

2027 Code & International Standard Update Process : Stakeholder Engagement Phase - International Standard for Testing (IST)

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Concept #1 – The Timely Analysis of Samples Collected prior to a Major Event (24)

World Rugby

SUBMITTED

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

We would agree with this change in principle as a positive move, however quick turnaround does come at an increased financial cost. We would have concerns that some organisations may not be able to afford the increased costs, and this may impact on a decision to conduct testing. It also needs to be recognised that even within this 21 day window, analysis for positive results may not be returned until the competition has commenced.

We feel it should be a requirement for laboratories to inform the ADO with Results Management responsibility whenever there is a delay in analysis (for any reason). Some labs seem to do this and some don't. This would not be intended to remove the ADO's responsibility to monitor analysis, but delays are not always notified until significant time has elapsed.

We also feel it could be useful to include some reference to this requirement to analyse at fast turnaround within 21 days of the competition in IST [Section 4.7], to help make this part of the proposed step-by-step planning process.

UEFA

SUBMITTED

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

UEFA supports the development of this concept

International Tennis Integrity Agency

SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

It should be acknowledged that there are athletes that sometimes need to be targeted and this can take place a few days before a Major Event. ADOs should be encouraged to expedite testing on samples identified as coming from athletes participating in these events

Some responsibility should also sit with the NOC/NPCs and NADOs to communicate the list of players entered for each events to the IF as the IFs won't always know what athletes form part of the various countries fielding a team at these events.

Sport NZ

SUBMITTED

Jane Mountfort, Principal Policy and Legal Advisor (New Zealand)
Public Authorities - Government

This submission is made on behalf of Sport New Zealand, which is the Crown agency responsible for advising the New Zealand government on anti-doping policy and ensuring New Zealand's compliance with the International Convention against Doping in Sport 2005.

We support the objective of minimising situations where major event results need to be adjusted on account of proof of an anti-doping violation based on a test taken shortly before the event. We suggest that practical proposals to give effect to this objective take into account the risk of laboratories being overwhelmed by urgent samples and creation of perverse incentives to dope close to the start of a major event when timely sample analysis would not be possible.

Anti-Doping Agency of Serbia

Bojan Vajagic, Director's Assistant (Serbia)
NADO - NADO

SUBMITTED

We agree with this concept and consider it expedient and applicable

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

No comments at all. Satisfied. Must encourage ONADs from the Regions to collaborate to MOE in this testing 21 days prior Games.

Agence française de lutte contre le dopage

Adeline Molina, General Secretary Deputy (France)
NADO - NADO

SUBMITTED

Il est justifié que l'AMA incite les autorités de contrôle à accélérer l'analyse avant la participation des sportifs aux grandes manifestations (ou aux manifestations importantes en général). Cette solution convient parfaitement aux contrôles hors compétition et aux contrôles en compétition ciblés sous l'autorité de l'ONAD responsable du sportif. Toutefois, la difficulté survient lorsqu'une autorité de contrôle met en œuvre des contrôles aléatoires ou des contrôles de classement qui portent sur des sportifs se préparant aux grandes manifestations. Dans ce cas, des sportifs venant d'autres pays peuvent être contrôlés et l'autorité de contrôle n'a pas connaissance de la participation du sportif contrôlé à une manifestation majeure dans ou pour son pays. L'ONAD qui contrôle occasionnellement ce sportif n'est pas en mesure de percevoir la nécessité d'un traitement particulier de cet échantillon. Si le concept est intéressant, le standard doit conserver une liste d'exceptions ou d'assouplissements pour ne pas fixer un règle irréaliste à mettre en œuvre pour les ONAD.

Anti-Doping Sweden

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

SUBMITTED

Supported in principle, but if this is to include every World Championship and other multi-sport event in addition to the Olympic and Paralympic Games it will be an extreme administrative and costly burden for a NADO, who covers testing in multiple sports.

It will also be difficult to make this mandatory without creating a 21-day test-free window for the athletes. This should be a "best practice" recommendation rather than a mandatory requirement.

NADA

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

SUBMITTED

NADA Comment: Partly agree prioritisation of analysis should be recommended to avoid the describes situations. However, a mandatory requirement will lead to a calculable and predictable testing strategy and will unwillingly open "no-testing" periods especially for high-profile athletes. ADOs who may not be able to fulfill the requirements

might as a consequence not test at all.

Sport Integrity Australia

SUBMITTED

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)

NADO - NADO

We agree that, where appropriate, samples collected prior to any major event should be prioritised to facilitate timely analysis and results management as a mechanism for safeguarding the event of any adverse analytical finding (AAF).

We note there are additional costs associated with quick turnaround analysis, and any drafting should take care not to dissuade ADO's from testing during this period due to costs.

We agree with the Drafting Team's comment that testing, regardless of whether a result can be delivered prior to the event starting, must still be possible within the 21-day window and right up to the start of the In-Competition period. For deterrence and detection purposes, testing must not be impeded by the prioritisation of samples, especially where all efforts have been made to secure fast turnaround but due to other constraints (such as laboratory processes or capacity) analysis cannot be completed within the required timeframes. Testing at the event venue before the in-competition period has started, can yield valuable insights into things such as the athlete's biological passport even in the absence of an AAF.

As indicated in the WADA footnote, drafting would have to define major events for the purposes of any new clause.

Drug Free Sport New Zealand

SUBMITTED

Nick Paterson, Chief Executive (New Zealand)

NADO - NADO

We support the concept as a best endeavour one but agree with the observations noted that this will likely become a 'no test window', as well as the acknowledgement that result time frames are out of the Testing Authority's control. Cost will be a major factor in this, as well as lab capacity.

We suggest WADA carryout a project to identify and monitor testing prior to a major event and make a practical recommendation for change based on available evidence and date, currently or historically.

Sport Ireland

SUBMITTED

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)

NADO - NADO

- Definition of major event. If we include World Championships for every sport, this would create a huge responsibility on the NADO.- Athletes competing in another competition outside of the NADOs jurisdiction (in another Country), NADO may be unaware of pending results for this athlete and competition organiser may not be away this sample needs to be flagged for high speed analysis.- Increased administration burden on the NADO.- Additional financial cost for NADO to ensure high speed turnaround of samples.- Concern that in practise that the 21 day period may become a no testing window.

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)

NADO - NADO

We support the intention of the concept, but it is important that any new requirements will not be so difficult that the 21 days de facto becomes a “no testing window”. We agree in principle, with the idea that ideally, the reporting of the results and the initiation of any results management process for these samples, should occur at the latest before the athlete travels to the major events, but this would in practice create a “no testing window” if strictly adhered to.

As the NADOs are collecting 73 % (2021 WADA figures) of all the samples in the World, it is extremely important that the 21 days would not become a “no testing window”, including in remote areas where time spend transporting samples can be an additional factor. This would compromise the whole idea of testing program that can detect doping. Hopefully, the ADOs would not avoid or refrain from testing in the lead up to Major Events, due to the risk of going over the deadline.

The most important thing is that athletes going to major events that uses prohibited substances and/or methods are tested and detected. A concern is that for smaller nations a notification to the lab to prioritize the turnaround time for certain samples could lead to not ensuring the full anonymity of the owner of the sample, as some nations only have one athlete eligible for competing in the specific sport/discipline. Secondly, as the athletes travel plans are either not available or disclosed at the time of the test taking place, it could prove difficult to ensure that possible initial result management process has started before the athlete travels to major events.

Many IFs also have a World Championships each year, and NADOs may encounter difficulties keeping track of all the different travel plans for athletes eligible for competing. Many athletes are going abroad a head of Major Games to get acclimatized to the time zone, temperature, climate, and altitude and is therefore not traveling straight from the domestic residence to the hosting country of the Major Games.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

USADA strongly supports amending the IST to require more timely analysis and result management of adverse analytical findings before Major Events. In practice, this is fully feasible, however requires strong attention to detail and a commitment of ADOs to develop better processes for monitoring and results management for testing of Major Event qualified and participant athletes. As a first step, all samples taken within 3 weeks of a Major Event should be expedited for laboratory analysis for either full menu (IC) or partial menu (OOC) analysis. When planned and coordinated accordingly, negative results from expedited analyses can be reported by the laboratories in as little as five business days. It is fully appreciated that special analyses and confirmation analyses may take a longer period of time. Secondly, and equally important, ADOs should be required to expedite the results management process within 3 weeks of specific “Protected Competitions”. In the USADA Protocol, such Competitions, including Delegation and Qualifying Events, follow an Expedited Results Management Track. This is critical to protect the rights of athletes. More information on the processes in place in the US can be found in the United States Olympics & Paralympic Committee Bylaws and the USADA Protocol for Olympic and Paralympic Movement Testing. Further, WADA should develop closer monitoring systems to ensure that expedited management of results becomes part of compliance requirements for ADOs. We have clearly seen the unjust outcomes resulting from the untimely analysis of samples or drawn out results management issues arising from past cases, and we strongly believe that athletes deserve better.

Canadian Centre for Ethics in Sport

SUBMITTED

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)
NADO - NADO

The CCES recommends including the timely analysis concept for Major Games only. The CCES does this already for Major Games, however, expanding this provision to all World Championships could be challenging (and cost prohibitive) to implement many NADOs and IFs.

Japan Anti Doping Agency

YUICHI NONOMURA, Result Management (??)

NADO - NADO

SUBMITTED

Agree with TP filing WA via ADAMS.

Agree with recording start and end dates of RTP and TP in ADAMS.

Agree with 15th day of the month as the Quarter due date.

About the number of test per year, since some ADOs are still struggling to meet this criteria so we should keep as it is at this point.

Agree with at least 1 OCT for RTP, but should make clear that "conducting" means to complete collecting sample and does not include unsuccessfully conducting to collect samples.

Finnish Center for Integrity in Sports FINCIS

Marjorit Elorinne, Quality Manager (Suomi)

NADO - NADO

SUBMITTED

We support this proposal. However as 21 days before major event is rather long time and often very crucial from the testing point of view it is essential that coordination/communication (NADO/IF/LAB) is made easy as well as follow up of the status of such samples (via easy-to-use ADAMS functions?). Otherwise, there is a real possibility to unwanted situation (at least in some extent) where 21 days before a major event becomes in practice a 'no testing window' for some ADOs (for example due to possible increased laboratory costs, complexity of the process etc) which is not ideal from deterrence/detection viewpoint.

Swiss Sport Integrity

Ernst König, CEO (Switzerland)

NADO - NADO

SUBMITTED

The proposed concept would cause a massive administrative and financial burden, in particular for NADOs who unify dozens of sports under their umbrella of which almost everyone has yearly or bi-yearly World Championships. Such burden would be unportable and potentially jeopardize an NADO's testing program. Also, except from the Olympic and Paralympic Games, multi-sport events (such as the European Games, World Games, Beach Games) do often not have the "sportive value" that would justify this amendment. Due to the heavy burden, such provision could even provoke ADOs to cease testing shortly before Major Events which would be heavily counterproductive.

Therefore, quick turnaround analysis should only be mandatory for Olympic and Paralympic Games given their undisputed sportive value. Moreover, ADOs should be but encouraged to perform quick turnaround analysis before important events - granting them to take into account the actual sportive value of the events in the respective sport and/or country.

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)

NADO - NADO

SUBMITTED

Response: We follow the reasoning of the Drafting Team and basically support it. However, as already mentioned by the Drafting Team, the threat of a possible 'no testing window' has to be addressed. Hence, there can be no ban on pre-event testing, but increased turnaround times are essential.

Anti Doping Danmark

Silje Rubæk, Legal Manager (Danmark)

NADO - NADO

SUBMITTED

ADD is open to having it as a requirement for Olympics and Paralympics, but if talking about World championships or other multi sports events (ex. European games, youth Olympics) with hundreds of sports in responsibility, this will turn over our testing program and be almost impossible to administer.

NADA India

NADA India, NADO (India)

NADO - NADO

SUBMITTED

The current protocol aligns with NADA India's practices, involving routine laboratory follow-ups for sample collection before athletes participate in significant international events like the Asian Games. We endorse WADA's proposal to implement a prioritized sample analysis system within ADAMS and establish a follow-up mechanism through ADAMS as well.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

SUBMITTED

We are supportive of strengthening the requirements for reporting results ahead of major events to mitigate the risk of delayed results impacting Athletes and the outcomes of the events. However, clarification is required on the following:

■

What is in-scope for this concept, what major events would be captured? Preferably WADA would manage a list of the relevant major events for each year. We would propose that the scope is restricted to 'mega events' such as the Olympics, Paralympics, and other events with a 4-year cycle to account for the impact (administrative and financial) on ADOs.

■

Whether the application of fast turnaround within 21 days relates to working days or calendar days prior to the event.

