



The World Anti-Doping Program

GUIDELINES FOR IMPLEMENTING AN EFFECTIVE ATHLETE WHEREABOUTS PROGRAM

Version 2.0

December 2008

TABLE OF CONTENTS

INTRODUCTION AND SCOPE	1
DEFINITIONS	3
GUIDELINES	6
1. General principles (IST clause 11.1)	6
2. Requirements for establishing the <i>Registered Testing Pool</i> (IST clause 11.2)	8
2A Which <i>Athletes</i> should be in the <i>Registered Testing Pool</i> ?	9
2A1 The relationship between the <i>Registered Testing Pool</i> and the <u>Test Distribution Plan</u>	9
2A2 Criteria for inclusion in the <i>Registered Testing Pool</i>	12
2A3 Other whereabouts pools: the 'pyramid' approach	15
2B Publishing the <i>Registered Testing Pool</i> criteria and the names of <i>Athletes</i> who meet those criteria	16
2C Inclusion of the same <i>Athlete</i> in both the <u>International</u> <u>Federation's Registered Testing Pool</u> and his/her <i>NADO's</i> <i>Registered Testing Pool</i>	16
2D Notifying an <i>Athlete</i> that he/she is in a <i>Registered Testing Pool</i> ...17	
2E Periodically reviewing the size and make-up of the <i>Registered</i> <i>Testing Pool</i>	18
3. Whereabouts filing requirements (IST clause 11.3)	19
3A What information must the <i>Athlete</i> provide?	19
3B Establishing an appropriate filing system that facilitates the sharing of an <i>Athlete's Whereabouts Filings</i> with all <i>ADOs</i> with <i>Testing</i> jurisdiction over that <i>Athlete</i>	21
3C Education of <i>Athletes</i>	22
3D Third party filings	23
3E Updates	24

4.	Availability for <i>Testing</i> (IST clause 11.4)	25
4A	Planning a test on an <i>Athlete</i> in a <i>Registered Testing Pool</i>	25
4B	Making a reasonable attempt to test an <i>Athlete</i> during the 60-minute time-slot	26
5.	Team Sports (IST clause 11.5)	30
6.	Results management (IST clause 11.6)	32
6A	Results management in respect of an apparent <u>Filing Failure</u>	32
6B	Results management in respect of an apparent <u>Missed Test</u>	34
DOCUMENT ANNEX		<u>D-1</u>

Doc. No.	Document Description	Page
1	Notice to <i>Athlete</i> of inclusion in <i>Registered Testing Pool</i> (IST 11.3.5(a) and IST 11.4.3(a))	D-2
2	Notice to <i>Athlete</i> of apparent <u>Filing Failure</u> (IST clause 11.6.2(a))	D-6
3	Notice of decision not to take matter forward as a <u>Filing Failure</u> (IST 11.6.2(b))	D-9
4	Notice of decision to take matter forward as a <u>Filing Failure</u> (IST 11.6.2(c))	D-10
5	Notice of result of administrative review of apparent <u>Filing Failure</u> (IST clause 11.6.2(f))	D-12
6	<u>Unsuccessful Attempt Report</u> (IST clause 11.6.3(a))	D-14
7	Notice to <i>Athlete</i> of apparent <u>Missed Test</u> (IST clause 11.6.3(b))	D-17
8	Notice of decision not to take matter forward as a <u>Missed Test</u> (IST 11.6.3(c))	D-20
9	Notice of decision to take matter forward as a <u>Missed Test</u> (IST 11.6.3(d))	D-21
10	Notice of result of administrative review of apparent <u>Missed Test</u> (IST clause 11.6.3(g))	D-23

INTRODUCTION AND SCOPE

The *Signatories* to the World Anti-Doping Code recognize that effective *Out-of-Competition Testing* programmes are essential to the fight against doping in sport. They also recognize that effective *Out-of-Competition Testing* depends upon accurate and complete *Athlete* whereabouts information.

As a result, the *Code* requires *Athletes* in *Registered Testing Pools*: (a) to provide detailed information, on a quarterly basis, about their whereabouts in the following quarter; and (b) to be available at those whereabouts for *Out-of-Competition Testing*. If an *Athlete* in a *Registered Testing Pool* fails to meet those requirements three (3) or more times in any 18-month period, he/she commits an anti-doping rule violation under *Code* Article 2.4, and is liable to be banned from sport for a period of between 12 and 24 months (or more if it is a repeat offence). See *Code* Articles 10.3.3 and 10.7.

It is International Federations and *NADOs* that bear primary responsibility for administering these whereabouts requirements, first by designating *Athletes* under their jurisdiction for inclusion in (respectively) international and national *Registered Testing Pools*, and then by collecting whereabouts information from those *Athletes*, using that information to test those *Athletes Out-of-Competition*, and also making that information available to other *ADOs* with *Testing* jurisdiction over those *Athletes*, so that they can test them *Out-of-Competition* as well.

International Federations and *NADOs* then also have primary results management responsibility when *Athletes* in their respective *Registered Testing Pools* fail to file proper whereabouts information (Filing Failures) or are not present where they said they would be for *Testing* purposes (Missed Tests). (See generally IST clauses 11.7.1 and 11.7.3).

Other parties also have responsibilities in relation to whereabouts. National Federations have a specific obligation to assist in obtaining whereabouts information from *Athletes* under their jurisdiction, and both International Federations and *NADOs* may delegate further whereabouts responsibilities to them. (IST clauses 11.7.2, 11.7.4, 11.7.5).

Meanwhile, any *Anti-Doping Organization* that seeks to collect a *Sample* from an *Athlete* using his/her whereabouts information may only declare a Missed Test on that *Athlete* if it has met the requirements of IST clause 11.4.3, including making a reasonable attempt to find the *Athlete* at his declared whereabouts. (IST clause 11.6.3).

The relevant principles are set out in Articles 2.4, 5.1.1, 10.3.3 and 14.3 of the *Code* and the specific whereabouts requirements are detailed in Section 11 of the *International Standard for Testing*. There is also significant guidance as to the implementation of these requirements set out in the comments to the relevant provisions of the *International Standard for Testing*.

These Athlete Whereabouts Guidelines were developed in consultation with various stakeholders in meetings in October and November 2008. They are not mandatory in themselves, but are intended to give additional guidance to *Anti-Doping Organizations* as to the most efficient, effective and responsible way of discharging their whereabouts responsibilities and implementing the mandatory whereabouts requirements of the *Code* and the *International Standard for Testing*. The Guidelines can be incorporated in whole or in part into an *Anti-Doping Organization's* rules, practices and procedures, either in their original form, or as amended or reworded to best suit each *Anti-Doping Organization's* needs.

As with all Guidelines under the World Anti-Doping Program, this document is subject to ongoing review and assessment to ensure that it continues to reflect best practice. WADA encourages feedback on the content of the Guidelines, and recommends that stakeholders always consult the WADA website (at www.wada-ama.org) for the latest version.

DEFINITIONS

Words appearing in italicized text, or in underlined text, or with capital letters, carry the definitions set out below, which are taken from the *Code* (italicized text) or from an *International Standard* (underlined text), or else are specific to these Guidelines (capital letters only):

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.

Anti-Doping Organization (ADO): 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 participates in sport at the international level (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organization*, including but not limited to those *Persons* in its *Registered Testing Pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organization accepting the *Code*. ...

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*.

Code: The World Anti-Doping *Code*.

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, therapeutic use exemptions, results management and hearings.

Doping Control Officer (DCO): An official who has been trained and authorized by the *ADO* with delegated responsibility for the on-site management of a *Sample* collection session.

Filing Failure: A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated this task, in accordance with clause 11.3.6 or clause

11.5.4 of the *International Standard for Testing*) to make an accurate and complete Whereabouts Filing in accordance with clause 11.3 or clause 11.5.6 of the *International Standard for Testing*.

International Federation (IF): An international non-governmental organization administering one or more sports at world level.

International Standard: A standard adopted by WADA in support of the Code. 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. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard*.

IST: The *International Standard for Testing*.

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 clause 11.4 or clause 11.5.6 of the *International Standard for Testing*.

National Anti-Doping Organization (NADO): The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organization* for such countries. 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 Federation: A national non-governmental organization administering one or more sports at a national level.

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

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

Registered Testing Pool (RTP): The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* ...

Responsible ADO: The *Anti-Doping Organization* with responsibility for a particular whereabouts matter, as specified in IST clause 11.7.

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

Team Activity: As defined in clause 11.5.3 of the *International Standard for Testing*.

Test Distribution Plan: As defined in clause 4.2.1 of the *International Standard for Testing*.

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

Unsuccessful Attempt Report: A detailed report of an unsuccessful *Testing* attempt, as more fully described in clause 11.6.3(a) of the *International Standard for Testing*.

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 clause 11.3 of the *International Standard for Testing* (or optionally, in the case of a *Team Sport*, in accordance with clause 11.5 of the *International Standard for Testing*).

WADA: The World Anti-Doping Agency.

GUIDELINES

1. General principles (IST clause 11.1)

1.1 The 2009 *Code* harmonizes the area of whereabouts, by requiring ADOs to implement the standardized whereabouts requirements set out in the *International Standard for Testing*. As a result, all *Athletes* in *Registered Testing Pools* are subject to the same whereabouts requirements, which means that Whereabouts Failures declared against such an *Athlete* by different *Anti-Doping Organizations* can be recognized and aggregated for purposes of determining violations of *Code* Article 2.4 (whereabouts anti-doping rule violation).

1.2 The key *Code* provisions on this subject are as follows:

1.2.1 *Code* Article 2.4, which makes the following an anti-doping rule violation:

Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition Testing*, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the *International Standard for Testing*. Any combination of three missed tests and/or filing failures within an eighteen-month period as determined by *Anti-Doping Organizations* with jurisdiction over the *Athlete* shall constitute an anti-doping rule violation.

[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of the Athlete's International Federation or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]

1.2.2 *Code* Article 5, which states (in pertinent part):

... In coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Athletes*, and consistent with the *International Standard for Testing*, each *Anti-Doping Organization* shall:

5.1.1 Plan and conduct an effective number of *In-Competition* and *Out-of-Competition* tests on *Athletes* over whom they have jurisdiction, including but not limited to *Athletes* in their respective *Registered Testing Pools*. Each *International Federation* shall establish a *Registered Testing Pool* for

International-Level Athletes in its sport, and each *National Anti-Doping Organization* shall establish a national *Registered Testing Pool* for *Athletes* who are present in that *National Anti-Doping Organization's* country or who are nationals, residents, licence holders or members of sports organizations of that country. In accordance with [Code] Article 14.3, any *Athlete* included in a *Registered Testing Pool* shall be subject to the whereabouts requirements set out in the *International Standard for Testing*.

1.2.3 Code Article 10.3.3, which provides as follows:

For violations of Article 2.4 (Whereabouts Filing Failures and/or Missed Tests), the period of *Ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *Athlete's* degree of fault.

[Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the circumstances of the case.]

1.2.4 Code Article 14.3, which provides as follows:

As further provided in the *International Standard for Testing*, *Athletes* who have been identified by their International Federation or *National Anti-Doping Organization* for inclusion in a *Registered Testing Pool* shall provide accurate current location information. The International Federations and *National Anti-Doping Organizations* shall coordinate the identification of *Athletes* the collecting of current location information and shall submit these to WADA. The information will be accessible, through ADAMS where reasonably feasible, to other *Anti-Doping Organizations* having jurisdiction to test the *Athlete* as provided in Article 15. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Testing*; and shall be destroyed after it is no longer relevant for these purposes.

1.3 Section 11 of the *International Standard for Testing* contains detailed provisions that set out the whereabouts requirements in detail, and create a framework for their practical implementation. The comments to the provisions of Section 11 included in the *International Standard for Testing* provide further detailed guidance for the implementation of those requirements.

1.4 The purpose of these Athlete Whereabouts Guidelines is not to repeat that guidance but to supplement it as necessary to assist ADOs in

implementing the whereabouts requirements effectively, efficiently and responsibly. *ADOs* should read these Guidelines together with the *Code*, the *International Standard for Testing*, and in particular the provisions of and comments to Section 11 of the *International Standard for Testing*.

- 1.5 For ease of reference, the structure of these Guidelines tracks the structure of Section 11 of the *International Standard for Testing*.

