indefinitely for scientific purposes In case of an AAF, and if the <i>Sample</i> is identifiable, 10 yrs should be the maximum retention time	Proportionality Proportionality

Module	Data	Retention periods	Remarks	Criteria
6 – Test results/ Results management (forms/ documentation)		as of creation of relevant documents:	<b>Relevant because of multiple violations and retrospective analysis Managed by ADO</b>	
Results	Negative findings AAF ATF	10 yrs 10 yrs 10 yrs	Negative results have an historical value and keeping them could be in the interest of the <i>Athlete</i> . Necessary because of multiple violations Necessary because of multiple violations	Proportionality /Necessity Necessity Necessity
7 – Disciplinary Rulings (ADRV)			<b>Relevant because of multiple violations Managed by disciplinary body / sports federation / ADO</b>	
Disciplinary rulings	Sanctions under the <i>Code</i> Arbital awards Relevant supporting documentation/files	Indefinitely Indefinitely Indefinitely	Should be kept indefinitely for legal and precedential value.	Necessity Proportionality
<b>8 – Athlete Biological Passport*</b> * Differentiation between <i>Samples</i> and results. As <i>Samples</i> are not used for directly establishing ADRV, <i>Samples</i> will not be stored, only results * For blood there are no A or B <i>Samples</i> * Only positive <i>Samples</i> are a possible privacy issue. Biological passport. <i>Samples</i> are not positive <i>Samples</i> .				
Results	Results	10 yrs as of date results were obtained	For the biological passport (blood module), the endocrinological/ steroidal urine modules or longitudinal profiling, the retention time for results is 10 yrs 10 yrs when needed to support atypical/abnormal results/to refute <i>Athlete's</i> claims	Necessity
Whereabouts	Whereabouts	10 yrs as of date the data relates to	For cases where circumstances warrant for negative results to be stored for future inclusion in the biological passport (blood module/endocrinological/steroidal urine module): 10 yrs (only needed for limited amount of <i>Athletes</i> )	Necessity



[www.itftennis.com/anti-doping](http://www.itftennis.com/anti-doping)