■

Whether this would be applicable to standard screening only, e.g. we would propose flexibility/acknowledgement that certain analyses will require longer timeframes for reporting.

With regards to the milestone the 21-day timeframe would be applied in reference to, we would suggest that there is some flexibility, e.g. by the time an associated Athlete Village opens (where applicable) but no later than the first day of competition.

Other considerations from an operational perspective include:

■

Could WADA assist ADOs by using the "Accreditation" field in ADAMS to identify Samples that require expedited laboratory analysis (rather than mandate extensive tracking by each ADO)?

■

Working with Laboratories to assess how costs could be minimised for ADOs during these periods by creating consistent and cost-effective pricing (e.g. batching of many ADOs Samples)

■

Assessing the impact on Laboratory capacity and whether this proposal will be feasible for all Laboratories if

they receive many requests during this period from different ADOs.

■

It would be helpful to understand how ADOs can check Laboratory capacity and what can be done if a Sample has been sent to a Laboratory that is unable to meet the required timeframe. During these periods, could exceptions be granted to Laboratories and ADOs on the standard reporting timeframes for other Samples (not included in the Major Event)?

Caribbean Regional Anti-Doping Organization

Marsha Boyce, Communications & Projects Coordinator (Barbados)
NADO - RADO

SUBMITTED

Further clarity is required on the closing sentence of this section: "In proposing this concept, the 21 days before a major event should not become a 'no testing window' for Anti-Doping Organizations (ADOs)."

International Testing Agency

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

SUBMITTED

While we support his Concept, it is important to consider the following aspects and challenges:

- not all major events carry equal weight and risk. Therefore, implementing a system of prioritization based on event (using WADA Tiers?) would be judicious;
- this Concept relies not only on ADOs but also on Laboratories having the capacity to handle the volumes requested by each ADO on the verge of major events. If a Laboratory lacks the capability to fulfill an ADO's request, it should not be held against the ADO;
- in cases where quick analysis of samples is necessary, or when a blood sample is collected, the deadline for entering the DCFs into ADAMS should be shorter than the current 21 days requirement, as this is critical for the optimal functioning of the ABP module;
- rapid turnaround analysis can be considerably costly. If this Concept is retained, it would be beneficial for WADA to consult with the Laboratories to explore ways of reducing the analysis costs.

Concept #2 – Whereabouts Requirements for Athletes (29)

World Rugby

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

SUBMITTED

We see no obvious benefit to ADOs in changing the requirement for TP athletes to submit information in ADAMS as this will create increased administration, with no obvious additional value. It may also just result in the ADO changing their pool structure to avoid the new requirement. Also if the ADAMS submission is mandatory, would this affect the consequences for non/inaccurate submissions, and how would this be standardised (given TP sanctions are not covered by the Code and are at the ADO's discretion)?

We do not consider it necessary to change the current level of OOC tests for either RTP or TP athletes as these are minimum levels anyway and this may encourage more 'box ticking' of tests to meet numerical requirements, and consequently diminish options for more intelligent distribution of testing.

We support the proposed change to ensure that at least one of the required three OOC tests planned on RTP athletes be conducted outside the 60-minute time slot/location.

UEFA

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

SUBMITTED

UEFA does not support the development of this concept

UEFA strongly opposes the entry of Testing Pool whereabouts in ADAMS. TP whereabouts are primarily used for team sports athletes and ADAMS is not fit for purpose for the submission of team sports whereabouts.

There should be no additional restrictions places on when TP whereabouts are submitted. For team sports, teams often don't know their schedules until the week before (due to qualification in cup competitions etc). To make it mandatory for TP whereabouts to be submitted by the 15th of the previous month, would lead to more last-minute updates and hastily re-planned tests.

Usually in team sports, the whole squad is placed under whereabouts requirements. The aim of an ADO is usually to test the team at least once a year, however, there may only be a portion of the team tested (ie. not the whole squad). To make it a mandatory requirement for each athlete to be tested at least twice a year would mean that team sport ADOs could only include a small number of players from each team in the TP. This would remove the possibility to test players we have APMU recommendations/specific intelligence about and also remove some of the 'deterrence effect' where the teams don't know which of their players will be targeted.

International Tennis Integrity Agency

SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

ISTI Article 4.8.10.4 - The ITIA support the proposal to mandating TP WA submissions should be made via ADAMS

ISTI Article 4.8.8.2 - The ITIA sets its own deadline for WA quarter deadlines for the start (1st) of the quarter but these are usually the Friday week before the start of the quarter deadline.

Moving this to the 15 of the month preceding the start of the quarter would be helpful particularly if this was mandated across all sports .

ISTI Article 4.8.6.1 & ISTI Article 4.8.10.1 - It is not clear that the aim of increasing the number of OOC tests to provide greater deterrence and detection would be achieved. Evidence that an increase from 3 to 4, or 1 to 2 OOC tests would have that benefit should, given the budgetary implications of doing more testing, be evaluated.

At the very least, athletes would need to know that the volume of testing was increasing for an additional test to have a deterrence effect. This would point to more testing taking place during the athlete's 60-minute time slot. In addition to being the opposite of another proposed change in the IST, the impact of that change should be evaluated.

Please bear in mind the potential cost implications of testing out of hours ie an athlete not being present. Should this be pursued then WADA may wish to provide some guidance of how an ADO might approach out of hours testing

Sport NZ

SUBMITTED

Jane Mountfort, Principal Policy and Legal Advisor (New Zealand)
Public Authorities - Government

This submission is made on behalf of Sport New Zealand, which is the Crown agency responsible for advising the New Zealand government on anti-doping policy and ensuring New Zealand's compliance with the International Convention against Doping in Sport 2005.

It is impossible to know an appropriate end date in advance when an athlete enters an RTP or TP. Sport NZ would

therefore prefer an athlete's eligibility for an RTP or TP to be regularly monitored rather than requiring an end date. This is because participation in a RTP or TP involves significant intrusion into an athlete's freedoms, so it should occur only for the minimum period necessary. However, we consider that an end date, once known, be entered in ADAMS.

Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

§1 whereabouts information for athletes in a TP become mandatory to file in ADAMS

Supported

The consequences on human and financial resources of this new concept should be taken into account to ensure that the measure could be implemented in practice.

§2 start and end dates for athletes in either an RTP or TP must be mandatorily entered into ADAMS

Supported

§3 change to the filing date deadline for athletes to submit their whereabouts information

Supported.

Remark: if a provision is introduced in the ISTI that new RTP and TP athletes must be included in the RTP or TP by the 15th of the month preceding the new quarter. It must be avoided that their requirement to submit whereabouts only starts on the first day of the new quarter.

§4 minimum of planned OOC test per year for TP and RTP athletes

Supported. However, this proposal could have an impact on the national testing program and the funding of the national program. This should be taken into account.

Anti-Doping Agency of Serbia

SUBMITTED

Bojan Vajagic, Director's Assistant (Serbia)

NADO - NADO

We support the IST Drafting Team proposal that the start and end dates for athletes in either an RTP or TP must be mandatory entered into ADAMS. On this way, all stakeholders will have information about the inclusion or exclusion of an athlete in RTP or TP.

We support the IST Drafting Team proposal for a change to the filing date deadline for athletes to submit their whereabouts information from the 1st day of the quarter to the 15th day of the month preceding the start of the quarter.

We believe that the current number of tests for RTP and TP is sufficient to deter and detect doping. Also, taking into account the budgets of smaller NADOs, we believe that increasing the mandatory number of tests for RTP and TP would be an additional load for them.

We agreed with the IST Drafting Team proposal that at least one of the required three OOC tests planned on RTP athletes be conducted outside the 60-minute time slot/location.

COCOM

SUBMITTED

Stephanie Sirjacobs, Legal adviser (Belgium)

NADO - NADO

le nombre de 3 et 1 est suffisant. Il faudrait envisager une distinction pour les équipes. Certaines équipes sont dans les TP, mais le noyau peut changer deux à trois fois par ans. Administrativement, ça va être très compliqué de noter à chaque fois dans Adams les dates d'entrées et de sorties. En outre, il n'est pas ok que les sportifs doivent avoir compléter 15 jours avant tout nouveau trimestre leurs whereabouts. C'est rajouter encore une charge administrative supplémentaire sur des milliers d'athlètes qui ne disposent d'aucun support administratif. Ceci nous permet également de rappeler ou de noter à tout le moins le constat que les fédérations n'en font pas assez pour accompagner leurs athlètes. Notre ONAD met en place tout un accompagnement et des formations, mais les fédérations ne semblent pas consciente de ça et du besoin de s'impliquer également de leur côté.

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

No comments at all. Satisfied

NADO Flanders

Jurgen Secember, Legal Adviser (België)
NADO - NADO

SUBMITTED

NADOF supports the following:

- general use of ADAMS for TP athletes, but some reservations for filing team whereabouts (this is currently in ADAMS, but as Team whereabouts);
- Setting the submission date to the 15th day of the first month of the quarter;
- mandatory registration of start and end date of RTP or TP status in ADAMS.

On the whereabouts requirements, there should be sufficient attention for situations where an athlete is to enter an RTP or TP during a quarter that has already been started, or when the filing deadline has already passed. ADOs should still have the flexibility to add athletes during a quarter. It should be stipulated that the remainder of the current quarter can be required to file before the date set by the ADO, but with a delay of a certain number of days before this can be addressed as a filing failure (for example: completing the remainder of the quarter from 15 days counting from notification obligation). This is to preserve the athlete's rights and ensuring that the Athlete can receive the information and familiarize themselves with the ADAMS system.

Putting into place a higher mandatory minimum of required tests on RTP athletes decreases flexibility for ADOs and puts high pressure on the number of athletes that can be covered in the OOC testing program. This should be kept at a minimal of three, in the opinion of NADOF.

NADOF is in principle agreeing that testing outside the 60 min time slot adds to the effectiveness of testing, but does not see how a mandatory provision will ensure that this will be more effective. A sample collection session initiated one minute outside the time slot, could also be considered outside the time slot, but still would not guarantee more effectiveness. Apart from that, it will place an additional burden on the test planning. It can be added as recommendation and should be monitored, but it should not be made mandatory and enforced through compliance solely based on statistical reporting of testing in or outside time slots.

Anti-Doping Sweden

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

SUBMITTED

- Whereabouts information for athletes in a TP become mandatory to file in ADAMS

o Supported

- Start and end dates for athletes in either RTP or TP must be mandatorily entered into ADAMS

o Supported- in addition, ADAMS needs to be updated in order to display the history of the athletes' movements in and out of the different international and national whereabouts-pools.

- Change to the filing date deadline for athletes to submit their whereabouts information

o Supported

- Minimum of planned OOC tests per year for TP and RTP athletes

o Not supported. Three and one OOC tests for RTP and TP respectively is a sufficient baseline. The suspicious athletes that require more follow up will have more tests while the non-suspicious athletes will require less resources. The consequences of increasing the mandatory number of OOC tests will lead to less testing of "Other elite athletes" that do not report whereabouts, as well as smaller numbers of athletes in the whereabouts-pools. In ADSE's experience, the filing of whereabouts is a strong deterrent and prohibited substances/methods are rarely detected in these athletes. The risk of doping is much larger in athletes just below the top-level athletes (i.e. "other elite athletes").

o On the other hand- the minimum requirement of three and one tests for RTP and TP respectively could be better monitored, since some International Federations implement athletes in their WA pool prior to championships without any intention of testing them.

Sport Integrity Australia

SUBMITTED

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)
NADO - NADO

■ Proposal 1

Until ADAMS is fit for purpose and fully supports the programs of all ADOs, the most important consideration is to ensure interoperability between ADAMS and third-party systems so that where appropriate protections are in place, information can be seamlessly shared between organisations. SIA would oppose any drafting which had the effect of not allowing third party systems to be maintained if desired by the ADO. Third Party systems can enhance the ability of ADOs to conduct informed and targeted testing and changes to the International Standard should not be detrimental to those programs.

Therefore, before forming a view in relation to the first proposal that whereabouts information for athletes in a TP becomes mandatory to file in ADAMS, we require clarification on whether it is mandatory only to file the information or to also maintain it using the ADAMS system specifically.

■ Proposal 2

We agree that the start and end dates for athletes in either an RTP or TP must be mandatorily entered into ADAMS.

This will assist with capturing the correct data when publishing data (Concept #7 – Reporting of ADO Testing Statistics by each Athlete).

■ Proposal 3

We are supportive of the whereabouts filing deadline to be on the 15th day of the preceding month.

■ Proposal 4

We disagree with the proposal to increase the number of OOC tests for RTP or TP athletes by one, without any

further evidence to support this approach.