2. **Requirements for establishing the *Registered Testing Pool* (IST clause 11.2)**
 - 2.1 Each International Federation is required to establish and maintain a pool of *Athletes* under its jurisdiction, to be known as its *Registered Testing Pool*. (See *Code* Article 5.1.1; IST clause 11.7.1(a)).
 - 2.2 Each *NADO* is required to do the same in respect of *Athletes* under its jurisdiction (i.e., *Athletes* who are present in its country or who are nationals, residents, license-holders or members of sports organizations of that country). (See *Code* Article 5.1.1; IST clause 11.7.3(a)).
 - 2.3 Under the 2003 version of the *Code*, the main purpose of the *Registered Testing Pool* was to identify all of those *Athletes* that would fall within the *Testing* program of the *ADO* in question.
 - 2.4 Under the 2009 version of the *Code*, that has changed. Now the *ADO* uses its Test Distribution Plan, drawn up in accordance with Section 4 of the *International Standard for Testing*, to identify all of the *Athletes* who fall within its *Testing* program and so may be made the subject of *In-Competition* and/or *Out-of-Competition Testing*. (See e.g. IST clause 4.4.4). It then uses the *Registered Testing Pool* to identify that sub-set of *Athletes* within its *Testing* program from whom it will collect whereabouts information to assist in locating them for purposes of *Out-of-Competition Testing*. *Athletes* in a *Registered Testing Pool* are therefore required to comply with the specific whereabouts requirements of Section 11 of the *International Standard for Testing*, by filing whereabouts information with the *ADO* and by being available at such declared whereabouts for *Out-of-Competition Testing*. (See IST clauses 11.1.2 and 11.1.3).
 - 2.5 As a consequence, and as further discussed at section 2A, below, an *ADO's Registered Testing Pool* is likely to be significantly smaller under the 2009 *Code* than it was under the 2003 *Code*.

2A Which Athletes should be in the Registered Testing Pool?

- 2.6 IST clause 11.2 makes clear that each International Federation and each *NADO* has discretion to determine the size and make-up of its *Registered Testing Pool* that best meets the needs of the sport/country over which it has anti-doping jurisdiction. However, IST clause 11.2 also sets out certain factors that the International Federation/NADO must take into account in exercising that discretion, including in particular its evaluation of the risks of *Out-of-Competition* doping in the relevant sport. (See IST clauses 11.2.1 and 11.2.2).
- 2.7 This means that the number of *Athletes* in an international *Registered Testing Pool* may vary from sport to sport; and the number of *Athletes* in a national *Registered Testing Pool* may vary from country to country. However, each International Federation/NADO must be able to demonstrate it has made a proper assessment of the relevant risks and has adopted appropriate criteria based on the results of that assessment. (See IST clauses 11.2.1 and 11.2.2).
- 2.8 In particular, an International Federation/NADO cannot say that a history of few if any *Adverse Analytical Findings* demonstrates there is no risk of *Out-of-Competition* doping in a particular sport. Unless there has been a full and effective *Out-of-Competition Testing* programme in that sport, based on the use of comprehensive *Athlete* whereabouts information and other anti-doping intelligence, an absence of *Adverse Analytical Findings* says little if anything about the risk of *Out-of-Competition* doping in the sport in question.

2A1 The relationship between the Registered Testing Pool and the Test Distribution Plan

- 2.9 The International Federation/NADO should not require *Athletes* to provide the daily whereabouts information required under IST Section 11 unless that information is going to be used by the International Federation/NADO and/or other *ADOs* to locate the *Athletes* for purposes of *Out-of-Competition Testing*.
- 2.10 It follows that the International Federation/NADO cannot begin to consider the size and make-up of its *Registered Testing Pool* until it has drawn up the Test Distribution Plan for its sport/country for the relevant period. That is because it is only in drawing up the Test Distribution Plan that the International Federation/NADO will identify how much *In-Competition Testing* it is going to conduct and how much *Out-of-Competition Testing* it is going to conduct in the relevant period (and how much of that *Out-of-Competition Testing* it is going to conduct on *Athletes* in its *Registered Testing Pool*).

- 2.11 The process of drawing up a Test Distribution Plan is set out in some detail in Section 4 of the *International Standard for Testing*, and is to be further discussed in the *Test Distribution Planning Guidelines*. For present purposes, the key points to note are as follows:
- 2.11.1 *Code* Article 5.1.1 requires an *ADO* to plan and conduct an effective number of *In-Competition* and *Out-of-Competition* tests on *Athletes* over whom they have jurisdiction, including but not limited to *Athletes* in their respective *Registered Testing Pools*.
- 2.11.2 The purpose of the Test Distribution Plan is to allocate the limited resources that are available for *Testing* efficiently and effectively across the different sports (in the case of a *NADO*), the different countries (in the case of an International Federations) and the different disciplines, age-groups etc. under its jurisdiction (in the case of both *NADOs* and International Federations). (See IST clause 4.2).
- 2.11.3 The basis of the Test Distribution Plan is a considered evaluation of the risks of doping for the sport(s)/country(ies)/discipline(s) in question. This must include an allocation of *Testing* resources as between *In-Competition* periods and *Out-of-Competition* periods, depending on an assessment of the relative risks of doping in each such period. Where it is perceived that the risk of doping is higher in *In-Competition* periods than in *Out-of-Competition* periods, then *In-Competition Testing* must be made a priority, and a substantial amount of *Testing* must be conducted *In-Competition*. On the other hand, where it is perceived that the risk of doping is higher in *Out-of-Competition* periods than in *In-Competition* periods, then *Out-of-Competition Testing* must be made a priority, and a substantial amount of *Testing* must be conducted *Out-of-Competition*. (See IST clause 4.3).
- 2.11.4 Once it has decided how much *Out-of-Competition Testing* it is going to do in the relevant period, the International Federation/NADO must decide how much of that *Out-of-Competition Testing* it is going to do on *Athletes* in its *Registered Testing Pool* (i.e. those *Athletes* for whom it will have whereabouts information) and how much it is going to devote to *Athletes* who are not in its *Registered Testing Pool* (i.e. for whom it will not have whereabouts information, or at least not the full whereabouts information required under IST 11.3). (See IST clause 4.4).

- 2.12 It is only in sports where it can be clearly shown that *Out-of-Competition* doping is unlikely to enhance performance or provide other illicit advantages that it will be acceptable to do significantly fewer *Out-of-Competition* tests than *In-Competition* tests. Such sports are likely to be very much the exception rather than the norm.
- 2.13 Once the International Federation/NADO has finalised its Test Distribution Plan, and so knows how much *Testing* is allocated to the *Athletes* in its *Registered Testing Pool* for the relevant period, that number should operate as a key parameter in determining the size and make-up of its *Registered Testing Pool*. This is because it would be inappropriate to require *Athletes* to provide whereabouts information, and to make sure they are where they have said they will be, if that information is not going to be used to find them for *Testing* purposes.
- 2.14 For example, if an International Federation/NADO draws up a Test Distribution Plan that provides for 2,000 tests to be conducted *Out-of-Competition* on *Athletes* in the *Registered Testing Pool* in the following 12 months, it would be inappropriate to put 5,000 *Athletes* in the *Registered Testing Pool* for that period.
- 2.15 On the other hand, it will never be appropriate for an International Federation to have no *Athletes* in its *Registered Testing Pool*:
- 2.15.1 Even in a sport where it appears that *Out-of-Competition* doping is unlikely to enhance performance or provide other illicit advantages, some material amount of *Out-of-Competition Testing* must be conducted. (See IST clauses 4.3.5 and 4.3.6).
- 2.15.2 Furthermore, an 'appropriate' amount of that *Out-of-Competition Testing* must be conducted on *Athletes* in the *Registered Testing Pool*, using the whereabouts information those *Athletes* have provided. (See IST clause 4.4.4).
- 2.15.3 As a result, even in those (exceptional) sports where the risk of *Out-of-Competition* doping is considered to be low, there will still need to be *Out-of-Competition Testing*, and there will still need to be a *Registered Testing Pool* of some *Athletes* providing whereabouts information for purposes of such *Testing*.
- 2.16 However, in sports where it is not possible to say that *Out-of-Competition* doping is unlikely to enhance performance or provide other illicit advantages (i.e., in the vast majority of sports), the amount of *Out-of-Competition Testing* required will be much greater,

and therefore the number of *Athletes* in the *Registered Testing Pool* will be much larger.

2A2 Criteria for inclusion in the *Registered Testing Pool*

- 2.17 Having determined approximately how many *Athletes* should be in its *Registered Testing Pool*, the International Federation/NADO has to identify and document the criteria for *Athletes* to be included in that pool.
- 2.18 The IST establishes the following basic principles for identifying the appropriate criteria for inclusion of *Athletes* in a *Registered Testing Pool*:
- 2.18.1 The expectation is that an international *Registered Testing Pool* will include *Athletes* 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. (See comment to IST clause 11.2.1).
- 2.18.2 The expectation is that, unless good reason exists otherwise (for example, if such inclusion is inconsistent with the *NADO's* national anti-doping policy imperatives: see IST clause 4.3.1), a national *Registered Testing Pool* will include (a) *Athletes* over which a *NADO* has jurisdiction that have been included in an international *Registered Testing Pool*; (b) *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); and (c) *Athletes* who train independently but perform at Olympic/Paralympic or World Championship level and may be selected for such events: see comment to IST clause 11.2.2.
- 2.18.3 In each case, however, the Responsible ADO should also include in its *Registered Testing Pool* (a) *Athletes* who are serving periods of *Ineligibility* (see *Code* Article 10.11); (b) *Athletes* who retired while in the *Registered Testing Pool* and now want to return to competition (see *Code* Article 5.4); and may also include (c) any *Athletes* under its jurisdiction that it wishes to target for *Testing*: IST clause 11.2.3. (Examples of *Athletes* in the final category might include *Athletes* training with *Athlete Support Personnel* previously associated with doping practices; *Athletes* for whom reliable information from a third party has indicated possible doping practices; and similar; *Athletes* who have achieved a significant and unexpected improvement in performance; and similar).

- 2.19 Clearly, what criteria are appropriate may vary considerably from sport to sport, depending on the specific characteristics of the particular sport.
- 2.20 *Code* Article 14.3 requires International Federations and *NADOs* to coordinate with each other as much as possible in identifying *Athletes* to be included in their respective pools. And IST clause 11.2 requires a *NADO* to include in its *Registered Testing Pool* any *Athletes* under its jurisdiction who are in their International Federation's Registered Testing Pool (unless good reason exists not to include them). This means effective and efficient communication will be required between International Federations and *NADOs*.
- 2.21 However:
- 2.21.1 An International Federation is not bound by a *NADO's* assessment of the risks of doping in a particular sport, and a *NADO* is not bound by an International Federation's assessment of the risks of doping in a particular sport. (See IST clause 4.3.1).
- 2.21.2 An International Federation is entitled to take into account, in drawing up its Test Distribution Plan, the strength of the national anti-doping programme within each country under its jurisdiction. (See IST clause 4.3.1). This may lead it to focus its anti-doping resources in those countries where there is no *NADO*, or where the *NADO* has insufficient resources to allocate to *Athletes* in its country who are competing at an elite level in the International Federation's sport.
- 2.21.3 International Federations and *NADOs* will not necessarily share exactly the same focus. For example, International Federations will be focused on protecting the integrity of the sport generally and *International Events* in particular, whereas *NADOs* will be focused on protecting the integrity of sport in their respective countries, which may include focusing not only on elite-level *Athletes* but also on developing *Athletes* as well.¹

¹ This may not always be the case. Any Responsible ADO may decide that it is better to focus more on *Athletes* who aspire to elite status than on those who have already attained elite status. Therefore, age-group *Athletes* could be put into the *Registered Testing Pool*. For example, in a *Team Sport*, it may be the *Athletes* in the national teams ranked in the top 10 in the Under-21 age-group who are put in the *Registered Testing Pool*.

2.21.4 Furthermore, a *NADO* that does not have sufficient *Testing* resources to cover every single sport played in its country is entitled to prioritize certain sports above others in accordance with its national anti-doping policy imperatives. This may mean that the *NADO* does not put *Athletes* from other sports in its *Registered Testing Pool*, even if they have been put in their International Federation's *Registered Testing Pool*. (See IST clause 4.3.1).

2.22 Subject to those principles:

2.22.1 In non-*Team Sports*, examples of potentially relevant criteria for *Registered Testing Pools* might include:

2.22.1.1 Medal-winners from the most recent Olympic/Paralympic Games or World Championships.

2.22.1.2 The top ranked *Athletes* in each discipline and/or weight category.

2.22.1.3 Additional *Athletes* from those disciplines and/or weight categories where doping may be of particular benefit.

2.22.1.4 *Athletes* whose performances are in the top 5/10/20 for the previous/current year.