It is our view and experience, that the use of intelligence informed testing alleviates the mandatory need for increasing the required number of tests and that allowing flexibility to respond to the environment increases the effectiveness of the testing program. Increasing the number of tests does not change the budget available to the ADO, it simply reduces the flexibility of testing and ability to use those tests in other targeted ways. As such it is not a question as to whether the current requirements are sufficient to deter or detect doping, but instead is a question about the optimal use of resources. WADA would need to provide evidence that the increase in the number of tests does proportionally increase deterrence and detection before this approach would be supported.

- Proposal 5

We agree in principle that at least one of the required 3 OOC tests on RTP athletes be conducted outside the 60-minute timeslot/location.

In relation to the fifth proposal, we also suggest that instead of increasing the OOC test number for RTP athletes from 3-4, the Drafting Team considers expanding the concept of at least 1 OOC test being conducted 'outside the testing hour' by linking it to the TDSSA.

Whereby, those athletes in a sport that has ESA's/GH&GHRF greater than 30%, are suggested to have 2 of 3 OOC tests outside of their hour, while those with 15% should have 1 of 3 OOC tests conducted outside of the hour.

However, our preference would be to capture these requirements in guidance materials to allow ADOs to adopt a flexible and intelligence-based approach. Changes should only be made to the IST if evidence exists that ADO's are not currently doing this, and don't do it with extra guidance provided. Each additional mandatory aspect of the Standards decreases flexibility for ADOs, so should be done with caution.

NADA

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

SUBMITTED

Comment NADA: AgreeThe extension of the mandatory use of ADAMS for the whereabouts data of all TP athletes is supported.

Comment NADA: DisagreeNADA does not see any argument and additional benefit from entering start and end dates into ADAMS. For ADOs with bigger testing pools this would lead to more administration and an immens increase of work load. This might affect Art. 2.4-RM proceedings, which are already complexenough.

Comment NADA: DisagreeIt is doubtful whether bringing forward the submission date of whereabouts to the 15th of the previous month will lead to an improvement in whereabouts data. By experience, athletes have more (useful) information available at the end of a quarter. Only adding their home address does not improve testplanning. Instead, this mightlead to more sanctions due to late submissions. ADOs should be able to set their own deadlines to assure continous testing.

Comment NADA: DisagreeIncreased minimum testing numbers would reduce flexibility of the TA. Testing number should be influenced more by individual risk assesment and intelligence by the ADO. Higher required numbers might reduce the number of athletes in the (R)TP in ADOs with smaller budget. Specifications concerning testplanning (such as one OOC test outside the 1-h-testing window) will reduce the inpredictability of testing.

NADA Austria

Alexander Sammer, Head of Legal (Austria)
NADO - NADO

SUBMITTED

According to **Concept #2** and Article 4.8.8.2 lit. d) of the existing ISTI we have comments in this regard and hope for clarification in the new standard. The Whereabouts Filings listed in this provision (trainings / regular activities) have to be more precise, since there are a lot of athletes who try to avoid the system, which is unfair to those athletes entering those whereabouts filings. ISTI 2023 and ADAMS Handbook must be in line with each other. Currently they are contradicting each other. The highlighted part of the sentence in Artcile 4.8.8.2 lit.d states "*If the Athlete is not currently training, they should specify that in their Whereabouts Filing and detail any other routine that they will be following in the forthcoming quarter, [...]*"

". A lot of athletes, when they are being confronted with a potential Whereabouts Failure for not entering the Whereabouts Filings mentioned above, claim that they do not have regular trainings / activities which they can submit, because their training is changing on a day-by-day basis, due to weather changes, health condition, etc. In some sports like cross country, cycling, skiing or triathlon, nearly all athletes argue in that way. Those athletes are relying - amongst other resources - on the following provision from the ADAMS Handbook: "An activity is only "regular" if it is conducted as part of a standard schedule or practice. For example, if you train every Friday from 08:00 – 10:00 at a particular location this qualifies as a regular activity and should be disclosed in your whereabouts. However, if the day on which you train varies from week to week, depending on the weather or other variable, this does not need to be disclosed as a "regular activity". The provision in the ADAMS Handbook is much more flexible than Art. 4.8.8.2 lit. d) ISTI, since they do not have to file any trainings / regular activities due to the fact, that their regular activities / trainings change from week to week, depending on the weather or other variable. This seems unfair compared to athletes that have to file this whereabouts information. Also, the following provision from the Handbook is not part of the WADC or ISTI and gives athletes the possibility to avoid submitting training or regular activities: "If you depart from your regular schedule on a one-off basis (due to weather, illness etc.), you do not need to update your whereabouts information to reflect this. However, if your 'regular' routine changes, you are expected to modify the 'regular activities' listed in your whereabouts submission." Generally spoken the Handbook and in some ways also the ISTI do give the athletes the chance to avoid entering their whereabouts regarding training / regular activities. This is not only an obstacle for executing the provisions of the ISTI in practice, but also according to the national rules".

Drug Free Sport New Zealand

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

SUBMITTED

Mandatory filing of whereabouts information in ADAMS for all testing pool athletes

We do not support this concept. ADOs determine their own additional testing pools, including its composition and the whereabouts information required. As such the requirement to use ADAMS reduces the flexibility currently afforded to ADOs, and in the main, NADOs.

Some testing pools are significant in size and the requirement proposed to use ADAMS may have the unintended consequence of ADOs removing or decreasing testing pools and losing access to any whereabouts information to assist with unpredictable testing.

Furthermore, the required fields for filing in ADAMS limits this established flexibility and adds complexity for athletes, as well as imposing additional resource from ADOs to support athletes with the additional administration e.g., educating athletes how to use ADAMS and assisting with filing challenges. The consequential cost and complexity outweigh any benefit or more prescription obligations and the required use of ADAMS.

If access to an athlete is the concern, an International Federation can opt to add an athlete to their RTP for fuller whereabouts information.

Start and end date for athletes being in a testing pool recorded in ADAMS

We partially support the concept - we see the benefit in start and end dates for athletes in RTPs being recorded in ADAMS as it may be relevant to International Federations in their own RTP decision making. Further, this makes sense to enable the monitoring of annual testing requirements for RTP athletes.

We do not support the concept in relation to other testing pool athletes as we do not see the benefit associated with the additional administration. WADA can request information on testing pool sizes through other means if required.

Change whereabouts filing dates to 15th day of the prior month

We support the concept for RTP athletes to have this harmonised submission deadline, including from their International Federations.

We see the following benefits from this approach:

- Consistency between organisations, which provides clarity to athletes who are on multiple RTPs.
- Provides time for compliance audits and athletes to remedy any issues prior to the start of the whereabouts quarter.
- All organisations know that the whereabouts information is updated at the same time to facilitate testing decisions.

Increase current testing level requirements (RTP athletes are currently required to be tested three times OOC, and TP athletes to be tested once OOC)

We do not support this concept - increasing the OOC tests required for RTP athletes would:

a) For lower resourced NADOs, this would limit the availability of testing for athletes not on an RTP, and therefore the ability to deliver a programme with sufficient breadth across all higher risk sports.

b) For greater resourced NADOs this would limit the availability of testing based on intelligence and other considerations

Ensure at least one of the three OOC tests for RTP is outside of 60 minute window and one is inside the 60 minute window

We support this concept – Our current testing of RTP athletes already includes at least one of the three OOC tests occurring outside of the 60-minute window. This is for the same purpose as what is being proposed, to deliver a testing programme which reduces predictability.

Sport Ireland

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)

NADO - NADO

SUBMITTED

- Agree with changing the deadline to the 15th of the month prior. This would allow tests to be planned efficiently for the start of the proceeding Quarter.- Consideration for athletes who only join RTP during the year, whether 3 tests should still be planned for this athlete. Or a proportion of how long within the year they will be on the pool.
- Consideration for unsuccessful attempts increasing and also financial burden on the NADO.- We plan 3 tests for each athlete but we complete a risk assessment such as APMU recommendations, suspicious passport, performance etc. which will lead us to more than 3 tests for some athletes on the RTP.

Anti-Doping Norway

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)

NADO - NADO

SUBMITTED

ADNO support the proposal to have start and end dates in the RTP and TP mandatory, if the athletes can learn to use ADAMS before the mandatory start date. In our case, we are giving the athletes access and training in ADAMS one month prior to them being officially added to the Pool. ADNO support the proposal to move the quarterly submission deadline from the 1st to the 15th the month prior.

The starting point for the number of tests an athlete should undergo should be based on the risk assessment. Then it could be considered if the number of tests would be sufficient to include an athlete in an RTP respectively a TP. That being said, we would welcome an increase in the number of mandatory tests to 4 in the RTP and 2 in the TP.

ADNO supports the requirement of one of the RTP test being conducted outside of the 60 min time slot to have less predictable testing.

While we do not have a strong position of making the testing pool reporting-requirements in ADAMS mandatory, we have a strong preference for keeping the testing pools a voluntary initiative for ADOs.

USADA

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

SUBMITTED

USADA does not support, and strongly disagrees, that whereabouts information for athletes in a TP become mandatory to file in ADAMS because adequate support does not exist for these athletes when ADAMS issues arise and this has the potential to further burden the ADAMS system. Additionally, ADAMS does not allow for ADOs to tie mandatory education to whereabouts filings, which has been a huge success in the U.S. for educating athletes. Requiring ADAMS filing would result in a significant step backwards for educating U.S. athletes on the anti-doping rules.

ADAMS needs to be modernized to allow for secure APIs, something common across multiple business sectors worldwide, so that ADAMS can remain a central repository for information while allowing ADOs to tailor information and services to the athletes they serve.

USADA in principle agrees with the proposal requiring that the start and end dates for athletes in either an RTP or TP be entered into ADAMS; however, in practical terms there is no easy way to manage this now, and it would add a significant burden to a large NADO like USADA to have to administratively manage this for over 2500 athletes unless there was an easier system in place. As stated above, ADAMS needs to be modernized to allow for an API where this information along with whereabouts data can be seamlessly updated. Any additional requirements, such as this, without an API solution should not be instituted by WADA. Adding additional labor intensive requirements like this diverts attention and resources from the fight against doping and is antithetical to WADA's mission. As indicated by our testing team who use ADAMS regularly, right now custodianship limitations and inadequate functionality makes it very difficult to manage testing pool start and end dates in ADAMS.

USADA supports the change to the filing date deadline for athletes to submit their whereabouts information under ISTI Article 4.8.8.2 from the 1st day of the quarter to the 15th day of the month preceding the start of the quarter. In practice, this is what many NADOs and IFs already require.

As to whether the current level of OOC tests for both RTP athletes and TP athletes is sufficient to deter and detect doping and whether it should be increased by one OOC test per year for athletes in either an RTP and or a TP, is a complex question. Some points for consideration:

- Testing is required to have sufficient deterrence effect. One test every year on TP athletes, or even less, maybe one test every 24 months depending on the timing of the test simply to check a box doesn't seem like an effective use of resources. Testing should be concomitant to risk. Individual sport and athlete risk assessments should drive testing in order to best use resources; therefore, simply completing one test per athlete may be better focused on multiple tests on high risker athletes or sport-specific analysis on minimum test requirements.
- To that effect, one idea could be encouraging a minimum percentage of OOC testing per sport-discipline should be applied based on overall testing numbers and not a blanket number per RTP/TP. Or, the objective of the current minimum annual testing requirement is good for athletes submitting year-round whereabouts, however, in practical terms, OOC testing should be based how long an athlete is included in a pool, RTP or TP, risk, and then if the athlete is only in a pool for a portion of a year, prorate the amount of OOC testing to be applied within a given year.
- Also there needs to be clearer communication for IF and NADOs that both include an athlete in a testing pool. The language requires the athlete to file whereabouts based on the strictest pool they are included in but then the majority of testing requirements need to sit with the ADO that is requiring them to be in that pool. For example, if the IF includes an athlete in the RTP, the NADO only would have included them in the TP, but then if the IF does not test 3x the NADO can be held responsible? The IF should be required to meet a 2 test min or percentage and

the NADO should be required to meet a 1 test requirement or percentage.

· Overall, the strictest testing requirements need to be on the highest risk athletes to effectively detect and deter doping.

USADA supports the proposal that at least one of the required three OOC tests planned on RTP athletes be conducted outside the 60-minute time slot/location. While it is important to be able to find the athlete for testing, testing always within the 60-minute time slot minimizes the deterrent value of an OOC test and we know that athletes can manipulate their whereabouts in order to evade testing in cases where they are seeking to prolong their unavailability to allow for doping substances to clear their system. USADA also recommends that testing not be completed in the hour before and after a 60-minute window for this one attempt outside the 60-minute window.

Finally, a clear definition of what a Filing Failure related to “regular activities” should be included in the IST.

Canadian Centre for Ethics in Sport

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)

NADO - NADO

SUBMITTED

The CCES agrees with:

- the suggested requirement that whereabouts for Testing Pool athletes should be filed in ADAMS as this will facilitate testing by other ADOs with jurisdiction over the athlete;
- the addition of start and end dates for RTP and TP athletes; and
- the proposed change to whereabouts filing dates for the reasons articulated in the concept paper.

For RTP athletes, the CCES feels that three OOC per year tests are insufficient, and recommends increasing the requirement to four tests per RTP athlete (for an average of one test per quarter).

For TP athletes, the CCES feels that one OOC test per year is insufficient, and recommends increasing the requirement to two tests per year.

As it pertains to OOC testing of an RTP athlete the CCES agrees that at least one test should be conducted outside of the athletes 60-minute time slot.

Additional comments regarding whereabouts submissions:

- Make it mandatory for athletes to include a travel end date when travelling to a competition, as one is often not included.
- The need for all types of travel to be included in the whereabouts submissions. Typically, air travel is added, but travel by train or car is not always added.

Japan Anti Doping Agency

YUICHI NONOMURA, Result Management (??)

NADO - NADO

SUBMITTED

Agree with to clarify the process with the third party ID (need to provide ID info in DCFs)In case of ICT, it may not be so strict for athlete's ID and third party ID,but in case of OOCT, it should be strict to be the third party ID.Also it is nice to have good photo in ADAMS, but because athlete can change the photo, and NADOs do not have good photo of all athletes, we are not sure how to manage the photos in ADAMS.

It is understandable that some NADOs are not managing strictly with their NADO SCP ID, but as a NADO who manages the ID strictly, it is better to require DCOs 2 IDs?i.e. NADO ID and governmental ID). Chaperon may require only gorermental ID.

Finnish Center for Integrity in Sports FINCIS

SUBMITTED

Marjorit Elorinne, Quality Manager (Suomi)
NADO - NADO

Proposal of mandatory recording of start and end dates for athletes in either an RTP or TP into ADAMS as well as change to the whereabouts filing date is supported is supported.

As to number of OOC tests per RTP athlete: we are the opinion that current minimum level of OOC-tests could be increased, which hopefully would lead not only to better deterrence/detection (provided that the timing/type/analyses etc. of the tests are based on intelligence and are of high quality) but would also rationalize the number of athletes to be included to RTPs/TPs.

And we highly support the proposed requirement to at least one of the OOC tests to be conducted outside the 60-minute time slot.

Anti Doping Danmark

SUBMITTED

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

ADD agrees that the filing date deadline for athletes to submit their whereabouts information under ISTI Article 4.8.8.2 should change from the 1st day of the quarter to the 15th day of the month preceding the start of the quarter.

ADD thinks the minimum requirement of three testing per year per athlete is sufficient and until it has been proven that testing outside of the athlete's 1-hour slot is advantages (either through detection or deterrence), we do not favor this change, since we fear that a lot of unsuccessful attempts will be the result.

Swiss Sport Integrity

SUBMITTED

Ernst König, CEO (Switzerland)
NADO - NADO

Mandatory Whereabouts Filing in ADAMS

SSI acknowledges the need of ADAMS as a central clearinghouse that facilitates the sharing of information between ADOs. However, given the undisputable fact that lots of ADOs are using different applications than ADAMS for their test planning, results management etc., this provision could only be accepted if ADAMS finally provides a comprehensive (read / write) API, in that case for Whereabouts information.

Minimum tests per year for Whereabouts pool athletes

Whereas SSI welcomes the increase of the minimum number of tests for TP athletes to two, an additional increase for RTP athletes (i.e., to 4 tests per year) is not deemed to be necessary and/or useful - or even as disproportional.

Additional topic to consider

ADOs should have discretion to apply Code article 2.4 to other Whereabouts Pools than the RTP e.g., the TP (Code article 5.5) to enable ADOs to establish more granular (and hence athlete-friendly) Whereabouts requirements based on the athlete's level and also acknowledging that satisfactory Whereabouts information can be collected without a 60-minute time slot.

Dopingautoriteit

SUBMITTED

Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

2.1. Concept:

"The IST establishes the requirements for athletes in a Registered Testing Pool (RTP) and stipulates that their whereabouts information must be filed in ADAMS (see Code Article 14.5.b). In addition, the ability for ADOs to include athletes in a Testing Pool (TP), which is the whereabouts pool below an RTP, was introduced in the 2021 version of the ISTI. Athletes in a TP are also required to file accurate whereabouts to assist ADOs in locating them

for testing. Currently ISTI Article 4.8.10.4 states that whereabouts information for TP athletes should be filed in ADAMS. Following the successful use of TPs by ADOs since 2021 (there are over 15,000 athletes in a TP in 2023), the IST Drafting Team proposes that whereabouts information for athletes in a TP become mandatory to file in ADAMS.”

Remark: support

2.2. Concept:

“At the moment, there is no requirement in the ISTI to record in ADAMS the date on which an athlete first enters an RTP or TP and the date on which the athlete no longer fulfills the criteria to be part of an RTP or TP and as such is removed from the whereabouts pool.

The IST Drafting Team wishes to propose that the start and end dates for athletes in either an RTP or TP must be mandatorily entered into ADAMS.”

Remark: Support

2.3. Concept:

“To facilitate the planning and readiness for the testing of athletes in a whereabouts pool on the 1st day of the quarter as well as to avoid any gaps in the ability to test due to a lack of whereabouts for the start of the following quarter, the IST Drafting Team proposes a change to the filing date deadline for athletes to submit their whereabouts information under ISTI Article 4.8.8.2 from the 1st day of the quarter to the 15th day of the month preceding the start of the quarter. As a result of this proposal, consequences to an athlete for not filing their whereabouts by the 15th day of the month deadline would apply rather than the 1st day of the quarter under the current ISTI.”

Remark: Support if a provision is introduced in the ISTI that new RTP and TP athletes must be included in the RTP or TP by the 15th of the month preceding the new quarter. It must be avoided that their requirement to submit whereabouts only starts on the first day of the new quarter.

2.4. Concept:

“ADOs are currently required under ISTI Article 4.8.6.1 to plan independently or in coordination with other ADOs and to test any athlete in an RTP a minimum of three times out-of-competition (OOC) per year. In addition, under ISTI Article 4.8.10.1, ADOs are currently required to ensure athletes in a TP have a minimum of one planned OOC test per year. The IST Drafting Team is seeking input from stakeholders as to whether the current level of OOC tests for both RTP athletes and TP athletes is sufficient to deter and detect doping and whether it should be increased by one OOC test per year per for athletes in either an RTP and or a TP.”

Remark: This proposal could have an impact on the national testing program and the funding of the national program. This should be taken into account.

2.5. Concept:

“Finally, in reference to conducting an OOC test on an RTP athlete during their 60-minute time slot/location, and in an attempt to reduce the predictability of testing and to promote greater deterrence, the IST Drafting Team is proposing that at least one of the required three OOC tests planned on RTP athletes be conducted outside the 60-minute time slot/location. This is in accordance with guidance included in WADA’s Guidelines for Implementing an Effective Testing Program, which states that “an effective testing program is as unpredictable as possible to the athlete” and “[e]xamples of implementing an unpredictable testing program include testing in and outside of the athletes 60-minute time slot.””

Response: We support this concept.

Presently, ADAMS lacks a provision to maintain records of Registered Testing Pool (RTP) athletes. We support the proposal to enhance ADAMS by incorporating the following features:

- a. Whereabouts information of athletes in the Testing Pool.
- b. Inclusion of RTP or Testing Pool athletes' start and end dates in ADAMS.
- c. Collection of whereabouts information from the 15th day preceding the start of a quarter.
- d. Facilitation of athlete testing outside the 60-minute window.

We also suggest the implementation of a dedicated RTP module within ADAMS to systematically track and document the number of tests conducted, missed tests, unsuccessful tests, and whereabouts failures of RTP athletes, facilitating comprehensive data analysis.

ONAD Communauté française

SUBMITTED

Julien Magotteaux, juriste (Belgique)

NADO - NADO

We first refer to our preliminary and general remarks made in the item "other comments or suggestions".

Without prejudice of these general remarks :

Concept 2 - Whereabouts Requirements for athletes

About the possibility that whereabouts information for athletes in a TP could become mandatory to file in ADAMS, we would like to draw attention to the issue of human and financial resources.

In this sense, the strictest requirements, especially in relation to ADAMS, must remain with regard to the RTP and not extend to other possible target groups. It is also a question of proportionality. The RTP is logically subject to the strongest requirements.

UK Anti-Doping

SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

Mandatory ADAMS Filing We support the proposal that the filing of whereabouts information for Athletes in a Testing Pool in ADAMS becomes mandatory.

Inclusion of Start and End Dates within ADAMS

We support the proposal that the start and end dates for Athletes in Testing Pools is entered into ADAMS on a mandatory basis to centralise record keeping.

Consideration will need to be given as to how this will be recorded in ADAMS and it will be necessary to ensure a range of scenarios are accommodated, e.g. where an Athlete comes on/off a Testing Pool multiple times, multiple start and end dates can be added.

Deadline for Whereabouts Filing

We are supportive of the change to the whereabouts deadline because it will bring harmonisation across ADOs and avoids ambiguity for Athletes (especially if they are included in more than one ADO's Testing Pool).

UKAD changed the deadline to the 15th for the purpose of better enabling Test planning for the first weeks of a new quarter and minimising any gaps in an Athlete's whereabouts filing.

We are supportive of the enforcement of a Filing Failure with the new deadline, however, we would suggest that there is a change in the ISRM to extend the window for the Athletes to correct/submit their whereabouts filing within 48 hours (to for example, 5 days) as that timeframe does not seem to afford Athletes sufficient time to file. Athletes need adequate time to receive and review the apparent Filing Failure notice and there also needs to be room to account for any extenuating circumstances for failing to meet the deadline.

Minimum Levels of OOC Testing

We consider that the inclusion within a Test Pool should act as a sufficient doping deterrent for Athletes. However, we agree higher Testing numbers could result in enhanced deterrence and detection of doping.

We are supportive of increasing the Test requirements from one (1) to two (2) tests for Testing Pool Athletes as we believe one (1) test is insufficient when compared with the (disproportionate) level of whereabouts information required from Testing Pool Athletes. However, there are concerns with increasing the requirement from three (3) to four (4) tests for Registered Testing Pool Athletes because of the potential negative resource/financial implications this could have. This may for example, lead to the unintended consequence of a smaller Registered Testing Pool amongst ADOs.

We consider that flexibility should be afforded to ADOs to ensure all areas of risk are captured for an individual Athlete, for example, by giving consideration as to whether unsuccessful test attempts can be included or by accepting one In-Competition test within the Testing numbers.

ADOs should be encouraged to consider higher levels of Testing (above the minimum levels) on Registered Testing Pool Athletes to improve deterrence and detection rates.

Where an Athlete is included within two Testing Pools, consideration should be given as to whether it should be mandatory for each ADO to conduct at least one test on the Athlete.

We would also propose that guidance is provided as to how many times an Athlete on a Testing Pool should be tested if they are on a Testing Pool for less than 12 months, for example, could this be calculated by a proportionate (%) figure?

It should also be clear that an ADO must intend (plan) to test an Athlete Out-of-Competition if they add them to a Testing Pool, as we note there have been occasions where an Athlete is added to a Testing Pool ahead of an event but then is not subsequently tested by that ADO.

60-minute Time Slot Testing

We support the proposal that at least one of the required three tests should be conducted outside of the 60-minute time slot because we believe this would encourage ADOs to utilise all whereabouts information submitted by an Athlete. We also consider this to be proportionate and appropriate use of whereabouts information, given the amount of information Athletes are required to submit.

We would propose that consideration should also be given to weighting the tests towards outside of the 60-minute slot, whilst ensuring a minimum of one test is within the 60-minute time slot. We would also suggest there is flexibility with Testing outside of the 60-minute time slot due to the increased risk of unsuccessful attempts. Perhaps the wording could indicate 'attempts should be made to Test the Athlete outside of the 60-minute time slot'. Our view is this concept should be prioritised over the concept to increase minimum test numbers on Testing Pool and Registered Testing Pool Athletes.

Caribbean Regional Anti-Doping Organization

Marsha Boyce, Communications & Projects Coordinator (Barbados)
NADO - RADO

SUBMITTED

The current "minimum of one planned OOC test per year" for TP athletes is considered sufficient, with ADOs maintaining the flexibility to increase the frequency of testing should budgetary allocations allow them to do so. Instituting a "two-test" minimum for TP athletes might inadvertently lead to a reduction in the number of athletes in

testing pools for smaller NADOs, due to limited resources.