2.22.2 In *Team Sports*, *Registered Testing Pools* may be defined by reference to teams, i.e., so that the *Athletes* in the *Registered Testing Pool* are some or all of the *Athletes* who play for particular teams (identified by name, ranking or other suitable criteria) during the relevant period: IST clause 11.5.1. Examples of potentially relevant criteria for *Registered Testing Pools* in *Team Sports* might include:

2.22.2.1 Medal-winners from the most recent Olympic/Paralympic Games and/or World Championships.

2.22.2.2 Some or all members of the national representative teams that qualified for the most recent World Championships.

2.22.2.3 Some or all members of the top-ranked teams according to the International Federation's official rankings.

- 2.22.3 Special considerations for NADOs may include the national anti-doping imperatives referenced at IST clause 4.3.1, those *Athletes* under its jurisdiction who have been included in an International Federation's Registered Testing Pool, those *Athletes* in receipt of public funding, and any other *Athletes* competing (or with the potential to compete) at the highest levels of national competition.
- 2.23 The Responsible ADO should also 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 Championships.
- 2.24 The Responsible ADO should also consider at what point the criteria are to be applied. For example, if the criterion is (say) the top 100 ranked men and top 100 ranked women in a particular discipline, or top 10 teams from one or more age-groups, the Responsible ADO will have to specify that it is the rankings as of a particular date that apply.

2A3 Other whereabouts pools: the 'pyramid' approach

- 2.25 In fixing its *Registered Testing Pool*, the International Federation/NADO is entitled to bear in mind the ability to create other pools of *Athletes* who are subject to different whereabouts requirements. (See IST clauses 11.1.6 and 11.5.7). This discretion is designed in particular to give *ADOs* the flexibility to maintain larger pools of *Athletes* from whom some whereabouts information is obtained, which may not meet the requirements of the IST but which is nevertheless useful information that can be used to increase the effectiveness of the *ADO's Out-of-Competition Testing* program.
- 2.26 For example, an *Athlete* may not be included in a *NADO's Registered Testing Pool* at the start of a particular year. Instead, the rules of his/her National Federation may require him/her to provide certain limited whereabouts information (e.g., declaring only when he/she will be with other *Athletes* on the same *Team*, participating in Team Activities). In such circumstances:
- 2.26.1 If the *Athlete* fails to comply with those requirements, that will not be a Whereabouts Failure under *Code* Article 2.4, but instead it will be a breach of the National Federation's rules for which the sanction(s) specified in those rules will apply. (One potential sanction may be, for example, that the *Athlete* is put forward for inclusion in the International Federation's and/or *NADO's Registered Testing Pool*).

2.26.2 However, if during the year the *Athlete* is put into a *Registered Testing Pool*, then he/she will no longer be subject to the whereabouts requirements set out in the National Federation's rules, but instead will be subject to the more stringent whereabouts requirements of IST Section 11. Any failure to meet those requirements will then be a Whereabouts Failure that can be combined with other Whereabouts Failures for purposes of *Code* Article 2.4.

2B Publishing the *Registered Testing Pool* criteria and the names of *Athletes* who meet those criteria

2.27 Once it has devised its criteria for including *Athletes* in its *Registered Testing Pool*, the International Federation/NADO is required to publish those criteria, and a list of the *Athletes* who meet the criteria and so are included in its *Registered Testing Pool*. (See IST clauses 11.2.1 and 11.2.2).

2.28 This can be done by publication on a website, or in an appendix to the *ADO's* anti-doping rules, or in any other appropriate manner. However, it does not necessarily have to be done in a manner that makes the criteria and list of names generally available to the public. It is sufficient if the criteria and the list of names of *Athletes* who meet those criteria are made available in writing to *WADA*, the International Federation/NADO (as applicable), and all other *Anti-Doping Organizations* who also have *Testing* jurisdiction over those *Athletes*. (See *Code* Article 14.3).

2.29 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 appropriate *ADOs*.

2.30 It is particularly important that an International Federation communicates promptly and clearly with *NADOs* whose *Athletes* might be in the International Federation's *Registered Testing Pool*, so that they can discuss and agree on which of the International Federation and the *NADO* will collect whereabouts information from those *Athletes* who are also in the *NADO's* *Registered Testing Pool*. (See section 2C).

2C Inclusion of the same *Athlete* in both the International Federation's *Registered Testing Pool* and his/her *NADO's* *Registered Testing Pool*

2.31 An International Federation and a *NADO* will have concurrent jurisdiction over certain *Athletes*. (See *Code* Articles 5.1 and 15.2). As a result, as noted above, an *Athlete* may simultaneously be in the

Registered Testing Pool of both its International Federation and its *NADO*.

- 2.32 However, an *Athlete* must not be asked to provide whereabouts information to more than one *ADO*. Instead, the International Federation and the *NADO* must agree between themselves which of them will take responsibility for collecting the *Athlete's* whereabouts information, and for making it available to the other and to other *ADOs* with *Testing* jurisdiction over the *Athlete*. (See IST clauses 11.3.1; 11.7.1(c); and 11.7.3(c)).
- 2.33 If there is a pre-existing agreement between an International Federation and a *NADO* as to the collection of whereabouts information from certain *Athletes*, then in the ordinary course that should be continued. Otherwise, however, neither an International Federation nor a *NADO* can insist that it (or the other) takes responsibility for collecting whereabouts information from an *Athlete* in both pools. Instead, they are required to discuss and agree the matter between them to their mutual satisfaction, which means communicating clearly and promptly with each other on the subject.
- 2.34 If agreement cannot be reached, then the International Federation and *NADO* should each explain in writing to *WADA* how they believe the matter should be resolved, and *WADA* will decide based on what is in the best interests of the *Athlete*, taking into account (without limitation) the following factors: (a) if one of the *ADOs* uses *ADAMS* and the other does not, the one using *ADAMS* will be favoured; and (b) if there is an established prior practice or agreement, that should continued to be followed/respected absent good reason.

2D Notifying an *Athlete* that he/she is in a *Registered Testing Pool*

- 2.35 The International Federation/NADO 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*;
 - 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.
- 2.36 The notice should also explain what the *Athlete* needs to do in order to comply with those requirements.

- 2.37 If the *Athlete* is in the International Federation's Registered Testing Pool and the *NADO's Registered Testing Pool*, then each of them should notify the *Athlete* that he/she is in its pool. Prior to doing so, however, they should resolve between them which of the International Federation and the *NADO* should be the Responsible ADO for purposes of collecting whereabouts information from the *Athlete* (see section 2C, above), and each notice sent to the *Athlete* should specify that he/she should provide his/her whereabouts information only to the Responsible ADO.
- 2.38 In each case, the notification may be made through the National Federation or *National Olympic Committee* where the International Federation/NADO considers it appropriate or expedient to do so. (See IST clause 11.72(b); IST clause 11.7.5; comment to IST clause 11.5.4).
- 2.39 Without proof of such notification, an *ADO* cannot establish either a Filing Failure or a Missed Test on the part of the *Athlete*. (See IST clauses 11.3.5(a) and 11.4.3(a)).
- 2.40 A template notice letter to an *Athlete*, meeting the requirements of IST clauses 11.7.1(b) and 11.7.3(b), can be found at Annex 1, Document 1. (An *ADO* will need to adapt the template to reflect its own particular circumstances before use).

2E Periodically reviewing the size and make-up of the Registered Testing Pool

- 2.41 The International Federation/NADO is required to review its *Registered Testing Pool* criteria periodically to ensure that they remain fit for purpose, i.e., they are capturing all appropriate (but only appropriate) *Athletes*. (See IST clause 11.2.4). At the very least, this must be done when drawing up the next Test Distribution Plan.
- 2.42 The International Federation/NADO must also periodically review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the necessary criteria: IST clause 11.2.4. In other words, it must determine how often the criteria are to be re-applied (to 'refresh' the list of *Athletes* in the *Registered Testing Pool*) during the following year. There are no uniform requirements for when this should be done. If the rankings in the particular sport/discipline remain relatively static throughout the year, it may only be necessary to 'refresh' the *Registered Testing Pool* once a year. If the rankings change materially during the year, it may be appropriate to re-apply the rankings criterion every six months, or even every quarter. As a general principle, however, changing the make-up of the *Registered Testing Pool* too frequently should be

avoided, because of the burden of notifying and training new entrants in the whereabouts requirements applicable to them. International Federations/NADOs should therefore consider whether it is really necessary to re-apply the basic criteria during the year, or alternatively whether they can address any particular developments during the year by using the residual discretion they always have to add an *Athlete* to the pool at any time. (See IST 11.2.3).

3. **Whereabouts filing requirements (IST clause 11.3)**

3A What information must the *Athlete* provide?

- 3.1 IST clause 11.3 sets out in detail what whereabouts information must be provided by an *Athlete* in a *Registered Testing Pool*, and when. Where daily information is required, it must be provided for each day of the following quarter, even if the *Athlete* is travelling, or competing, or on holiday, on any such day.
- 3.2 For basic guidance on what information will not be sufficient, and therefore will amount to a Filing Failure, see IST clauses 11.3.1(e), 11.3.2, and in particular the comments to clauses 11.3.3 and 11.3.5(b).
- 3.3 The overriding principle is that it is the responsibility of the *Athlete* to make him/herself available for *Testing*. In particular, if the *Athlete* specifies a location for the 60-minute time-slot where it is not easy to find him/her, and/or he/she does not remain at that location for the full 60-minute time-slot, he/she risks a Missed Test.
- 3.4 **Residence:** The *Athlete* must provide, for each day in the following quarter, the full address of the place where he/she will be residing (i.e., sleeping overnight). (See IST clause 11.3.1(d)). Usually, that address would be expected to be in the same vicinity as the location specified for the 60-minute time-slot for that day, unless the *Athlete* will be travelling to another city or town during the day and wishes to specify a location at his/her destination for the 60-minute time-slot. If circumstances change so that the *Athlete* will be residing at a different place on one or more nights, he/she should update his/her Whereabouts Filing to identify where he/she will now be residing.
- 3.5 **Regular Activities:** The *Athlete* must provide the name and address of each location where he/she will train, work or conduct any other regular activity during the following quarter, as well as the usual time-frames for such regular activities. (See IST clause 11.6.3(e)). In relation to this requirement:

- 3.5.1 For these purposes, an activity is only 'regular' if it is done as part of a standard schedule/in accordance with a routine pattern or practice. For example, if an *Athlete* goes for a run every Friday, it qualifies as a regular activity for these purposes and should be disclosed on his/her Whereabouts Filing. But if he/she runs once a week, but the day on which he/she runs varies from week to week, depending on the weather or other variables, that does not qualify as, and so does not have to be disclosed as, a 'regular activity' on his/her Whereabouts Filing.
- 3.5.2 If the *Athlete's* regular schedule changes during the quarter, he/she should update his/her Whereabouts Filing to reflect the change. For example, if he/she changes schedule so that instead of going to the gym every morning from 10 am to noon, he/she goes every afternoon from 2pm to 4pm, then he/she should update his/her Whereabouts Filing to reflect that change.
- 3.5.3 On the other hand, if the *Athlete* simply departs from his/her regular schedule on a one-off basis, he/she does not need to update his/her Whereabouts Filing to reflect that. For example, if he/she usually goes to the gym every morning from 10 am to noon, but on one particular day in the quarter he/she goes to the gym not between 10 am and noon but instead between 3 pm and 4 pm, no update is necessary to reflect that.
- 3.6 **60 minute timeslot:** The *Athlete* must provide, for each day during the following quarter, one specific 60-minute time-slot between 6 am and 11 pm each day where the *Athlete* will be available and accessible for *Testing* at a specific location. (See IST clause 11.3.2). If circumstances change so that the *Athlete* will no longer be at that location at that time, he/she should update his/her Whereabouts Filing to identify a new time-slot and/or a new location for the original time-slot.
- 3.7 As the comment to IST 11.3.3 states, if an *Athlete* does not know, at the beginning of the quarter, precisely what his/her whereabouts will be for each day in the quarter, he/she must provide his/her best information, based on where he/she expects to be at the relevant time(s), and then update that information as necessary in accordance with IST clause 11.4.2. So, for example:

- 3.7.1 If an *Athlete* knows that during the second week of the first month of the following quarter, he/she will be in New York, staying at the players' official hotel while preparing for and then competing in a 'US Open' event, but does not yet know which hotel is the official hotel, he/she should put "*US Open players' official hotel, New York, NY, further details to be advised*" as the place where he/she will be residing that week, and designate that same location and an hour when he/she will be in the hotel room (eg 6am to 7am) for the 60 minute time-slot for that day. Thereafter, as soon as the *Athlete* is advised of the name and address of the official hotel, he/she should update his/her Whereabouts Filing with those details. Once he/she has further details of his/her schedule while in New York, he/she should consider whether he/she wants to designate a new time and/or location for the 60-minute time-slot or leave the original filing as is.
- 3.7.2 If an *Athlete* will generally be at home during the next quarter, will be away at some point during the quarter, but is not sure when, where or for how long, then for the whole of the relevant period he/she should put down as the residence address (and, at his/her election, as the location for the 60-minute time-slot) the place where he/she will be staying if he/she does not go away. As soon as the *Athlete* receives the details of the trip, he/she must update his/her Whereabouts Filing to reflect those details.
- 3.8 The Responsible ADO should monitor Whereabouts Filings for patterns of behaviour that may indicate an attempt to evade *Sample* collection or otherwise to undermine or hinder the *Doping Control* process. For example, if an *Athlete* is constantly updating his/her Whereabouts Filings to change the time and/or location for his/her 60-minute time-slot at the last minute, the Responsible ADO should consider whether this may reflect a concerted effort to undermine attempts to locate him/her for *Testing*. Such a pattern of last-minute updates should be investigated as a possible anti-doping rule violation under *Code* Article 2.5 (*Tampering or Attempted Tampering*) or 2.3 (evasion of *Sample* collection).