WADA NADO Expert Advisory Group

Martin Holmlund Lauesen, member (Norge)
Other - Other (ex. Media, University, etc.)

SUBMITTED

We generally welcome an increased harmonization of practices, including related to whereabouts, testing before major events, etc. In relation to the number of tests for RTP and/or TP-athletes. The question should not be how many tests are appropriate for deterring doping, but rather how is the required number of tests proportional to the significant workload of the athletes and the intrusion in their privacy. I.e. we need to test as much as the risk assessment indicates, but the number of OoC-tests needed should be a determinant for whether an athlete should be included in the RTP/TP.

A clear definition of what a Filing Failure related to “regular activities” would be, should be included in the Standard.

International Testing Agency

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

SUBMITTED

Support is given to the compulsory submission of TP lists in ADAMS, the harmonization of the submission deadline on the 15th day of the preceding month, and the necessity to specify start and end dates. This should be coupled with an improvement of the athlete's profile section in ADAMS to better document the history of inclusion/exclusion in each ADO's RTP/TP and the allocation of whereabouts custodianship.

Advancing the deadline to file whereabouts between the 1st to the 15th of the preceding month may be seen as excessive from the athletes' perspective. The underlying principle of “readiness for testing” should be developed in the IST, especially if a Filing Failure for late submission can be pursued as of the 15th of the preceding month, when in parallel whereabouts from the 16th to the last day of the quarter have been provided by the athlete and are available. Especially considering that some panels have the tendency to consider 2.4 ADRV as “paper violations”, these kind of filing failures may deter panels from upholding these kind of Whereabouts Failures or decreasing the sanction related to 2.4 ADRV.

Further instructions and guidance are needed on the optimal implementation of the collaboration among ADOs including in meeting the minimum testing requirements for RTP athletes. One suggested approach involves establishing a system to document requests from different ADOs and keeping a record of refusals or acceptances along with the corresponding reasoning.

In parallel, we recommend a thorough review and improved regulation of the protocols related to the use of phone calls, both within and outside the 1-hour slot, to ensure greater consistency across all ADOs. While upholding the principle of unannounced testing and requiring DCOs to use best efforts locate athletes without providing notice, the use of phone call, if so instructed by the Testing Authority, should be permitted to confirm the athlete's presence, gather intelligence, and, where feasible and appropriate, conduct the test.

In this regard, a more detailed clarification of the definition of "No Advance Notice" is necessary, along with clear guidelines for ADOs on the mandatory recording of advance notice (how, when, what to report), to ensure greater harmonization across ADOs. As an example, there should be clarity on whether communication through a doorbell or via reception should be considered advance notice, among other scenarios.

Concept #3 – Identification Requirements for Athletes selected to provide a Sample for Analysis (24)

World Rugby

SUBMITTED

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

We would support the tightening of requirements around athlete ID, provided that these are practical and recognise the wide range of situations in which athletes are notified (and the likelihood of them always having photo ID available). Often (and depending on the athlete profile) an athlete's photograph can be easily found online by the doping control officials prior to commencing the doping control session and this should be taken into account.

Whilst we are not against the general principle of allowing photographs in certain circumstances, there would need to be good reason to do this in cases when a range of (clearly labelled and identifiable) up to date/accurate photos of the athlete is available online. Matters of data protection and consent may also need to be considered.

With regards to ID for sample collection personnel, this would depend on the type of ID we were considering. We feel that tournament accreditation (where produced on receipt of a personal ID document such as a passport), should be sufficient for event-based doping control staff such as volunteers.

UEFA

SUBMITTED

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

UEFA supports the development of this concept

International Tennis Integrity Agency

SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

ITIA agree with this proposal

Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

Supported

The concept to define documents with a photo as a general way for athletes to identify themselves is welcomed. Athletes should also be advised that they are required to provide such a document. If an athlete is unable to provide identification with such a document (e.g. in-competition tests), it must be permitted to take a photograph of the athlete.

However, there is one serious concern that must be addressed before this concept can be included as mandatory in the IST. This relates to the fact that photos may be considered biometric data under national laws and the General Data Protection Directive (GDPR). A new mandatory requirement that follows this IST Drafting Team concept may have significant legal consequences at national level, possibly prohibiting NADOs from implementing it.

Anti-Doping Agency of Serbia

SUBMITTED

Bojan Vajagic, Director's Assistant (Serbia)
NADO - NADO

We support the IST Drafting Team proposal about specific types of documents accepted to validate an athlete's identity.

We strongly recommend the introduction of the identification requirements for all sample collection personnel. We certainly apply it even now, but we want everyone else to have an obligation to do so as well.

COCOM

Stephanie Sirjacobs, Legal adviser (Belgium)
NADO - NADO

SUBMITTED

" In addition, the ability for doping control officers to take a photo of the athlete in certain situations as part of validating their identity for the sample collection session will also be considered." : comment justifier une telle nécessité?

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

No comments at all. Satisfied

NADO Flanders

Jurgen Secember, Legal Adviser (België)
NADO - NADO

SUBMITTED

Formal foto identification should be applied, but other means should also be considered. On the other hand, there should still be offered sufficient flexibility to Sample Collection personnel to identify the persons. In general, this should be very much left to the Sample Collection Authorities to establish proper rules, taking into account national practices and circumstances on the control location.

If NADOs are to upload pictures, the burden shifts to the ADO and ADOs might not have the right to use pictures freely under copyright or portrait law. For athletes uploading their picture, it should be made clear that this should be a photo that allows proper identification.

For SC personnel, NADOF already applies photo identification through their accreditation card as DCO/BCO/chaperone.

Anti-Doping Sweden

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

SUBMITTED

The concept to to define documents with a photo as a general way for athletes to identify themselves is welcome. Athletes should also be advised that they are required to provide such a document. If an athlete is unable to provide identification with such a document (e.g. in-competition tests), it must be permitted to take a photograph of the athlete.

However, there is one serious concern that must be addressed before this concept can be included as mandatory in the IST. This relates to the fact that photos may be considered biometric data under national laws and the General Data Protection Directive (GDPR). A new mandatory requirement that follows this IST Drafting Team concept may have significant legal consequences at national level, possibly prohibiting NADOs from implementing it.

Sport Integrity Australia

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)
NADO - NADO

SUBMITTED

We agree that clear and robust criteria should be put in place governing the validation of both the identity of an

athlete selected to provide a sample, as well as sample collection personnel.

This should include the requirement for an RTP/TP athlete to upload a 'prescribed' photo ID into ADAMS (satisfying the required criteria).

When considering the criteria for an appropriate photo, we suggest the Drafting Team consider the approach taken by governments/legal systems for identity/document verification (as long as such approach can be consistently applied on a global basis). For example, the rules governing the requirements for passport photos should be applied where an athlete is required to upload a photo into ADAMS. DCOs can verify the photo when testing, and any issues with the photo can be reported on the mission report. Photo submissions should be treated like any other transgression where the athlete is obligated to update their WAs or face a possible filing failure.

We have concerns with the proposal to allow doping control officers to take a photo of the athlete in certain situations, as part of the process to validate their identity for the sample collection session, for several reasons. These include the real risk of breaching national privacy laws and the fact that many DCOs would be required to use their own 'unsecured' personal devices creating a further risk.

We note that with technology advancing, the methods for formal identification may change, and we encourage WADA to investigate any methods (biometrics, facial recognition) that might make the process easier and more reliable for both ADOs and athletes whilst maintaining the requisite data protection and confidentiality requirements.

NADA Austria

Alexander Sammer, Head of Legal (Austria)
NADO - NADO

SUBMITTED

According to the **Concepts #3, #4, #5, #6 and #7** we welcome the proposed clarifications.

NADA

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

SUBMITTED

Comment NADA: AgreeThe specification of type of identifying documents such as governmental issued documents (ID, passport, driving license) is supported and helpful to the work of the DCOs.

A photo in the individual ADAMS profile should, if at all, only be used as a supplementary means of identification.

Identification by third parties should only be possible using official identification documents (ID card/passport).

To identify a DCO or BCO, it is also important to combine legitimation of the TA/SCA with an official ID document.

Drug Free Sport New Zealand

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

SUBMITTED

We support the concept There should be clearly defined identification requirements for all athletes. We would like to see clarification on whether the requirement is physical copies only and whether digital copies are valid.

We support the concept of the ADAMS profile page having a photograph of the athlete to support verifying identity, or a photo from another official source. However, this should be accompanied with a valid identification type, defined in the standard.

We do not support the concept of a DCO taking a picture of the athlete. This does not establish the identity of the athlete, only an image of the person being tested at that time.

Sport Ireland

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)
NADO - NADO

SUBMITTED

- Privacy concern for taking a photo of the athlete.- ADAMS photo may not be up to date for the athlete.- Our Sample Collection Personnel carry ID cards with their photo and role and show them to each athlete upon notification.- Further clarification is welcome to ensure each testing organisation is following the sample guidelines in relation to ID for athletes and Sample Collection Personnel.

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

Support the need for consistency on ID confirmation. However, taking photos of athletes and store them in ADAMS could have possible issues with GDPR, ISPPi, and national data security laws. Note that this would be considered biometric data for the purpose of uniquely identifying a natural person, and may as such be subject to further regulations/conditions nationally in accordance with GDPR art. 9, para 4 This is e.g. the case in Norway.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

USADA strongly encourages this requirement as well as more defined protocol with regards to when credentials are presented in the notification process. Athletes are often very unsure of who these SCP, are and offering official credentials offers comfort in a very uncomfortable situation. It is especially helpful to have a universal requirement so doping control looks similar across borders for International Level Athletes.

Canadian Centre for Ethics in Sport

SUBMITTED

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)
NADO - NADO

The CCES agrees that specific examples of acceptable photo identification should be included (within the Guidelines at a minimum) as the current wording is too broad.

The CCES believes that further consideration must be given to suggestion to take photos of athletes as this could violate privacy policies or local/national laws and may be especially with respect to athletes who are minors or protected persons.

The CCES agrees with the establishment of rules pertaining to the validation of an athlete's identity by a third party. At a minimum, the person's name and role should be required and documented as part of the notification process, and a supplementary report completed, which would be signed by the third party.

For sample collection personnel, the CCES believes that the following should be included as minimum requirements:

- DCO accreditation should include the DCO's name and photo, certification expiry date, name of the issuing ADO, and their role ("DCO").
- If BCOs have accreditation issued by their professional organization (e.g., the organization that certifies them as a phlebotomist), they should bring it with them on a mission. Additional Accreditation provided by the ADO should also be considered.
- Chaperones should have an ADO-issued accreditation which identifies them as a chaperone. Chaperones having photo identification provided by the ADO should strongly suggested, but should not be a requirement.

Japan Anti Doping Agency

YUICHI NONOMURA, Result Management (??)

NADO - NADO

SUBMITTED

Agree with to clarify the process with the third party ID (need to provide ID info in DCFs)In case of ICT, it may not be so strict for athlete's ID and third party ID,but in case of OOCT, it should be strict to be the third party ID.Also it is nice to have good photo in ADAMS, but because athlete can change the photo, and NADOs do not have good photo of all athletes, we are not sure how to manage the photos in ADAMS.

It is understandable that some NADOs are not managing strictly with their NADO SCP ID, but as a NADO who manages the ID strictly, it is better to require DCOs 2 IDs?i.e. NADO ID and governmental ID). Chaperon may require only gorermental ID.

Finnish Center for Integrity in Sports FINCIS

Marjorit Elorinne, Quality Manager (Suomi)

NADO - NADO

SUBMITTED

More specified/univocal criteria to validate the identity of an athlete are welcomed including the uniform way of documenting the third-party validation of athlete's identity (also indicating if a photo of the athlete's passport/ID card is acceptable mean of ID as this has become more and more common).

If DCOs will be allowed/required to take a photo of the athlete in certain situation, clear instructions/criteria are needed, and athletes consent to such photo (if they are unable to provide required ID) for example at the time of signing the doping control notification (?).

Anti Doping Danmark

Silje Rubæk, Legal Manager (Danmark)

NADO - NADO

SUBMITTED

ADD supports that more specific examples of IDs required during a doping control should be given. But in some sports, it could be difficult to uphold that rule (ex. Marathon, Cycling). When creating the list of approved ID all sports should be taken into consideration.

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)

NADO - NADO

SUBMITTED

Remark: The concept to define documents with a photo as a general way for athletes to identify themselves is basically welcomed. Athletes should also be advised that they are required to provide such a document. If an athlete is unable to provide identification with such a document (e.g. In-Competition tests), it must be permitted to take a photograph of the athlete.

However, there is one serious concern that must be addressed before this concept can be included as mandatory in the IST. This relates to the fact that photos may be considered biometric data under national laws and the General Data Protection Directive (GDPR). A new mandatory requirement that follows this IST Drafting Team concept may have significant legal ramifications and consequences on a national level, that could possibly prohibit NADOs from implementing such a requirement.

NADA India

NADA India, NADO (India)

NADO - NADO

SUBMITTED

NADA India currently uses government-approved identity cards such as the Aadhaar card or Passport to verify

athletes' date of birth when completing doping control forms. We endorse the proposal to incorporate government-issued documents containing a photograph for athlete identity authentication. This includes uploading the photo ID of RTP/TP athletes into ADAMS and empowering Doping Control Officers (DCOs) to capture an athlete's photograph for identity validation. Additionally, it is suggested that NADA should have the authority to designate accepted forms of identification for their respective countries, allowing for the use of at least two different government-issued IDs.

UK Anti-Doping

SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

Athletes

We are supportive of further guidance being provided for the types of identification.

We suggest that the forms of identification be prioritised in order of preference, for example, government issued photographic identification, such as a passport or driver's licence, should always be the first forms of identification sought from an Athlete. Clarification should also be provided as to whether a photo of the identification document would be acceptable, e.g. a photo of a passport page on a phone.

We consider that a Google search option or 'known' to DCP with an accompanying photo of the Athlete could be the next acceptable form of identification, should an Athlete be willing for a photo to be taken.

For In-Competition tests, shirt/race numbers could be accepted but only if a validated team/event list is available.

We would propose that third party identification should be the last resort/priority for Athlete identification and that guidance should be given to include confirmation of the third party's name, position and signature. If possible, the third party should be an Athlete Support Person who is bound by anti-doping rules, given the risk of potential false/misleading information and/or Tampering.

There are concerns about using an Athlete's ADAMS profile as our view is that these photos would require verification by the ADO and need a process in place for updating them (similar to that of passport photos). This would need to be in place to ensure a fake photograph is not submitted e.g. as is the case for passport. On that basis our view is that this would be challenging to manage practically. An option for consideration is that if the Sample Collection Personnel take a photo of the Athlete at the test this could be linked to the Athlete profile and form a 'bank' of photos that have been verified and therefore could be referred to if required.

Sample Collection Personnel

We are supportive of stipulating minimum identification requirements to provide Athletes with confidence before Testing, e.g. an SCA issued ID card or letter with accompanying Testing Order. The ID should be specifically linked to the SCA and could be supported by the Sample Collection Personnel's personal ID e.g. driver's licence. The ID card and letter should be created in a way which is hard to duplicate (however, in practice this may need to be included as guidance, rather than a specific requirement).

A practical consideration is to explore whether it would be possible to develop Sample Collection Personnel profiles on ADAMS which could be shown to the Athletes if required during Testing, e.g. for Lead DCOs.

We would also propose that Article 5.3.3 is expanded to cover all Sample Collection Personnel working at a test and not just Doping Control Officers.

International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

We support this Concept; however, it is important to maintain a broad range of identification possibilities to accommodate the diverse specificities and situations in each context. Furthermore, it is recommended that equal clarity and consistency be applied to the DCO, to standardize and provide more detailed information on the

identification documents and other forms of legitimization required when notifying an athlete. This would contribute to greater harmonization and clarity for the athletes.

Concept #4 – Enhancements to the Athlete Biological Passport (ABP) (20)

UEFA

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

SUBMITTED

UEFA supports the development of this concept

Furthermore, in the spirit of ensuring that ADOs can work cooperatively, it would be a big step forward if IFs, could automatically be granted access to the passports of all athletes in their sport. Today, ADAMS has quite a big restriction where sharing agreements need to be set up with every ADO individually in order to receive access, which is not a practical nor scalable solution.

International Tennis Integrity Agency

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

SUBMITTED

ITIA agree with all proposals

Council of Europe

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

SUBMITTED

Supported in principle

However, the costs per test could significantly increase due to the proposed changes which could directly impact the number of athletes tested – in case of insufficient funding. By doing so, the mandatory requirements will apply to fewer athletes. This is not desirable. The consequence of changes to the IST should not mean that the number of athletes in RTPs have to be reduced. Therefore, it is important that the IST Drafting Team not only looks at how to improve the investigation aspect of testing when it is reviewing the ISTI, but that it also looks at the practical and financial aspect.

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

No comments at all. Satisfied

Anti-Doping Sweden

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

SUBMITTED

Supported

NADA

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

SUBMITTED

Comment NADA: AgreeNADA agrees with the proposals. However, we suggest not to limit the proposals to the "one ABP" but to include the steroidal module as well.

Moving proposed items from the ABP Operating Guidelines document into the IST (Articles 4, 10, Annex D and I)

- We agree with the proposal to move these items to ensure they are inclusive of the overall ABP procedures. However, we ask the Drafting Team to ensure this change is necessary to provide clarity, consistency and harmonisation of rules and does not adversely affect any need for flexibility or revision.

Ensuring that an athlete has only one blood ABP established;

- We agree with the proposal that an athlete has only one blood ABP established. The change to have only one ABP established per athlete will provide a single comprehensive record of their blood profile. This should prevent any confusion and discrepancies that can arise.

Ensuring that passport 'read only' access rights can easily be provided to other ADOs that share testing jurisdiction over the athlete and that the procedures for the attribution and transfer of passport custodianship are mandatorily followed by ADOs;

- We agree that sharing with other ADOs with jurisdiction over an athlete utilising a 'read only' option, would improve information sharing of testing histories and coordination across ADOs.

Ensuring a clear and defined mandatory procedure for transferring custodianship will assist with making any elements mandatory. It is unclear how WADA will monitor ADO's to ensure compliance but we suggest the drafting team consider: consent and privacy of the athlete for sharing passport information, articulate what the purpose of sharing the information is, who will be entitled to the information, design and strengthen roles and permissions within ADAMS for users, provide 'proper use' training tools, implement functionality within ADAMS to log access to passport information and for WADA to undertake audits to assess the system and for continuous improvement.

Ensuring that ADOs work cooperatively so that testing is coordinated appropriately with all results collated in the athlete's passport in ADAMS.

- We agree with the proposal that ADOs work cooperatively so that testing is coordinated appropriately with all results collated in the athlete's passport in ADAMS.
- Mechanisms to ensure and track a coordinated approach need to be carefully considered. To monitor and enhance coordination, WADA could assess the implementation of the following mechanisms: a robust intelligence system within ADAMS to gather information and facilitate potential coordinated approaches, invest in data analysis tools to identify patterns and anomalies in testing results, strengthen or provide guidelines for establishing protocols for joint investigations between ADOs, and embrace emerging technologies to support functions within ADAMS.
- Additionally, we suggest the ability to populate projected test plans be plotted into the athlete's steroid or blood passport in ADAMS to facilitate passive coordination. Whether the projected plot for planned testing remains post completion of the test should be considered, it could be the third axis across the top of the chart, as it could be utilised as a mechanism for tracking coordination.

Update of athlete information on the ABP Supplementary form (ISTI Annex I.2.9)

- We agree with the fundamental principle for continuous improvement, which involves review and updating pertinent testing documentation.
- However, the extent of updates is unclear. We would support revisions that include factors such as clarifying the mandatory waiting period for venous blood serum samples. Consideration should also be given to extending

updates to include essential details for serums samples collected for hGH and blood steroids.

- For example: implementing similar existing protocols may include the athlete's requirement to rest for 30 minutes prior to collection of the sample, and the sample is collected in a serum tube with gel separator. For post collection, steps may include inverting the sample, stabilising the sample, and articulating ideal temperatures the sample is exposed to.

Mandatory Waiting Period and Documentation - Venous blood serum samples for the new ABP endocrine module,

- We agree with the proposal that a mandatory period of time an athlete must wait post training/competition, and prior to the collection of a venous blood serum sample, is required to be documented on the supplementary form.
- To better assist ADOs who don't have access to laboratories within their region, labs that can receive samples in the mandated timeframe for sample validation, there should be a consideration for all WADA accredited labs to offer the endocrine module especially if there is going to be any mandatory obligation for ADOs to complete the analysis under the TDSSA.

NADA Austria

Alexander Sammer, Head of Legal (Austria)
NADO - NADO

SUBMITTED

According to the **Concepts #3, #4, #5, #6 and #7** we welcome the proposed clarifications.

Drug Free Sport New Zealand

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

SUBMITTED

We support the concepts. There should be focus placed on allowing Athlete Biological Passport viewing between ADOs to ensure APMU recommendations are swiftly implemented.

Additionally, further guidance should be provided as to appropriate vacutainers and their appropriate analysis methods.

Sport Ireland

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)
NADO - NADO

SUBMITTED

- Agree that an athlete should only have one ABP blood passport.- Issue arises with duplications of athletes which can be only resolved by contacting ADAMS, turnaround times for this can be delayed.- Agree that the time post training/competition should be documented which we currently complete.

Anti-Doping Norway

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

SUBMITTED

Currently access to information and notifications linked to custodianship of the individual ABP serves as a barrier for achieving the cooperative ambition outlined in the concept. While we recognize that custodianship can be necessary and that the solution may lie in the practices rather than the rules, we suggest ensuring equal access to information and to following up by all those who share jurisdiction over an athlete, thus eliminating the barrier described above.

There should also be a WADA template for a data sharing agreement between ADOs to ensure the legal basis of sharing personal data between ADOs and to reduce the administrative burden of sharing data in ADAMS.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

USADA strongly supports the inclusion of the proposed changes to enhance the ABP program.

Specifically, WADA should ensure that only a single passport exists for steroidal, hematological and endocrine profiles.

Further, as well as streamlining the process for sharing passports, granting read access should be mandatory for all ADOs with jurisdiction over the athlete. Transferring passport custodianship should also meet clear guidelines to avoid multiple transfers over a short period of time.

Further, as well as streamlining the process for sharing passports, granting read access should be mandatory for all ADOs with jurisdiction over the athlete. Transferring passport custodianship should also meet clear guidelines to avoid multiple transfers over a short period of time.

Japan Anti Doping Agency

SUBMITTED

YUICHI NONOMURA, Result Management (??)
NADO - NADO

Agree with all concepts. At the same time, the issue ADOs are having is complication of sharing ABP in ADAMS and also not able to having notification in ADAMS. So the issues are more of the setting of ADAMS. If ADAMS could send notification to all related ADOs, that solves issues.

Canadian Centre for Ethics in Sport

SUBMITTED

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)
NADO - NADO

The CCES agrees with the athlete only having one blood ABP established.

The CCES believes that read-only access for athlete passports should be granted automatically to other ADOs with jurisdiction over the athlete, therefore avoiding the need for on ADO to take steps to grant access to another. Failing that, the process to grant access to another ADO should be made to be as simple as possible. Third parties such as the ITA, or a NADO requesting access from another NADO, should still require a request for read-only access to the passport.

Finnish Center for Integrity in Sports FINCIS

SUBMITTED

Marjorit Elorinne, Quality Manager (Suomi)
NADO - NADO

Proposed enhancements are supported.

Especially the need for easy way of enabling the read access/sharing of passport data with ADOs having the testing jurisdiction over the athlete is highly supported (automatic "sharing agreement" function in ADAMS).

Anti Doping Danmark

SUBMITTED

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

Currently it is not clear when transfer of custodianship should be made. ADD supports that a framework around it

be developed. It should also be easier to get read access and transfer custodianship. Updated module in ADAMS is eminent in regards of the custodian transfer.

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

SUBMITTED

Remark: The concept is basically welcomes the present concept, but one fundamental remark. The costs per test could significantly increase due to the proposed changes. This would mean that funding for the national testing program would have to increase significantly. However, if an increase in funding would not be feasible in a country, the NADO could then possibly be forced to reduce the amount of athletes in the RTP in order to significantly. By doing so, the mandatory requirements will apply to fewer athletes which will reduce the increase in costs. This is not desirable. The consequence of changes to the ISTI should not mean that the amount of athletes in our RTPs have to be reduced. Therefore, it is important that the IST Drafting Team not only looks at how to improve the investigation aspect of testing when it is reviewing the ISTI, but that it also looks at the practical and financial aspect.

NADA India

NADA India, NADO (India)
NADO - NADO

SUBMITTED

We fully endorse the decision to incorporate the proposed provisions related to ABP: -

- Only one ABP for one athlete
- Read-only access rights may only be provided to other ADOs sharing the testing jurisdiction over the athlete.
- Wait time post training/competition prior to the collection of venous blood serum sample in case of ABP endocrine module.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

SUBMITTED

One Blood ABP Our assumption is that this amendment would mean it would not be possible for an Athlete to have multiple profiles on ADAMS. On this basis, we would be supportive of this change.