3B Establishing an appropriate filing system that facilitates the sharing of an *Athlete's* Whereabouts Filings with all ADOs with *Testing* jurisdiction over that *Athlete*

- 3.9 The Responsible ADO is required to establish a system that ensures that (i) whereabouts information provided by an *Athlete* in its *Registered Testing Pool* is stored safely and securely; and (ii) the information can be accessed by (A) authorized individuals acting on

behalf of the Responsible ADO on a need-to-know basis only; (B) *WADA*; and (C) other *ADOs* with *Testing* jurisdiction over the *Athlete*. (See IST clauses 11.7.1(d) and 11.7.3(d)).

- 3.10 To meet these requirements, the system established by the Responsible ADO will have to:
 - 3.10.1 Comply with the *International Standard* for the Protection of Privacy and Data Protection.
 - 3.10.2 Include a mechanism for recording accurately and completely, by means of an audit trail, when an *Athlete* (or his/her representative) inputs information into the system, either at the beginning of a quarter or as an update during the quarter.
 - 3.10.3 Be in electronic format, and be capable of being accessed and searched by other *ADOs* remotely and securely.
- 3.11 The system should also allow tracking of information for intelligence purposes. For example, it should allow the Responsible ADO to establish quickly and efficiently how often an *Athlete* is filing updates to his/her Whereabouts Filings.
- 3.12 The simplest way to establish such a system is to use *ADAMS*, which has been specifically designed to support *ADOs* in discharging their responsibilities (including their whereabouts responsibilities) under the *Code*.
- 3.13 In those rare cases where *ADAMS* cannot be used (e.g., on-line access is not generally available for *Athletes* in the *Registered Testing Pool*), the Responsible ADO may allow its *Athletes* to make their Whereabouts Filings by post and/or fax. However, the Responsible ADO will remain responsible for making that information available to other *ADOs* with *Testing* jurisdiction over its *Athletes* and therefore will have to enter the data from the Whereabouts Filing into a database that those *ADOs* can access and search remotely.

3C Education of *Athletes*

- 3.14 The Responsible ADO should educate *Athletes* included in the *Registered Testing Pool*, so that they understand (a) the whereabouts requirements they must satisfy; (b) how the whereabouts system operated by the Responsible ADO works; and (c) how they can use

that system to satisfy the whereabouts requirements imposed upon them.²

- 3.15 This may include one or more of the following:
- 3.15.1 An induction pack consisting of a user guide for *ADAMS* (or such other system as may be used), wallet card with emergency contact details, and whereabouts advice card.
 - 3.15.2 An offer of a face-to-face induction with trained personnel, including an explanation of the whereabouts requirements, a demonstration of the *ADAMS* (or other applicable) system, and guidance on individual whereabouts issues (e.g., the most appropriate whereabouts information to suit a particular sport or individual).
 - 3.15.3 On-line tutorial available to all *ADAMS* users with a step-by-step audio-visual demonstration of the *ADAMS* system.
 - 3.15.4 A dedicated phone line or similar service/system where trained personnel are available to answer questions within a reasonable time-frame.
- 3.16 In the lead-up to a quarterly filing deadline, an *ADO* may send reminders (for example, by email, or by SMS, or by using the automatic 'reminder' function in *ADAMS*) to *Athletes* in its *Registered Testing Pool* about the need to make a new Whereabouts Filing for the forthcoming quarter prior to the relevant deadline. However, once the filing deadline has passed, no further reminders or warnings may be given. Instead, any failure to make an appropriate Whereabouts Filing by the deadline must be treated as an apparent Filing Failure, and any further failure to make the Whereabouts Filing having received notice of the first apparent Filing Failure must be treated as a second apparent Filing Failure: see IST clause 11.3.5(c).

3D Third party filings

- 3.17 An *Athlete* may delegate filing responsibilities to a third party. (See IST clauses 11.3.6, 11.5.5).

² The obligation on the *Athlete* to file whereabouts information and the need to educate *Athletes* on how to use the whereabouts system are separate requirements, and one is not conditional on the other. More specifically, it is not a defence to an alleged Whereabouts Failure to claim that the *Athlete* did not receive sufficient training in how to use the whereabouts system.

- 3.18 To avoid confusion, an *Anti-Doping Organization* should ensure it has written authorization from the *Athlete* before making access to its filing mechanisms available to third parties to file whereabouts information on that *Athlete's* behalf. For example, the *ADO* should not provide a user name or password assigned to an *Athlete* to anyone other than the *Athlete* unless the *Athlete* has given written permission to do so. If the *ADO* accepts more than one phone number from which SMS updates will be accepted, it must ensure that it is the *Athlete* who is providing the numbers in question.

3E Updates

- 3.19 Where a change in circumstances means that an *Athlete's* current Whereabouts Filing is no longer accurate or complete, such that it will not enable an *ADO* to locate the *Athlete* for *Testing* on a given day in the relevant quarter, the *Athlete* must update the Whereabouts Filing so that the information on file is again accurate and complete, or else risk a Missed Test or other anti-doping rule violation. (See IST clause 11.4.2 and section 3A, above).
- 3.20 The *Athlete* should update his/her Whereabouts Filing as soon as possible after the whereabouts information provided in it becomes outdated. While updating will be permitted until the last minute, the *Athlete* should not wait until the last minute to update his/her information unless that is unavoidable. If the *Athlete* does so delay, the Responsible ADO should consider whether it is appropriate to charge him/her with an anti-doping rule violation under Article 2.3 (evasion of *Sample* collection) and/or Article 2.5 (*Tampering* or *Attempted Tampering*).
- 3.21 The Responsible ADO must ensure that any updates are made available without delay to other *ADOs* who are using the *Athlete's* Whereabouts Filing to locate the *Athlete* for *Testing*, so that those *ADOs* are able to plan their *Testing* missions accurately and wasted efforts can be avoided.
- 3.22 Where *ADAMS* is used, updates can be made on-line and/or by SMS messaging (texting). In other systems, the options may also include updates by fax or email and/or leaving voicemail messages on a dedicated number. However, in such circumstances the *ADO* will have to ensure that the updated information is transferred into the whereabouts database that is made accessible to other *ADOs* (see paragraph 3.13, above), so that they are made aware of any updated information when they come to plan their *Testing*.
- 3.23 The system should also enable the Responsible ADO to identify patterns of last-minute updates that should be investigated as possible

evasion of *Sample* collection under *Code* Article 2.3 and/or *Tampering* or *Attempted Tampering* with *Doping Control* under *Code* Article 2.5.

4. **Availability for Testing (IST clause 11.4)**

- 4.1 The *Code* requires that all *Athletes* submit to *Testing* whenever requested, whether *In-Competition* or *Out-of-Competition*. (*Code* Article 5.1). This includes *Athletes* in *Registered Testing Pools*.
- 4.2 However, an *Athlete* in a *Registered Testing Pool* is also subject to a further requirement: he/she must be available for *Testing* on any given day in the quarter, for the 60-minute time-slot specified for that day in his/her most recent Whereabouts Filing for that day, at the location that he/she specified in the Whereabouts Filing for that time-slot. (See IST clause 11.4.1). If not, a Missed Test may be declared against the *Athlete*.

4A Planning a test on an Athlete in a Registered Testing Pool

- 4.3 As noted above (paragraph 3.9), any *ADO* with jurisdiction to test an *Athlete* in a *Registered Testing Pool* is entitled to access that *Athlete's* latest Whereabouts Filing so that it can locate him/her for *Testing*.
- 4.4 In planning a test based on an *Athlete's* Whereabouts Filing, the *ADO* needs to decide on the *Testing* strategy that will be most effective in deterring and detecting cheating. In this respect, the guidance set out on this issue in the comment to IST clause 11.4.1 about *Testing* inside and outside the 60-minute time-slot should be borne in mind.
- 4.5 In particular, the *ADO* should bear in mind that the 60-minute time-slot is not a *Testing* window or a 'default' period for *Testing*, but rather is designed to assist the *ADO* in locating the *Athlete* for *Testing* at any time.

- 4.6 The Whereabouts Filing will tell the *ADO* where the *Athlete* will be residing (i.e., sleeping overnight) on any given day, where and when he/she will be conducting any regular activities on that day, and a precise location where he/she will be for a 60-minute time-slot during that day. So, for example, taking that information as a whole, the *ADO* should be able to plan a mission that aims to obtain a *Sample* from the *Athlete* outside the 60-minute time-slot, but with the guarantee of being able to get a *Sample* from him/her within the 60-minute time-slot if he/she cannot be located elsewhere outside of that time-slot.
- 4.7 In ordinary circumstances, it is unlikely to be necessary to attempt to test *Athletes* between the hours of 11 pm and 6 am. It is recognised, however, that there may be exceptions to this, and the basic rule remains that an *Athlete* must submit for *Testing* if requested at any time.
- 4.8 The *ADO* should ensure that clear instructions that accurately reflect the *ADO's Testing* strategy are communicated clearly to the DCO who is going to attempt the test. It should also ensure that the DCO is given the most up-to-date information provided by the *Athlete* as to his/her whereabouts in the day(s) for which the *Testing* is planned. This means checking (or having the DCO check) as close to the beginning of the mission as reasonably practicable whether or not the *Athlete* has filed any update to his/her most recent Whereabouts Filing for the day(s) in question.
- 4.9 The DCO instructed to undertake the *Testing* mission should include the following as part of his/her preparation:
- 4.9.1 The DCO should ensure that he/she knows where the location specified is, how he/she is going to get there, and approximately how long it is going to take to get there.
- 4.9.2 Where the location is a public one, e.g., a multi-sports complex, the DCO should make him/herself familiar in advance with the lay-out of the complex.
- 4.9.3 The DCO should also ensure that he/she knows what the *Athlete* looks like, so that he/she can identify them when he/she gets to the specified location. *ADOs* should seek to make photographs of the *Athletes* available to their DCOs for this purpose.

4B Making a reasonable attempt to locate an *Athlete* for *Testing* during the 60-minute time-slot

- 4.10 An unsuccessful attempt to test an *Athlete* will not amount to a Missed Test unless the *ADO* on whose behalf the test was attempted can demonstrate to the comfortable satisfaction of the hearing panel that (among other things) the DCO made a reasonable attempt to locate the *Athlete* for *Testing* during the 60 minute time-slot specified for the day in question in the *Athlete's Whereabouts Filing*. (See IST clause 11.4.3).
- 4.11 What constitutes a reasonable attempt to locate an *Athlete* for *Testing* during the 60-minute time-slot cannot be fixed in advance, as it will necessarily depend on the particular circumstances of the case in question, and in particular on the nature of the location chosen by the *Athlete* for that time-slot.
- 4.12 The only truly universal guideline is that the DCO should use his/her common sense. He/she should ask him/herself: "Given the nature of the location specified by the *Athlete*, what do I need to do to ensure that if the *Athlete* is present, he/she will know that a Doping Control Officer is here to collect a *Sample* from him/her?"
- 4.13 In this context, the DCO should bear in mind the requirement to avoid insofar as possible giving the *Athlete* advance notice of *Testing* that might provide an opportunity for *Tampering* or evasion or other improper conduct.
- 4.14 In certain circumstances, a degree of advance notice may simply be unavoidable. For example, an *Athlete* may live or train at a location where access is controlled by security personnel who will not permit access to anyone without first speaking to the *Athlete* or (for example) a team official. This in itself is neither improper nor suspicious, but the DCO should be especially vigilant in such cases of any other circumstances which may be suspicious (such as a long delay between the security guard contacting the *Athlete* or team official and the DCO being given access to the *Athlete*). In this case, the DCO should provide a full report of such suspicious circumstances and should consider requiring the *Athlete* to give a second *Sample*: see paragraph 4.23, below.
- 4.15 The DCO does not necessarily have to be present at the location specified for the 60-minute time-slot from the beginning of the sixty minutes specified in order for the attempt to be reasonable. However, once he/she arrives at the location the DCO should remain at that location for whatever time is left of the 60-minute time-slot,³ and

³ The DCO should stay at the specified location for the remainder of the 60-minute time-slot even if he/she receives apparently reliable information that the *Athlete* will not be at the location during the 60-minute time-slot (e.g., because he/she is out of the country). This is to

- the DCO should ensure that he/she allows sufficient time to make a reasonable attempt to locate the *Athlete* during that remaining time. For example, if the location specified is a sports centre, and the *Athlete* has said he/she will be in either the gym or the pool or the changing room (see paragraph 4.18, below),⁴ then the *Athlete* may need to check each of those possible places, and so it is likely that more time will be required to make a proper attempt than if the location specified is the *Athlete's* house.
- 4.16 If the specified location is the *Athlete's* house or other place of residence, the DCO should ring any entry bell and knock on the door as soon as he/she arrives. If the *Athlete* does not answer, the DCO should not telephone the *Athlete* to advise him/her of the attempt. Instead, the DCO should wait somewhere close by (e.g., in his/her car) in a place where he/she can observe the (main) entrance to the residence. He/she should then knock/ring again a short time later (e.g., 15 minutes), and should keep doing so periodically until the end of the 60 minutes. At that point, he/she should try one last time at the end of the 60 minutes before leaving the location and completing an Unsuccessful Attempt Report.
- 4.17 If the DCO is told that the *Athlete* is not present at the specified location but can be found in an alternative location not far away, then the DCO should record this information (including the name, number and relationship to the *Athlete* of the person providing the information), but the DCO should not leave the specified location to go to try to find the *Athlete*, in case the *Athlete* is trying to get back to the specified location and the DCO misses him/her in transit. Instead, the DCO should remain at the specified location for the remainder of the 60-minute time slot. Thereafter, he/she is entitled to go to the alternative location (if so instructed by the *ADO*) to see if the *Athlete* can be located there for *Testing*. Even if that *Athlete* is located for *Testing* at the alternative location, however, and a *Sample* is collected, the *Athlete* is still liable for an apparent Missed Test (see comment to IST clause 11.4.3(b)) and so the DCO should also provide an Unsuccessful Attempt Report to the *ADO*.
- 4.18 If the specified location for the 60-minute time-slot is a sports complex, it is the *Athlete's* responsibility to specify where in the complex he/she can be located. If the *Athlete* specifies a time when

avoid any subsequent argument that the information received was in fact wrong and the *Athlete* turned up at the location after the DCO had left.

⁴ If the *Athlete* merely specifies the sports centre, and the number of potential locations within the sports centre make it difficult for the DCO to find the *Athlete* within the 60-minute time-slot, the *Athlete* risks a Missed Test: see paragraph 4.19, below.

- he/she knows he/she might be in one of several places within the location (e.g., the gym, or the treatment room, or the changing-room), he/she should name each of them in the Whereabouts Filing, and the DCO should visit each of the places named, in turn. In such circumstances, however, the *Athlete* takes the risk that the DCO might miss him/her in transit, in which case the DCO should file an Unsuccessful Attempt Report and the *Athlete* may have a Missed Test declared against him/her.
- 4.19 If the *Athlete* only specifies the sports complex for his/her 60-minute time-slot, and does not specify *where* in the sports complex he/she will be during the 60-minute time-slot, the DCO should make reasonable attempts to check each of the locations where the *Athlete* may be within the complex, but if notwithstanding those attempts the *Athlete* cannot be found then the DCO should file an Unsuccessful Attempt Report and the *Athlete* may have a Missed Test declared against him/her.
- 4.20 If there is a PA system at the venue, the DCO should consider asking for an announcement to be made, telling the *Athlete* to report to a particular meeting point, but without announcing the reason for the request. If necessary, that announcement could then be repeated at regular intervals for the remainder of the 60-minute time-slot.
- 4.21 Whatever the location specified, it may be appropriate for the DCO to speak to people he/she encounters during the attempt to see if they can assist in locating the *Athlete*. If so, the DCO should try to get the names and positions (e.g., neighbour, coach, receptionist) of the people with whom he/she speaks, for recording (along with relevant details of the conversations) on the Unsuccessful Attempt Report. The DCO should not identify the purpose of his/her visit unless necessary for safety or security reasons.
- 4.22 The DCO should note any circumstances he/she observes during his/her attempt to test the *Athlete* that could be relevant. For example, if the attempt is made at the *Athlete's* home, and no one answers the door, the DCO should note whether or not there are any lights on in the house, or if he/she notices any movement in the house. If there is a car in the drive-way, the DCO might note the make/colour/licence plate number, and check whether the engine-hood is warm, indicating that the car has been used recently. It is up to the DCO to gather such anti-doping intelligence as may be useful to the *ADO*. This information should be included in the Unsuccessful Attempt Report.
- 4.23 If the DCO locates the *Athlete* and is able to collect a *Sample* from him/her, but has suspicions of possible manipulation or *Tampering*,

the DCO may require the *Athlete* to provide a second *Sample* (and further *Samples* if necessary) after the first. An example might be circumstances where it appears that the *Athlete* knew of the DCO's presence at the specified location early in the hour, but the *Athlete* did not make him/herself available for *Testing* until late in the hour.

- 4.24 In the event that the DCO is unable to locate the *Athlete* during the 60-minute time-slot, he/she should complete and submit an Unsuccessful Attempt Form to the *ADO* that ordered the mission as soon as possible, and in any event no more than five (5) working days after the attempt. The DCO should provide a detailed account in the Unsuccessful Attempt Report of exactly what he/she did during the 60-minute time-slot to try to find the *Athlete*. (For example, if the attempt was at the *Athlete's* home, the DCO should note when and how many times he knocked on the door; where he waited in between attempts; etc). The DCO should specify exactly where he/she went, for how long, what he/she did, who he/she spoke to about where the *Athlete* might be (including the names of the people involved, and what was said).

A template Unsuccessful Attempt Report can be found at Annex 1, Document 6, setting out the minimum information that the DCO should record in each case. (The *ADO* may need to adapt the template before use to reflect its particular circumstances).

5. Team Sports (IST clause 11.5)

- 5.1 An *Athlete* in a *Registered Testing Pool* in a *Team Sport* is likely to have to include various Team Activities in his/her Whereabouts Filing, when he/she is likely to be on premises controlled by the team, and often with other members of the team.
- 5.2 DCOs seeking to test the *Athlete* during the Team Activities face certain unique challenges. They need to get access to the *Athlete* quickly and efficiently. They also need to be able to identify the *Athlete* among his/her team members.
- 5.3 It is the responsibility of the coach and/or other team representatives to assist the DCO in meeting these challenges. In particular, the team must ensure that all relevant personnel at the training or other location are aware that if a DCO arrives to conduct *Testing*, and produces the required identification (as to which, see IST clause 5.3.3), then he/she must be given immediate access to the location and given such assistance as is required to locate the team wherever

- the Team Activity is being conducted, and to identify the *Athlete* among his/her colleagues on the team. The team representatives should ensure that the DCO is given access to the *Athlete* immediately upon the DCO's arrival at the location. Generally speaking, the DCO should then notify the *Athlete* immediately of the requirement to provide a *Sample*. However, the DCO has discretion to delay notifying the *Athlete* if there is good reason to do so (e.g., to allow him/her to complete the Team Activity) and if it can be done without creating an opportunity for manipulation or *Tampering* (e.g., if the DCO is able to observe the *Athlete* throughout the delay).
- 5.4 The team should make sure that the coach and other team representatives at the location(s) where Team Activities are conducted have received adequate training to advise them of their responsibilities and what they have to do to comply with them.
 - 5.5 In certain circumstances, it may be that the *Athlete* receives some minimal advance notice of the *Testing* attempt. This should be noted on the Unsuccessful Attempt Report, but is not in and of itself a cause for suspicion, unless it appears that the team officials orchestrated the advance notice, and/or that the advance notice may have given rise to an opportunity for *Tampering*. In appropriate circumstances, the DCO should insist on taking a second *Sample*: see paragraph 4.23, above.
 - 5.6 If the coach or other team representatives fail to comply with the foregoing responsibilities, in appropriate circumstances they may be charged with an anti-doping rule violation such as *Tampering* or *Attempted Tampering* (*Code* Article 2.5) or assisting, encouraging, aiding, abetting, covering up or any other type of complicity in an anti-doping rule violation (*Code* Article 2.8). In addition, the International Federation and/or National Federation or other relevant party should provide in its rules that a failure to comply with these responsibilities shall render the coach and/or other team representatives liable to sanction even if that failure does not amount to an anti-doping rule violation.
 - 5.7 Where the intent is to test more than one member of the team at the same time, the DCO should bring sufficient chaperones so that each *Athlete* from whom a *Sample* is required can be accompanied from the moment that the DCO's presence is announced to the team.
 - 5.8 Where a number of *Athletes* on the same team are in a *Registered Testing Pool*, their regular activities may include the same collective Team Activities. Each of them is entitled to specify his/her 60-minute time-slot during one such Team Activity. If they all choose the same time-slot, however, and it is discovered during an attempt

made during that time slot that none of them is there, the *ADO* should declare a Missed Test against each of them.

6. Results Management (IST 11.6)

- 6.1 IST clauses 11.6.2 and 11.6.3 identify which *ADOs* have results management responsibility over (respectively) an *Athlete's* Filings Failures and/or Missed Tests. IST clause 11.6.5 then identifies which *ADO* is responsible for pursuing a charge against an *Athlete* who has three Whereabouts Failures recorded against him/her in an 18-month period.

6A. Results management in respect of an apparent Filing Failure

- 6.2 The only *ADO* that has results management responsibility in respect of an *Athlete's* apparent Filing Failure is the *ADO* that put him/her in the *Registered Testing Pool*. If he/she is in the *Registered Testing Pool* of the International Federation and in the *Registered Testing Pool* of the *NADO*, results management responsibility in respect of an apparent Filing Failure lies with the *ADO* with which he/she files his/her Whereabouts Filings. (See IST clauses 11.7.1(e)(i) and 11.7.3(e)(i)).
- 6.3 IST clause 11.3.5 sets out each of the elements that must be present in order to declare a Filing Failure. The first step in the results management process for an apparent Filing Failure, therefore, is for the Responsible ADO to determine whether it appears that all of the elements of a Filing Failure specified in IST clause 11.3.5 are present.
- 6.4 Taking these in turn, the Responsible ADO must decide whether it will be able to demonstrate, to the comfortable satisfaction of the hearing panel, each of the following:
- 6.4.1 That the *Athlete* received written notice of his/her inclusion in the *Registered Testing Pool*, and of the consequences of failing to make proper Whereabouts Filings on a quarterly basis, in accordance with IST clause 11.3.5(a). Further guidance on this point is provided at section 2D, above.
- 6.4.2 That the *Athlete* failed to make an adequate and/or a timely Whereabouts Filing. Further guidance on this point is provided at Section 3A, above.

- 6.4.3 In the case of a second or third Filing Failure in the same quarter, that the requirements of IST clause 11.3.5(c) have been met, i.e., when notified of an apparent Filing Failure, the *Athlete* was given notice of a deadline by which the Whereabouts Filing must be made in order to avoid a further Filing Failure. In ordinary circumstances, the deadline given should be five (5) working days from receipt of the notice. (See Annex, Document 2).
- 6.4.4 That the *Athlete's* failure to make an adequate or a timely Whereabouts Filing was at least negligent. In accordance with IST clause 11.3.5(d), negligence is presumed based on proof of the failure to comply, and to rebut that presumption the *Athlete* will have to show that no negligent behaviour on his/her part caused or contributed to the failure. In this regard, the following non-exhaustive guidance may be helpful:
- 6.4.4.1 If the *Athlete* has delegated filing responsibility to a third party, the *Athlete* remains responsible for any negligence by that third party. (See IST clause 11.3.7).
- 6.4.4.2 The presumption may be rebutted if (for example) the *Athlete* can show that there was a systemic technical fault with the whereabouts filing system, such that none of the options that should have been available for providing the information were in fact available, and he/she was not able, despite best efforts, to get assistance or otherwise to circumvent that fault.
- 6.4.4.3 The *ADO* is entitled to expect the *Athlete* to be able to provide objective evidence to substantiate the excuse offered, beyond simply his/her own word.
- 6.5 If the Responsible ADO determines that all of the elements of a Filing Failure specified in IST clause 11.3.5 are present, it must send a notice of the apparent Filing Failure to the *Athlete* in accordance with IST clause 11.6.2(a). It should copy that notice to other *ADOs* (e.g., *WADA*, the International Federation, the *NADO*, the National Federation) as appropriate. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out at the Annex to these Guidelines (see Document 2).
- 6.6 If, having assessed the *Athlete's* response, the *ADO* decides that all of the elements of a Filing Failure are not present, it must send a notice

to that effect to the *Athlete*, copied to WADA, the International Federation or NADO (as applicable) and the National Federation. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out in the Annex to these Guidelines (see Document 3).

- 6.7 If the *ADO* still maintains that all of the elements of a Filing Failure are present, then it should so notify the *Athlete*, and advise the *Athlete* of the right to an administrative review of that decision. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out in the Annex to these Guidelines (see Document 4).
- 6.8 If the *Athlete* requests an administrative review of the decision to record a Filing Failure against him/her, the *ADO* should gather all of the information relevant to that Filing Failure, including any comments provided by the *Athlete*, and forward it to a person (or a panel of persons) who has not been previously involved in any way in the processing or consideration of the alleged Filing Failure and who is otherwise impartial. Such person (or panel of persons) should review the file with a view to considering whether all of the elements of a Filing Failure are present, taking due account of any comments provided by the *Athlete*.
- 6.9 Once the administrative review is concluded, the *Athlete* must be advised of the decision reached, i.e., either (1) that the matter will not be taken forward as an alleged Filing Failure; or (2) that an alleged Filing Failure is being recorded against the *Athlete*. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out at the Annex to these Guidelines (see Document 5).
- 6.10 The Responsible ADO is required to advise WADA and all other relevant *ADOs* of the *Athlete's* Filing Failure (or that the matter will not be taken forward as an alleged Filing Failure). (See IST clause 11.6.2(f)). If ADAMS is being used, then this can be done by recording the fact of the Filing Failure in the *Athlete's* profile on ADAMS.
- 6.11 It should be noted that if the matter is ever brought to a hearing before a hearing panel, the *Athlete* is entitled to dispute the allegation that he/she has committed a Filing Failure, even if he/she has not previously requested an administrative review. (See IST clause 11.6.6). In case of such a dispute, it will be the Responsible ADO's burden to prove that a Filing Failure was committed. Consequently, the *ADO* needs to ensure that it keeps on file accurate, complete and competent evidence of the Filing Failure.

6B. Results management in respect of an apparent Missed Test

- 6.12 The *ADO* responsible for results management in the case of an apparent Missed Test is the *ADO* on whose behalf the *Testing* was attempted. (See IST clauses 11.7.1(e)(ii) and 11.7.3(e)(ii) and 11.7.6(c)).
- 6.13 IST clause 11.4.3 sets out each of the required elements of a Missed Test. Therefore, the results management process should be as follows.
- 6.14 First, the DCO must file an Unsuccessful Attempt Report with his/her *ADO*, in accordance with IST clause 11.6.3(a). A template Unsuccessful Attempt Report is set out in the Annex to these Guidelines (see Document 6). If the DCO's ADO ordered the mission on behalf of another *ADO*, which retained results management authority in respect of the mission, then the DCO's ADO must confirm the Unsuccessful Attempt Report is complete and must forward it to that other *ADO* (the Responsible ADO) without delay.
- 6.15 Next, the Responsible ADO must determine whether it appears that all of the elements of a Missed Test specified in IST clause 11.4.3 are present. Taking these in turn, the Responsible ADO must decide whether it will be able to demonstrate, to the comfortable satisfaction of any hearing panel, each of the following:
- 6.15.1 That the *Athlete* received written notice of his/her inclusion in the *Registered Testing Pool* in question, and of the consequences of any failure to be available for *Testing* at the location specified for the 60-minute time-slot, in accordance with IST clause 11.4.3(a). (Further guidance on this point is set out at section 2D, above).
- 6.15.2 That the DCO's attempt to test the *Athlete* took place during the 60-minute time-slot specified by the *Athlete* for the day in question, at the location specified by the *Athlete* for that time-slot. As part of this enquiry, the *ADO* shall confirm that the information provided to the DCO was the most accurate and up-to-date *Whereabouts Information* received from the *Athlete* for the time period covered by the collection order. (See paragraph 3.22, above).
- 6.15.3 That the DCO did what was reasonable in the circumstances, given the nature of the specified location, to try to locate the *Athlete* during the 60-minute time-slot, short of giving the *Athlete* advance notice of the test. In considering this

element, the Responsible ADO should bear in mind the guidance set out at section 4B, above.

6.15.4 That the unsuccessful attempt was not made at a time when the *Athlete* had not yet been notified of a previous unsuccessful attempt. (See IST clause 11.4.4).

6.15.5 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. In accordance with IST clause 11.4.3(e), negligence is presumed on a showing that the *Athlete* was not where he/she said they would be; and to rebut the presumption of negligence, the *Athlete* will have to show that no negligent behaviour on his/her part caused or contributed to him/her (i) being unavailable for *Testing* at such location during such time slot; and (ii) failing 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. In this regard, the following non-exhaustive guidance may be helpful:

6.15.5.1 The *Athlete* is responsible for ensuring he/she is available for *Testing* at the location and time specified for the 60-minute time-slot.

6.15.5.2 It is not an acceptable excuse that the *Athlete* did not know an attempt was being made to test him/her because the doorbell was not working, or that the *Athlete* did not hear the doorbell because he/she was wearing headphones, or in the shower.

6.15.5.3 It is not an acceptable excuse for the *Athlete* to say he/she was in the pool at the sports complex at a time when he/she had said he/she would be in the gym at the sports complex.

6.15.5.4 It is not an acceptable excuse, for the *Athlete* to say that the coach made a late change to the training venue, or that the team or National Federation required the *Athlete* to be elsewhere. In such cases, the *Athlete* should have updated his/her Whereabouts Filing to reflect such changes to his/her whereabouts.

6.15.5.5 A car accident or other medical emergency might be sufficient excuse, if it meant that the *Athlete* was unable to be at his/her specified location for the 60-

minute time-slot and that he/she was unable to update his/her Whereabouts Filing to reflect where he/she would be instead.

- 6.15.5.6 The *ADO* is entitled to expect the *Athlete* to be able to provide objective evidence to substantiate the excuse offered, beyond simply his/her own word.
- 6.16 If the Responsible ADO determines that all of the elements of a Missed Test specified in IST clause 11.4.3 are present, it must send a notice of the apparent Missed Test to the *Athlete* in accordance with IST clause 11.6.3(b). It should copy that notice to *WADA*, the International Federation, the *NADO*, the National Federation, and all other *ADOs* with *Testing* jurisdiction over the *Athlete*. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out in the Annex to these Guidelines (see Document 7).
- 6.17 If the *Athlete* responds by disputing the apparent Missed Test, the *ADO* must reconsider, in light of that response, whether all of the elements of a Missed Test specified in IST clause 11.4.3 are present. It may request further information from the DCO and/or from the *Athlete* or any other relevant party for this purpose.
- 6.18 Once it has completed its reconsideration, the Responsible ADO must notify the *Athlete* whether or not it maintains that there has been a Missed Test.
- 6.18.1 If the Responsible ADO does not maintain that there has been a Missed Test, the notice must be copied to *WADA*, the International Federation or *NADO* (as applicable) and the National Federation. A template notice, which an *ADO* will need to adapt before use to reflect its particular circumstances, is set out in the Annex to these Guidelines (see Document 8).
- 6.18.2 If the Responsible ADO maintains that there has been a Missed Test, the notice must advise the *Athlete* of his/her right to an administrative review. A template notice, which an *ADO* will need to adapt before use to reflect its particular circumstances, is set out in the Annex to these Guidelines (see Document 9).
- 6.19 If the *Athlete* requests an administrative review of the decision to record a Missed Test against him/her, the *ADO* should gather all of the information relevant to that alleged Missed Test, including any comments provided by the DCO and the *Athlete*, and forward it to a

- person (or a panel of persons) who has not been previously involved in any way in the processing or consideration of the alleged Missed Test and is otherwise impartial. Such person (or panel of persons) should review the file with a view to considering whether all of the elements of a Missed Test are present, taking due account of any comments provided by the DCO and the *Athlete*.
- 6.20 Once the administrative review is concluded, the *Athlete* must be advised of the decision reached, i.e., either (1) that the matter will not be taken forward as an alleged Missed Test; or (2) that an alleged Missed Test is being recorded against the *Athlete*. A template notice (which an *ADO* will need to adapt before use to reflect its particular circumstances) is set out in the Annex to these Guidelines (see Document [10]).
- 6.21 The Responsible ADO is required to advise *WADA* and all other relevant *ADOs* of the *Athlete's* Missed Test (or that the matter will not be taken forward as an alleged Missed Test). (See IST clause 11.6.3(g)). If *ADAMS* is being used, then this can be done simply by recording the fact of the Missed Test in the *Athlete's* profile on *ADAMS*.
- 6.22 If the Responsible ADO does not also maintain the *Registered Testing Pool* in which the *Athlete* is included, it must cooperate with *WADA* and the International Federation/NADO (as applicable) in their investigation of the alleged Missed Test and in their pursuit of disciplinary proceedings based on the alleged Missed Test, in accordance with IST clause 11.7.6(d). This includes (but is not limited to) providing copies of all relevant documentation, including comments made by the DCO and the *Athlete* during the process; and responding promptly to and addressing as necessary any concerns raised as to the adequacy of the evidence in support of the alleged Missed Test.
- 6.23 It should be noted that if the matter is ever brought to a hearing before a hearing panel, the *Athlete* is entitled to dispute the allegation that he/she has committed a Missed Test, even if he/she has not previously requested an administrative review. (See IST clause 11.6.6). In case of such a dispute, it will be the Responsible ADO's burden to prove that a Missed Test was committed. Consequently, the *ADO* needs to ensure that it keeps on file accurate, complete and competent evidence of the Missed Test.

DOCUMENT ANNEX

Doc. No.	Document Description	Page
1	Notice to <i>Athlete</i> of inclusion in <i>Registered Testing Pool</i> (IST 11.3.5(a) and IST 11.4.3(a))	D-2
2	Notice to <i>Athlete</i> of apparent <u>Filing Failure</u> (IST clause 11.6.2(a))	D-6
3	Notice of decision not to take matter forward as a <u>Filing Failure</u> (IST 11.6.2(b))	D-9
4	Notice of decision to take matter forward as a <u>Filing Failure</u> (IST 11.6.2(c))	D-10
5	Notice of result of administrative review of apparent <u>Filing Failure</u> (IST clause 11.6.2(f))	D-12
6	<u>Unsuccessful Attempt Report</u> (IST clause 11.6.3(a))	D-14
7	Notice to <i>Athlete</i> of apparent <u>Missed Test</u> (IST clause 11.6.3(b))	D-17
8	Notice of decision not to take matter forward as a <u>Missed Test</u> (IST 11.6.3(c))	D-20
9	Notice of decision to take matter forward as a <u>Missed Test</u> (IST 11.6.3(d))	D-21
10	Notice of result of administrative review of apparent <u>Missed Test</u> (IST clause 11.6.3(g))	D-23

Document 1: Notice to Athlete of inclusion in *Registered Testing Pool*

Dear

Anti-Doping Rules of *[insert name of Anti-Doping Organization]* (the “Anti-Doping Rules”)

Out-of-Competition Testing: WHEREABOUTS INFORMATION

Please read this letter very carefully. It explains that you are required, under the Anti-Doping Rules, to provide us with information about where you can be found for purposes of Out-of-Competition testing during the following period: . Repeated failure without proper excuse to provide this information, or to be available for testing at the location(s) you specify, will constitute an anti-doping rule violation under the Anti-Doping Rules, the sanctions for which are a period of ineligibility to participate in sport for 12-24 months (first offence) or more (for second and subsequent offences). It is therefore important that you read this letter very carefully and take great care to comply with its requirements.

Information Required

You are one of the athletes designated for inclusion in the Registered Testing Pool of _____ *[insert name of International Federation or NADO, as applicable]*. You must therefore comply with the following requirements.

You must notify us of where you will be for each day of the next quarter, ie for each day of the period from [1 January 2009 to 31 March 2009/1 April 2009 to 30 June 2009/1 July 2009 to 30 September 2009/1 October 2009 to 31 December 2009] *[delete as applicable]*, by providing the following information:

1. For each day during the forthcoming quarter (including weekends), you must tell us one specific location and one specific 60-minute time-slot between 6 a.m. and 11 p.m. where you will be available for testing at that location.
 - If your plans change so that you will not longer be at the specified location during the specified time-slot, you must update your whereabouts filing prior to that time-slot either to provide a new location for that time-slot or to provide a different time-slot and location.
2. For each day during the forthcoming quarter (including weekends), you must give us the full address of the place where you will be residing, i.e., staying overnight (e.g., home, hotel, temporary lodgings).

- If your plans change so that you will be staying at a different place on a particular night, you must update your whereabouts filing prior to that night to provide the new address where you will be staying that night.
3. You must give us the name and address of any place where you will be training, working, or conducting any other regular activity during the relevant quarter (including weekends), as well as the usual time-frames for such regular activities.
- If your regular activities change, e.g. if you stop training in the mornings and train in the afternoons instead, or if you train at the gym on Mondays and Thursdays then move to Tuesdays and Fridays, you must update your whereabouts filing to reflect that change.
 - However, if you simply change your regular schedule on an occasional basis, eg one Monday you decide as a 'one-off' to train in the gym rather than the pool, but next Monday you plan to go back to your regular schedule of training in the pool, then you do not have to make any change to your whereabouts filing to reflect that 'one-off' change.
4. You must tell us your competition schedule for the following quarter, including the date(s), time(s) and venues (name and address) where you are scheduled to compete during the quarter. Again, if this changes, you must update your whereabouts filing to reflect the change.

How to provide the required information to us

Our preferred method for providing whereabouts information is WADA's on-line whereabouts management system, called the Anti-Doping Administration and Management System, or "ADAMS". ADAMS allows you to enter your whereabouts information directly and accurately in an easy, secure and convenient manner. Instructions on how to use ADAMS are enclosed with this letter.

Your username to enter the system is as follows:

Site address: <http://www.wada-ama.org/en/>

Username:

Password:

Deadline

You must enter the required whereabouts information using ADAMS **no later than** _____.

Updating Whereabouts information

It may be that you do not know at this time your exact whereabouts on each day in the next quarter. Nonetheless, you should be sure to meet the filing deadline specified above, and provide the required details for each day to the best of your knowledge. You should then update them as and when the details change.

Alternatively, your current plans may subsequently change after you make your initial filing, in which case you should immediately update the information directly using *ADAMS*.

The important thing is that the information that is filed is accurate at all times.

In case you have no direct access to *ADAMS*, updates to your Whereabouts information may be made by SMS. Instructions on how to use the SMS facility are enclosed with this letter.

In the unlikely event that (a) *ADAMS* is not available online, and (b) you cannot update your Whereabouts information using SMS, you should download an electronic Whereabouts Form from www._____, complete it accurately and fax, email or post it to us (to be marked "Private & Confidential"), as follows:

By mail:

Or by confidential fax:

Or by email:

Confidentiality

We will maintain the confidentiality of the whereabouts information that you provide. It will only be used to facilitate Out-of-Competition testing by us under the Anti-Doping Rules or by another competent anti-doping authority that has accepted the same confidentiality obligations.

Please note that any other anti-doping authority with the requisite authority under the World Anti-Doping Code may test you Out-of-Competition at any time, whether using the whereabouts information that you are providing or otherwise.

Sanctions for non-compliance

It is very important to ensure that you file the required whereabouts information by the deadline specified above. A failure to do so without adequate excuse will constitute a 'Filing Failure' under the Anti-Doping Rules.

It is also very important that you file accurate information about your whereabouts, and that you update this information as soon as you know of any change of plans, so

that you are available for testing at the declared whereabouts if an ADO seeks to test you. A failure to be available at the whereabouts you specified for the 60-minute time-slot without adequate excuse is a 'Missed Test' under the Anti-Doping Rules.

If you commit three Filing Failures and/or Missed Tests in one 18-month period, that constitutes an anti-doping rule violation under the Anti-Doping Rules, for which the sanction is a ban of between 12 and 24 months (first offence) or more (for second and subsequent offences).

Personal Responsibility

You may wish to have your coach or agent assist you in complying with these whereabouts requirements. That is permitted. However, please note that you remain personally responsible for any failure to comply with the requirements of the Anti-Doping Rules. As with any other anti-doping rule violation, a tribunal would not accept a plea that you delegated the task to someone else and should not be blamed for his or her failure to carry it out properly.

* * * *

If you have any concerns about the contents of this letter, please contact _____ at the following telephone number: _____.

A duplicate copy of this letter is enclosed. Please sign and date it in the space provided below and send it back to us at the following address to confirm receipt of this notice:

[insert return address]

Yours etc.

Receipt acknowledged:

Sign: _____
Name (print): _____
Date: _____

Document No. 2: Notice of apparent Filing Failure (see IST clause 11.6.2(a)).

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

I am writing to you in my capacity as *[Anti-Doping Officer]* for *[insert name of Anti-Doping Organization]* to notify you of your apparent failure to comply with the whereabouts filing requirements of the Anti-Doping Rules, and to invite you to make any comments before we come to a final decision on the matter. Please read this letter carefully, as it could have serious consequences for you.

Whereabouts requirements

By letter dated _____, we advised you that you have been included in our Registered Testing Pool, and therefore that under the Anti-Doping Rules (a copy of which can be found on the following website: _____), you are required to make a Whereabouts Filing at the beginning of each quarter, providing the specified information about your whereabouts each day in the forthcoming quarter, in accordance with clause 11.3 of the International Standard for Testing (a copy of the International Standard for Testing can be found on WADA's website, www.wada-ama.org).

Apparent Filing Failure

As of the date of this letter, however, we have not received a Whereabouts Filing from you for the current quarter, i.e., *[January-March / April-June / July-September / October-December]* *[delete as applicable]*.

From our review of the file, it appears that all of the elements of a Filing Failure (set out in clause 11.3.5 of the International Standard for Testing) are present in this case. It therefore appears that you have committed a Filing Failure.

Consequences if a Filing Failure is recorded against you

One Whereabouts Failure (whether a Filing Failure or a Missed Test) does not on its own constitute an anti-doping rule violation under the Anti-Doping Rules. Instead, there must be three Whereabouts Failures (whether Filing Failures or Missed Tests) within an 18-month period. According to your file, *[no Whereabouts Failures have]* *[one Whereabouts Failure has]* *[two Whereabouts Failures have]* *[delete as applicable]* been recorded against you in the last 18 months. Therefore, if a further Filing Failure is declared against you as a result of this current process, you will have

[1] [2] [3] *[delete as applicable]* pending Whereabouts Failure(s) recorded against you.

Where 3 Whereabouts Failures are recorded against you in any 18-month period, a hearing panel may be asked to determine if you have committed an anti-doping rule violation under the Anti-Doping Rules. The burden will be on the *[insert name of Anti-Doping Organization]* to prove to the satisfaction of the hearing panel that you have committed the three alleged Whereabouts Failures. If it does so, the hearing panel will have discretion to impose a period of Ineligibility on you of between 12 and 24 months (or more, if this is not your first offence).

You will have the right to dispute any or all of the alleged Whereabouts Failures at the hearing. However, your defence may be weakened if it depends upon alleged facts that you raise for the first time at the hearing, instead of raising them in response to this letter. Therefore, you are strongly advised to raise any facts that you believe are relevant now, in response to this letter.

Action Required (1): Comments on apparent Filing Failure

Please respond to this letter within 14 days, specifying whether you accept that you have committed a Filing Failure or alternatively whether you believe you have not committed a Filing Failure. In the latter case, please explain with as much detail as possible the reasons for your belief.

For example, if you claim you did make the required Whereabouts Filing for the current quarter, please explain how and when you did so. If you did not make such filing, but claim that that failure was not due to any negligence on your part, please explain the basis of that claim in full. You should enclose copies of all documents or other evidence on which you seek to rely in your explanation.

We will then re-assess, in light of your comments, whether each of the elements of a Filing Failure set out at clause 11.3.5 of the International Standard for Testing is present in this case. If we determine that each element is present, you will be given further notice and an opportunity to ask for a further review of the case before a final determination is made.

Action Required (2): Making the Missing Whereabouts Filing

In order to remedy your apparent Filing Failure, please submit a Whereabouts Filing for the current quarter, including all of the information required under clause 11.3 of the International Standard for Testing for each remaining day in the quarter, by no later than _____ *[insert deadline, which must be no less than 24 hours after receipt of this notice and no later than the end of the month in which the notice is received: see IST clause 11.3.5(c). In ordinary circumstances five (5) working days should be appropriate].*

Please note carefully: if you fail to comply with this requirement, you will be investigated for a further Filing Failure, and if all of the required

elements are present then a Whereabouts Failure will be declared against you.

* * * *

Please consider the contents of this letter very carefully, and make sure we receive (A) your full written response to the apparent Filing Failure within 14 days of the date of this letter, i.e., by _____ *[insert deadline]*; and (B) your Whereabouts Filing for the remainder of the quarter by no later than _____ *[insert deadline]*.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours sincerely,

**Document No. 3: Notice of decision not to take matter forward as
a Filing Failure (IST 11.6.2(b))**

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

I refer to my letter to you dated _____, notifying you of your apparent Filing Failure and inviting you to provide any comments within 14 days of the date of that letter.

We have received your response, asserting that a Filing Failure should not be recorded against you for the following reasons: _____. *[insert summary of Athlete's comments]*.

We have considered your comments carefully, and we agree that in the circumstances a Filing Failure should not be recorded against you, for the following reasons: _____. *[insert summary of ADO's reasoning]*.

In accordance with the requirements of clause 11.6.2(b) of the International Standard for Testing, by copy of this letter we are notifying the following parties of our decision in this matter:

World Anti-Doping Agency
FAO: Results Management Department
Stock Exchange Tower
800 Place Victoria (Suite 1700)
PO Box 120
Montreal (Quebec) H4Z 1B7
Canada

[insert names and addresses of International Federation or NADO (as applicable) and National Federation]

Please note that each of these parties has the right to challenge our decision. Subject to such possible challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours sincerely,

Document 4: Notice of decision to take matter forward as a Filing Failure (IST 11.6.2(c))

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

I refer to my letter to you dated _____, notifying you of your apparent Filing Failure and inviting you to provide any comments within 14 days of the date of that letter.

Declaration of Filing Failure

Delete as appropriate:

[That deadline has now passed and we have not received any comments from you.]

OR

[We have received your response, in which you acknowledge/do not dispute your failure to provide the Whereabouts Filing for the current quarter.]

OR

[We have received your response, asserting that a Filing Failure should not be recorded against you for the following reasons: _____. *[insert summary of Athlete's comments]*].

We have considered your comments carefully, but we maintain that in the circumstances a Filing Failure should be recorded against you, for the following reasons: _____. *[insert summary of ADO's reasoning]*].

I am therefore writing to confirm that we intend to record a Filing Failure against you, with the consequences set out in my letter dated _____.

Right to administrative review

You have the right to request an administrative review of this decision, in which a person not previously involved in the assessment of this matter would review the file to determine whether or not all of the elements of a Filing Failure specified in clause 11.3.5 of the International Standard for Testing are present.

Please advise us within seven (7) days of the date of this letter whether you wish such a review to take place. Otherwise, we will proceed to record a Filing Failure against you, as set out in my letter of _____.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours, etc.

**Document No. 5: Notice of result of administrative review of
apparent Filing Failure (IST clause 11.6.2(f))**

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

By letter dated _____, I advised you of our intention to record a Filing Failure against you under the Anti-Doping Rules. In response, you requested an administrative review of that decision. I am now writing to advise you of the results of that administrative review.

The review was carried out by _____ *[insert name(s)]*, who was not involved in our initial assessment of this matter as an apparent Filing Failure. They considered the file to determine whether all of the elements of a Filing Failure set out in clause 11.3.5 of the International Standard for Testing are present in this case.

Their conclusion is that *[delete as applicable]*:

EITHER

all of the elements of a Filing Failure set out in clause 11.3.5 of the International Standard for Testing are present in this case and therefore a Whereabouts Failure should be recorded against you. As mentioned in my letter dated _____, this is the *[first/second/third]* Whereabouts Failure recorded against you in the past 18 months. *[in the case of a 1st or second strike:]* If you commit *[one/two]* more Whereabouts Failures within 18 months of the first, then you will be charged with commission of an anti-doping rule violation under the Anti-Doping Rules. OR *[in the case of a 3rd strike:]* You will therefore shortly receive a letter charging you with commission of an anti-doping rule violation under the Anti-Doping Rules.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

OR

all of the elements of a Filing Failure set out in clause 11.3.5 of the International Standard for Testing are not present in this case and therefore a Whereabouts Failure should not be recorded against you in this matter, for the following reasons: _____ *[insert summary of ADO's reasoning]*.

In accordance with the requirements of clause 11.6.2(b) of the International Standard for Testing, by copy of this letter we are notifying the following parties of our decision in this matter:

World Anti-Doping Agency
FAO: Results Management Department
Stock Exchange Tower
800 Place Victoria (Suite 1700)
PO Box 120
Montreal (Quebec) H4Z 1B7
Canada

[insert names and addresses of International Federation or NADO (as applicable) and National Federation]

Please note that each of these parties has the right to challenge our decision. Subject to such possible challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours sincerely,

**Document No. 6: Unsuccessful Attempt Report (IST clause
11.6.3(a))**

**REGISTERED TESTING POOL ATHLETE
UNSUCCESSFUL ATTEMPT FORM**

ATHLETE ATTEMPTED

ATHLETE(S) NAME		DCO NAME	
ATHLETE'S NATIONALITY		MISSION CODE #	
ATHLETE'S SPORT		TESTING AUTHORITY	
ATHLETE GENDER	MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	SAMPLE COLLECTION AGENCY	

INFORMATION ON WHEREABOUTS USED

WHEREABOUTS PROVIDED BY (SPORT FEDERATION OR NADO)	
WHEREABOUTS LAST UPDATED (DATE OF SUBMISSION)	
DESIGNATED ONE-HOUR PERIOD (00:00 – 00:00)	
DESIGNATED LOCATION (PHYSICAL ADDRESS)	

(ENCLOSE A COPY OF THE WHEREABOUTS USED IN THIS ATTEMPT WITH THIS UNSUCCESSFUL ATTEMPT FORM)

ATTEMPTED LOCATION

DESCRIPTION OF LOCATION (EX. FACILITY NAME)	
STREET ADDRESS (INCLUDING APT # ETC)	
CITY & COUNTRY (INCLUDING PROVINCE, COUNTY OR STATE)	
OTHER RELEVANT INFORMATION (EX. BUZZER NUMBER ETC)	

DESCRIPTION OF ATTEMPT

TIME OF ARRIVAL & DEPARTURE	ARR:	DEP:
I HAVE TALKED TO (ROLE & NAME) (EX. COACH, TEAM-MATE, PARENT)		
THIRD PARTY CONTACT INFORMATION (EX TEL. NO ETC. IF PROVIDED)		

DESCRIBE IN DETAIL EFFORTS MADE TO LOCATE THE ATHLETE AT THIS LOCATION

DESCRIPTION SHOULD INCLUDE BUT NOT BE LIMITED TO, A PHYSICAL DESCRIPTION OF THE LOCATION, A SUMMARY OF HOW CONTACT WAS ATTEMPTED (DOORBELL, THIRD-PARTY CONTACT ETC) AS WELL AS THE FREQUENCY AND TIMING OF THESE ATTEMPTS WITHIN THE ATHLETE'S DESIGNATED 60 MINUTE PERIOD

[Empty box for describing efforts to locate the athlete]

CONFIRMATION

BY SIGNING BELOW I CONFIRM THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT THIS INFORMATION MAY BE USED IN ASSERTING AN ANTI-DOPING RULE VIOLATION AGAINST AN ATHLETE.

DOPING CONTROL OFFICER SIGNATURE

DATE OF SIGNATURE

THIS FORM SHOULD BE RETURNED TO THE RELEVANT ANTI-DOPING ORGANIZATION NO LATER THAN 10 DAYS FROM THE DATE OF ATTEMPT

Document No. 7: Notice of an apparent Missed Test (IST clause 11.6.3(b))

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

I am writing to you in my capacity as *[Anti-Doping Officer]* for *[insert name of Anti-Doping Organization]* to notify you of your apparent failure to comply with the whereabouts requirements of the Anti-Doping Rules, and to invite you to make any comments before we come to a final decision on the matter. Please read this letter carefully as it may have serious consequences for you.

Whereabouts requirements

By letter dated _____, we advised you that you have been included in our Registered Testing Pool, and therefore that under the Anti-Doping Rules (a copy of which can be found on the following website: _____) you are required to make a Whereabouts Filing at the beginning of each quarter, providing certain specified information about your whereabouts each day in the forthcoming quarter, and are further required to be available for testing at those declared whereabouts, in accordance with clauses 11.3 and 11.4 of the International Standard for Testing (a copy of the International Standard for Testing can be found on WADA's website, www.wada-ama.org).

Apparent Missed Test

In your most recent Whereabouts Filing, you declared that you would be available for testing on the following day at the following time and place:

Date: *[insert date]*
Time: *[insert 60 minute time-slot specified for that day]*
Location: *[insert location specified for 60 minute time-slot for that day]*

We sent a Doping Control Officer to test you on that day at that time and place. However, the Doping Control Officer was unable to locate you for testing. [A copy of the Doping Control Officer's Unsuccessful Attempt Report is enclosed, providing details of the attempt]. *[note: an ADO may provide a copy of the Unsuccessful Attempt Report at this stage, or alternatively may hold it back until the stage of the administrative review – see IST clause 11.6.3(d).]*

From our review of the file, it appears that all of the elements of a Missed Test (set out in clause 11.4.3 of the International Standard for Testing) are present in this case. It therefore appears that you have committed a Whereabouts Failure under the Anti-Doping Rules.

Action Required

Please respond to this letter within 14 days, specifying whether you accept that you have committed a Whereabouts Failure or alternatively whether you believe you have not committed a Whereabouts Failure. In the latter case, please explain with as much detail as possible the reasons for your belief.

For example, if you claim you were present at the location specified for the specified 60 minute time-slot for the day in question, please provide any corroborating evidence and comment on why the Doping Control Officer was unable to find you for testing. If you were not present, but claim that your absence (and your failure to update your Whereabouts Filing to reflect that absence) was not due to any negligence on your part, please explain the basis of that claim in full. You should enclose copies of all documents or other evidence on which you seek to rely in your explanation.

We will then re-assess, in light of your comments, whether each of the elements of a Missed Test set out at clause 11.4.3 of the International Standard for Testing is present in this case. If we determine that each element is present, you will be given further notice and an opportunity to ask for a further review of the case before a final determination is made.

Consequences if a Whereabouts Failure is recorded against you

One Whereabouts Failure (whether a Filing Failure or a Missed Test) does not on its own constitute an anti-doping rule violation under the Anti-Doping Rules. Instead, there must be three Whereabouts Failures (whether Filing Failures or Missed Tests) within an 18-month period. According to your file, [no Whereabouts Failures have] [one Whereabouts Failure has] [two Whereabouts Failures have] [*delete as applicable*] been recorded against you in the last 18 months. Therefore, if a further Whereabouts Failure is declared against you as a result of this current process, you will have [1] [2] [3] [*delete as applicable*] Whereabouts Failures recorded against you.

Where 3 Whereabouts Failures are recorded against you in any 18-month period, you may be charged with an anti-doping rule violation under the Anti-Doping Rules. The burden will be on the [*insert name of Anti-Doping Organization*] to prove to the satisfaction of the hearing panel that you have committed the three alleged Whereabouts Failures. If it does so, the hearing panel will have discretion to impose a period of Ineligibility on you of between 12 and 24 months (more if this is not your first offence).

You will have the right to dispute any or all of the alleged Whereabouts Failures at the hearing. However, your defence may be undermined if it depends upon alleged

facts that you raise for the first time at the hearing, i.e., that you have not raised in response to this letter. Therefore, you are strongly advised to raise any facts that you believe are relevant now, in response to this letter.

* * * *

Please consider the contents of this letter very carefully, and make sure we receive your full written response within 14 days of the date of this letter, i.e., by _____ *[insert deadline]*.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours sincerely,

**Document No. 8: Notice of decision not to take matter forward as
a Missed Test (IST clause 11.6.3(c))**

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

I refer to my letter to you dated _____, notifying you of your apparent Missed Test and inviting you to provide any comments within 14 days of the date of that letter.

We have received your response, asserting that a Missed Test should not be recorded against you for the following reasons: _____. *[insert summary of Athlete's comments]*.

We have considered your comments carefully, and we agree that in the circumstances a Missed Test should not be recorded against you, for the following reasons: _____. *[insert summary of ADO's reasoning]*.

In accordance with the requirements of clause 11.6.3(c) of the International Standard for Testing, by copy of this letter we are notifying the following parties of our decision in this matter:

World Anti-Doping Agency
FAO: Results Management Department
Stock Exchange Tower
800 Place Victoria (Suite 1700)
PO Box 120
Montreal (Quebec) H4Z 1B7
Canada

[insert names and addresses of International Federation or NADO (as applicable) and National Federation]

Please note that each of these parties has the right to challenge our decision. Subject to any such challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours sincerely,

**Document No. 9: Notice of decision to take matter forward as a
Missed Test (IST clause 11.6.3(d))**

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

I refer to my letter to you dated _____, notifying you of your apparent Missed Test and inviting you to provide any comments within 14 days of the date of that letter.

Declaration of Missed Test

[delete as appropriate:]

[That deadline has now passed and we have not received any comments from you.]

OR [We have received your response, in which you acknowledge/do not dispute your failure to be available for testing at the date, time and place specified in your most recent Whereabouts Filing.]

OR [We have received your response, asserting that a Missed Test should not be recorded against you for the following reasons: _____. *[insert summary of Athlete's comments]*.]

We have considered your comments carefully, but we maintain that in the circumstances a Missed Test should be recorded against you, for the following reasons: _____. *[insert summary of ADO's reasoning]*.

I am therefore writing to confirm that we intend to record a Missed Test against you, with the consequences set out in my letter dated _____. *[where applicable (see IST clause 11.6.3(d):]* [I enclose in this regard a copy of the Unsuccessful Attempt Report filed by the Doping Control Officer in this matter].

Right to Administrative Review

You have the right to request an administrative review of this decision, in which a person not previously involved in the assessment of this matter would review the file to determine whether or not all of the elements of a Missed Test specified in clause 11.4.3 of the International Standard for Testing are present.

Please advise us within seven (7) days of the date of this letter whether you wish such a review to take place. Otherwise, we will proceed to record a Missed Test against you, as set out in my letter of _____.

* * * *

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

**Document No. 10: Notice of result of administrative review of
apparent Missed Test (IST clause 11.6.3(f))**

Dear *[insert name of Athlete]*

Formal notice pursuant to the Anti-Doping Rules of the *[insert name of Anti-Doping Organization]* (the 'Anti-Doping Rules')

By letter dated _____, I advised you of our intention to record a Whereabouts Failure against you under the Anti-Doping Rules on account of your apparent Missed Test on _____ *[insert date]*. In response, you requested an administrative review of that decision. I am now writing to advise you of the results of that administrative review.

The review was carried out by _____ *[insert name(s)]*, who was/were not involved in our initial assessment of this matter as an apparent Missed Test. They considered the file to determine whether all of the elements of a Missed Test set out in clause 11.4.3 of the International Standard for Testing are present in this case.

Their conclusion is that *[delete as applicable]*:

EITHER

all of the elements of a Missed Test set out in clause 11.4.3 of the International Standard for Testing are present in this case and therefore a Whereabouts Failure should be recorded against you. As mentioned in my letter dated _____, this is the [first/second/third] Whereabouts Failure recorded against you in the past 18 months. *[in the case of a 1st or second strike:]* If you commit [one/two] more Whereabouts Failures within 18 months of the first, then you will be charged with commission of an anti-doping rule violation under the Anti-Doping Rules. OR *[in the case of a 3rd strike:]* You will therefore shortly receive a letter charging you with commission of an anti-doping rule violation under the Anti-Doping Rules.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

OR

all of the elements of a Missed Test set out in clause 11.4.3 of the International Standard for Testing are not present in this case and therefore a Whereabouts Failure should not be recorded against you in this matter, for the following reasons: _____ *[insert summary of ADO's reasoning]*.

In accordance with the requirements of clause 11.6.3(f) of the International Standard for Testing, by copy of this letter we are notifying the following parties of our decision in this matter:

World Anti-Doping Agency
FAO: Results Management Department
Stock Exchange Tower
800 Place Victoria (Suite 1700)
PO Box 120
Montreal (Quebec) H4Z 1B7
Canada

[insert names and addresses of International Federation or NADO (as applicable) and National Federation]

Please note that each of these parties has the right to challenge our decision. Subject to any such challenge, however, this matter is now closed.

If you have any questions about the contents of this letter, you can contact me at _____ *[insert contact details]*.

Yours sincerely,