Read-only Access Rights

We are supportive of this change and would suggest that this could be automated in ADAMS.

We would propose that consideration is given to amendments in ADAMS to support the implementation. For example, when an Athlete's profile is created in ADAMS, the NADO/RADO and International Federation with jurisdiction (Nationality and Sport) is automatically provided access to all elements. Additional ADOs that require access (e.g. Sport Nationality) could be approved manually on a case-by-case basis.

ADOs Working Cooperatively

We are supportive of this.

ABP Supplementary Form

We are unclear what will be updated so are not able to provide a comment.

Venous Blood Serum Samples

We are supportive of this change but wish to seek rationale with regards to the waiting times stipulated for ABP (haematological, endocrine and steroid).

Clarification should also be provided for blood serum collections which are not part of the ABP as within the ISTI it stipulates only a 10-minute seated rest is required, however, it is understood the WADA Handbook references 30 minutes. Clarification is needed if 30 minutes should pass before the collection of a blood serum sample and if it would be a recommendation or a requirement.

International Testing Agency

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

SUBMITTED

This Concept is supported:

- The requirements for entering a DCF in ADAMS is 21 days irrespective of the sample type. If a blood ABP sample is collected and an urgent follow up is required it can take up to 28 days to receive an APMU report making it very difficult to obtain a timely follow-up to check suspicious values. It is suggested that for hematological ABP samples that the timeframes uploading the DCF to ADAMS be reduced (for example to 7 days).
- In relation to read access to passport custodianship, the process and administrative procedures should be made as efficient as possible.
- Consideration should be given to MEO to ensure that they too can obtain read access during their testing jurisdiction period.
- Clearer guidelines for the attribution and transfer of passport custodianship would be welcome, to better harmonize the approach globally.
- Expected time frames attached to the preparation of an ABP documentation package by the APMU, or the joint Expert report would assist the ADO to decrease the delays.

Concept #5 – Sample Retention and Further Analysis of Samples (22)

World Rugby

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

SUBMITTED

We support the idea of there being more criteria for when to conduct further analysis, accepting that there is a risk that this may put financial pressure on some less-well resourced ADOs. The second point about developing criteria for when samples should be stored and reanalysed would seem to have two main implications - ADOs may possibly end up having to spend more money than they do now (as discretion is removed), however conversely, some sort of expert guidance on when to store and reanalyse could be extremely helpful to minimise speculative decisions and prevent wasted resources.

That said, we wonder how easy it is to determine 'circumstances where sample storage should be mandatory as well as criteria as to when further analysis should be conducted or when samples in long-term storage should be discarded'. It would seem difficult to identify samples whereby storage would be mandatory, aside from some form of intelligence or some clue from the biological profiles, but if there are ways to do this, then we would consider it helpful.

UEFA

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

SUBMITTED

UEFA supports the development of this concept

It would be interesting to explore the idea of TDSSA style guidelines for Long Term Sample Storage. For example, an ADO has to store X% samples for discipline A, Y% for age group B, Z% samples for athletes who have a suspicious passport, etc. A key point is that the Lab should be able to mark which samples are in long term storage too, so this information is visible (and can be exported) via ADAMS.

International Tennis Integrity Agency

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

SUBMITTED

ITIA would like to suggest that consideration is given to mandatory sample storage when a sample triggers a suspicious finding in an athlete's ABP. However, this might be a logistical issue, as the APMU would need to tell the passport custodian, who then need to tell relevant laboratory. Often, delays in samples being added to ADAMS might mean that the sample is discarded by the time custodian is able to request storage.

Sport NZ

Jane Mountfort, Principal Policy and Legal Advisor (New Zealand)
Public Authorities - Government

SUBMITTED

This submission is made on behalf of Sport New Zealand, which is the Crown agency responsible for advising the New Zealand government on anti-doping policy and ensuring New Zealand's compliance with the International Convention against Doping in Sport 2005.

Sport NZ refers WADA to its comments on the cultural sensitivity of retaining samples provided in response to International Standard for Laboratories, Concept #4 and the imperative of providing culturally relevant information prior to seeking consent for retention.

Council of Europe

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

SUBMITTED

Supported

However, the term "APMU recommendation" should be clearly defined. It should be clarified that an APMU recommendation gives the ADO the opportunity to decide whether to follow the recommendation or not. If, however, it is the intention to force ADOs to follow a recommendation, then it this term should be changed to reflect the status of a mandatory requirement.

Regarding the circumstances when samples shall be put in long-term storage, it could be included that all urine samples in the period in which an athlete is 'Suspicious' or 'Likely Doping' (according to the APMU) in the endocrinology and/or hematology module should be included in the long-term storage.

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

No comments at all. Satisfied

Anti-Doping Sweden

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

SUBMITTED

Supported. Further guidance is welcome when to store, analyze and discard samples.

Sport Integrity Australia

SUBMITTED

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)
NADO - NADO

In line with the general theme of our response to most Code review topics - we believe further guidance is generally valuable, but mandatory requirements should only be used where absolutely necessary. Mandatory requirements can reduce the flexibility for ADOs to implement their programs in the most flexible and intelligent way, and in general will always increase costs.

NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

NADA Comment: partly agree There is a big cost factor for long-term-storage and reanalysis. Mandatory requirements only make sense if the capacity to store the samples in the laboratories and the financing of a re-analysis is secured. Therefore labs should be included in this discussion as well. If only few labs (e.g. Lausanne, Cologne) have the capacities for increased storage, this could lead to inflexibility in choosing the lab (transport costs, maybe increased analysis costs).

NADA Austria

SUBMITTED

Alexander Sammer, Head of Legal (Austria)
NADO - NADO

According to the **Concepts #3, #4, #5, #6 and #7** we welcome the proposed clarifications.

Drug Free Sport New Zealand

SUBMITTED

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

Criteria where samples should be put into long term storage (tanking)

We support the concept that it would be useful to develop additional criteria regarding the circumstances when samples shall be put into long term storage. We consider that the following circumstances should require mandatory storage:

- Testing within three months prior to an Olympic or Paralympic Games.
- SSP-CPR and ATPF-CPR (atypical passport) samples if there is sufficient sample after further analysis requirements.

Criteria as to when further analysis should be conducted

We support the concept that criteria should be developed for when further analysis should be conducted on samples in long term storage. We suggest a recommended percentage per sport, similar to the TDSSA as well as based on intelligence. We consider that long term stored samples should be destroyed ten years from the sample collection date.

Sport Ireland

SUBMITTED

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)
NADO - NADO

- ADAMS should be fully utilised to mark samples for long term storage along with notifying the laboratory of this request.- Financial burden if a certain percentage of samples are mandatory to be stored.- The 3 month timeframe,

once a sample is collected and is kept by the laboratory, goes by quickly, could this timeframe be expanded?

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

Any guidance which samples to store, re-analyze and discard is very welcomed.

Canadian Centre for Ethics in Sport

SUBMITTED

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)
NADO - NADO

The CCES would welcome additional guidance from WADA regarding the circumstances where samples should be stored, should be subjected to further analysis or should be discarded.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

USADA support improving requirements of ISTI Article 4.7.3 to include specific circumstances where it shall be mandatory to conduct further sample analysis such as for a prohibited substance that is contained within the TDSSA, upon an APMU recommendation.

Specifically, some examples of where further sample analysis should be mandatory (for international- and national-level athletes only, recreational-level athletes and client pay events except based on resource limitations):

- Upon APMU recommendation,
- Prior AAFs for that substance in a specific athlete or competition where multiple samples were collected,
- Upon the laboratory recommendation in the testing report,
- When a follow-up sample collection is necessary.

Further, if sample long-term storage is mandatory (for international and national-levels of athletes), there should be a better understanding and system for alerting ADOs of best practice in re-analysis strategies at the laboratories. For example, when could, based on a proper risk-analysis, a sample(s) be re-analyzed due to a new development in laboratory analysis or improvement in an existing analysis technique? There should also be consideration given to storage of DBS samples without analysis in order to support anti-doping rule violations such as determining if a substance prohibited in-competition was used out-of-competition or contamination scenarios. Finally, universal long-term storage tracking technology needs to be implemented if long-term storage is made mandatory to avoid many different disparate systems being used.

Japan Anti Doping Agency

SUBMITTED

YUICHI NONOMURA, Result Management (??)
NADO - NADO

It is nice to have criteria for long-term storage, further analysis, and discard of samples, but should be minimum or as a guide because this affects budgets depend on how much is the storage fee.

Swiss Sport Integrity

SUBMITTED

Ernst König, CEO (Switzerland)
NADO - NADO

Given the considerable financial implication of Sample Retention and Further Analysis, there shouldn't be any mandatory requirements in this regard. However, SSI welcomes guidance around the criteria when to put samples into Long Term Storage and what further analysis to apply. Having said that, such guidance should not be included in the IST but in the respective Guidelines.

Finnish Center for Integrity in Sports FINCIS

Marjorit Elorinne, Quality Manager (Suomi)
NADO - NADO

SUBMITTED

In relation to sample retention, further analysis, and final discarding we welcome the more precise/concrete criteria and see that for example APMU recommendation should lead to mandatory actions.

Current long-term storage functionality in ADAMS could also be enhanced (for example direct link from ABP module and for the selection of reason to LTS a drop-down menu for mandatory/most common reasons...)

At the same time, it is good to take into account when specifying new mandatory requirements that those requirements usually come with the price tag, which will lead to need for ADOs increased financial input.

Anti Doping Danmark

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

SUBMITTED

ADD doesn't want it to be mandatory but recommend some more guidance, for when samples should be long term stored, reanalyzed and/or discarded. We would support that samples reported 'negative' are stored for 6 months instead of 3 months.

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

SUBMITTED

Remark: This concept is basically welcomed, but one fundamental remark. The term "APMU recommendation" should be clearly defined. It should be clarified that an APMU recommendation gives the ADO the opportunity to decide whether to follow the recommendation or not. If, however, it is the intention to force ADOs to follow a recommendation, then it this term should be changed to reflect the status of a mandatory requirement.

Regarding the criteria concerning the circumstances when samples shall be put in long-term storage: As an example, it could be included that all urine samples in the period in which an athlete is 'Suspicious' or 'Likely Doping' (according to the APMU) in the endocrinology and/or hematology module should be mandatory to be included in the long-term storage.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

SUBMITTED

Any requirement for the mandatory long-term storage of samples needs to consider that Laboratories charge in different ways (some for the full 10 years storage at once; others on a per month/yearly basis). Any mandatory requirements could be cost prohibitive for an ADO and restrict flexibility. We would suggest a recommended list of criteria is provided for consideration.

We would propose that consideration is given to providing information on what is or isn't likely to change in the foreseeable future as well as what has changed (from the perspective of WADA/Laboratories). This could assist

ADOs' decision making, e.g. if the analysis for a specific substance is unlikely to evolve.

Some proposed suggestions for criteria as to when further analysis could take place include:

- Whether techniques have improved;
- Prior to a major target event for Athletes (particularly if their performance has since improved);
- Prior to retirement/jurisdiction ceasing;
- Where there are changes in ABP,
- Going back to old Samples.

International Testing Agency

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

SUBMITTED

We support a further clarification of the requirements of the long-term storage and further re-analysis activities. The Laboratories should be allowed to recommend LTS on suspicious samples or based on their own internal intelligence. (e.g. samples not meeting the threshold for reporting, etc.). In relation to re-analysis, one potential approach is to request ADOs to allocate an ongoing annual quota specifically for further analysis and build a dedicated multi-annual budget to ensure the availability of funds when required.

Concept #6 – Transgender and Gender Diverse Athletes and Procedures for Sample Collection (20)

UEFA

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

SUBMITTED

UEFA partially supports the development of this concept. The gender of the witnessing DCO/Chaperone still needs to be linked to the Sport Gender of the athlete, even if the athlete identifies as a different gender. Otherwise, ADOs may get in a situation where a DCO is unable to collect a sample if the athlete self-identifies as a different gender during the test.

International Tennis Integrity Agency

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

SUBMITTED

Whilst the ITIA has no first hand experience of this scenario to date, we generally agree with the current process. We would suggest that a working group is created that involves members of the transgender and gender diverse community.

A case by case approach may be more appropriate but this would necessitate highlighting in advance that an athlete might need modifications made to the doping control (sample provision) process.

Sport NZ

SUBMITTED

Jane Mountfort, Principal Policy and Legal Advisor (New Zealand)
Public Authorities - Government

This submission is made on behalf of Sport New Zealand, which is the Crown agency responsible for advising the New Zealand government on anti-doping policy and ensuring New Zealand's compliance with the International Convention against Doping in Sport 2005.

Sport NZ recommends that WADA consult with athlete networks on this matter.

Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

An option to consider is whether a person of the same biological sex or of the gender to which transgender athletes belong should be present during the sample collection. The rights and perspectives of all persons involved in the sample collection process should be taken into account.

Anti-Doping Agency of Serbia

SUBMITTED

Bojan Vajagic, Director's Assistant (Serbia)
NADO - NADO

This is a very difficult and complicated chapter for all of us. We believe that we are not sufficiently educated and that we do not know enough about this area to give suggestions for its solution.

COCOM

SUBMITTED

Stephanie Sirjacobs, Legal adviser (Belgium)
NADO - NADO

vaste et (très) importante question. Outre questionner les états (mais je sais pas si ça peut apporter quelque chose d'utile ou positif), il conviendrait que l'AMA s'approprie cette question d'abord. Pour cela, elle devrait mettre en place un groupe de travail de spécialistes afin d'élaborer des propositions de règles qui pourraient régir le paysage sportif de demain ; ces règles se devront d'être inclusives, non discriminatoires, réalistiquement applicables et justes.

Organizacion Nacional Antidopaje de Uruguay

SUBMITTED

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

No comments

Anti-Doping Sweden

SUBMITTED

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

Further guidance is welcome, especially in sports that are not gender defined. Athletes should request or apply in advance if they would like to have modifications based on gender. The rights of our DCOs to have a choice not to witness an opposite sex athlete must also be considered. Improving education around this topic is very important.

NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

NADA Comment: It is important that the interests of the doping control personnel are also taken into consideration, in addition to the interests of the athletes concerned.

Sport Integrity Australia

SUBMITTED

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)
NADO - NADO

We agree with the proposal to enhance and strengthen the guidance for managing sample collection procedures for transgender, gender diverse athletes, and sample collection personnel.

Both the athlete and sample collection personnel need to be comfortable, and their rights protected when a sample is being provided. To mitigate for any risk, we support an assessment as to whether it is appropriate for transgender and gender diverse athletes to self-report in advance to the ADO, which gender they'd prefer to have witness the urine provision. This would provide ADOs the opportunity to ensure those sample collection staff who undertake the witnessing of a sample, are comfortable in doing so, and providing assurance to the athlete that their needs are met.

Sport Ireland

SUBMITTED

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)
NADO - NADO

- Further guidance required in relation to transgender athletes and events which are within an open category and not gender defined.- Sample Collection Personnel education needs to be addressed within this topic.

Drug Free Sport New Zealand

SUBMITTED

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

The current process supports gender diverse and transgender athletes, but does not provide the same level of support to Sample Collection Personnel. Athlete samples are witnessed by SCP who are of the same gender, which the athlete is competing in. Guidance would be useful for SCP

However, in some cases transgender athletes who are yet to fully "transition" or still have their sex organs consistent with their biological sex may be witnessed by SCP who are of a different biological sex.

ADOs should have guidance and support in place for SCP.

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

This is a sensitive topic and our DCOs are concerned they might in any way offend any transgendered and gender diverse athletes without intend to do so. There is a need for guidance and training of DCO to handle these cases on site. The competing transgendered and gender diverse athletes should possibly expect to be tested by an DCO with the same gender as the sport gender of the athlete.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

USADA strongly supports the need for a detailed consultation process on improving sample collection procedures and recognizing the needs of transgender and gender diverse athletes, and sample collection personnel. Specifically, with new categories including non-binary athletes, sample collection procedures must address the needs of athletes and sample collection personnel as it relates to disclosure of personal information, appropriate selection of SCP, and any consistent modifications in the sample collection process. Doping control forms and other sample collection forms may need to be modified to accommodate new norms in gender identity diversity in sport. For example, specifically with respect to sample collection personnel, they should have the right to modify the process to allow for another sample collection person observe them observing the athlete where necessary and provided confidentiality can be maintained.

Japan Anti Doping Agency

YUICHI NONOMURA, Result Management (??)
NADO - NADO

SUBMITTED

Should consider how we should handle for the open category events. It is very difficult to handle gender of SCPs... We have received several questions about transgender issues by ASP (athlete support personal)s. We will strongly request that WADA will prepare any guideline or guidance for this matters.

Canadian Centre for Ethics in Sport

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)
NADO - NADO

SUBMITTED

The CCES agrees that thought must be given to how testing processes could become more inclusive for transgender athletes. Some areas for consideration include:

1. Creating a place in ADAMS, or other electronic systems, for an athlete to voluntarily disclose additional information around their gender identity in order to assist with the doping control process (e.g. their pronouns, etc.).
2. Providing the ability for transgender athletes to disclose the use of any gender-affirming equipment in advance of the doping control process.
3. Determining whether transgender athletes can request a witness of a gender which may not align with their sport gender. To assist with test planning, the granting of such requests could be limited to situations where the athlete has pre-disclosed this information, as per point one above.
4. Considering training for sample collection personnel on:
 - the use of gender-neutral terms and other inclusive language;
 - the types/variations of gender-affirming equipment that transgender individuals might use;
 - differences in the witnessing process (e.g., whether an athlete may elect to sit or stand, how gender-affirming equipment may function, etc.)

Consideration must also be given to the inclusion of provisions pertaining to transgender sample collection personnel.

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

SUBMITTED

Remark: An option to consider is whether a person of the same biological gender or the gender to which the transgender athlete feels he/she belongs to, should be present when a urine sample is provided.

Anti Doping Danmark

Silje Rubæk, Legal Manager (Danmark)
NADO - NADO

SUBMITTED

ADD proposes further guidance for testing in disciplines that are not gender defined.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

SUBMITTED

We are supportive of further guidance being provided. We would suggest consideration is given to the following:

- Providing guidance to ADOs for Testing in sports/disciplines which do not have a defined sporting gender e.g. equestrian, wheelchair rugby.
- Whether formal applications from Athletes would be permitted (in advance) to request a modification, i.e. Sample Collection Personnel of a specific gender.

International Testing Agency

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

SUBMITTED

We support the review of the sample collection procedures and processes to ensure inclusivity and dignity for transgender and gender diverse athletes.

Concept #7 – Reporting of ADO Testing Statistics by each Athlete (26)

World Rugby

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

SUBMITTED

We would not support a change that made it mandatory for the athlete name and test date to be published. We consider that aggregated and anonymous data should be sufficient. As an industry we have successfully shifted to a more intelligence-based approach to testing in recent years. Though we recognise the need for ADO transparency, we fear this would lead to test distribution being potentially led by concerns about external perception and considerations of 'fairness' as opposed to being led by risk. ADOs should always welcome external scrutiny on test distribution decisions, but we would prefer to have this from WADA as the regulator and not from those who may not have all information behind a test selection decision. We would also have some concerns about possible data protection implications, particularly in Europe.

UEFA

Rebecca Lee, Anti-Doping Team Leader (Switzerland)
Sport - Other

SUBMITTED

UEFA does not support the development of this concept.

Each country has different data protection rules on whether athlete names/statistics can be published making this

almost impossible for IFs to implement.

International Tennis Integrity Agency

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

SUBMITTED

The ITIA does not support mandating the publication of the relevant data.

Sport NZ

Jane Mountfort, Principal Policy and Legal Advisor (New Zealand)
Public Authorities - Government

SUBMITTED

This submission is made on behalf of Sport New Zealand, which is the Crown agency responsible for advising the New Zealand government on anti-doping policy and ensuring New Zealand's compliance with the International Convention against Doping in Sport 2005.

As a matter of principle, Sport NZ supports transparency of the work of anti-doping system organisations. However, as regards publication of test information for athletes, it is not clear what the public interest would be in the information nor how publication would further the aims of the anti-doping regime. We are concerned that publication could invite speculation and incorrect inferences from mainstream and social media directed at athletes, National and International Federations, ADOs and WADA that is time consuming to address. We are reserving our position until seeing more information on the benefits of this proposal.

Council of Europe

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

SUBMITTED

Athlete statistics should only be published where national rules allow. Any publication of personal information of athletes should be in accordance with European standards (including the Council of Europe Data Protection Convention and the EU GDPR) and national rules.

Anti-Doping Agency of Serbia

Bojan Vajagic, Director's Assistant (Serbia)
NADO - NADO

SUBMITTED

We believe that publishing the names of the athletes and the dates of their testing would be contrary to the protection of personal data. We believe that some countries would also have problems with their local authorities regarding this issue.

We don't support this concept.

COCOM

Stephanie Sirjacobs, Legal adviser (Belgium)
NADO - NADO

SUBMITTED

Il serait opportun que ce soit seulement sur demande de l'AMA.

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

NADO Flanders

SUBMITTED

Jurgen Secember, Legal Adviser (België)
NADO - NADO

NADOF thinks that this is the same as with public disclosure in general, and can raise privacy issues. Providing testing statistics to partners/WADA and other ADOs is already achieved through ADAMS. NADOF is not in favor of having a broader reporting on testing statistics per athlete. Having public disclosure on testing statistics will be difficult in light of the privacy of the athlete, and will not be beneficial to the ADO, since there can soon be public criticism on the number of test directed to one athlete as opposed to lesser testing of the other, or some adverse conclusions or suspicions that might arise from testing activities (target testing might indicate that this is information based). Also, for NADOs in the public sphere working under legislation, when such disclosure is made to political actors, they might be bringing forward questions or putting pressure on the NADO, thus putting pressure on the operational autonomy of the NADO.

Anti-Doping Sweden

SUBMITTED

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

Athlete statistics should only be published where national rules allow.

NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)
NADO - NADO

NADA Comment: disagree

NADA concerns that such detailed publication is in conflict with data privacy laws in many countries (including Germany).

Furthermore, published data might be misinterpreted and/or lead to public discussions. e.g. In the case of multiple tests of an athlete, the athlete might easily become subject to doping speculations.

Sport Integrity Australia

SUBMITTED

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)
NADO - NADO

We support transparency in anti-doping data and are supportive of an assessment on whether the requirement to publish annual anti-doping activities should be expanded but suggest any outcomes will likely need to be limited. As per the general theme of our Code feedback, mandatory obligations on ADOs should only be used where there is a clear need and benefit for an effective anti-doping program. In the absence of clear rationale as to why certain data MUST be made publicly available, we prefer allowing each ADO the flexibility to act as appropriate to their specific situation.

Given what we know to be divergent views on the pros and cons of publishing data, as well as the significant impact of local data privacy rules, we suggest that at the very most, mandatory requirements on the publication of data be limited to the sport and discipline, not naming the athlete.

NADA Austria

SUBMITTED

Alexander Sammer, Head of Legal (Austria)
NADO - NADO

According to the **Concepts #3, #4, #5, #6 and #7** we welcome the proposed clarifications.

Drug Free Sport New Zealand

SUBMITTED

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

We do not support this concept as it is not clear what the public interest value is in this information. It is likely to lead to conjecture and comment by public commentators without the full context for the testing decisions being made.

Sport Ireland

SUBMITTED

Melissa Morgan, Anti-Doping Testing and Quality Manager (Ireland)
NADO - NADO

- Concern of media involvement, putting pressure directly on the NADO.- Publishing of testing statistics by each athlete should not be mandatory.- Each Country has different data privacy rules.

Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

This need to be checked with national legislation and could for smaller ADOs disclose the doping test program in detail, more or less. It could also be in conflict with testing based on intelligence where athletes have been tested based on tip-offs. I might be a step in the wrong direction for moving from a number game to have more targeted testing to detect doping.

Canadian Centre for Ethics in Sport

SUBMITTED

Elizabeth Carson, Senior Manager, Canadian Anti-Doping Program (Canada)
NADO - NADO

For privacy reasons, the CCES believes that the publication of testing information should be limited to the number of tests completed by sport discipline and should not be directly linked to a specific athlete (e.g. by name). Should WADA continue to permit the publications of athletes' names together with testing data then the CCES agrees that a specific timeframe (quarterly, annually) should be established.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

USADA strongly recommends and supports publishing reports showing parameters such as the name of each athlete tested and the type of test. For more details, please refer to: <https://www.usada.org/news/athlete-test-history/>. This search includes all samples collected from athletes conducted for USADA's Olympic, Paralympic, Pan American, and Parapan American testing programs. This is very important to allow athletes the transparency to understand how their fellow competitors are tested, as well as holds USADA to account for our testing programs. The upsides of this process that has been in place for over a decade strongly outweigh any negative aspects.

Japan Anti Doping Agency

SUBMITTED

YUICHI NONOMURA, Result Management (??)
NADO - NADO

We disagree with the idea of showing the name of each athlete tested and the date of each test. We disagree with the idea from the point of view of protecting personal information. We are not sure how our athletes feel to make

their testing history open. It does not fit to our custom...

Finnish Center for Integrity in Sports FINCIS

Marjorit Elorinne, Quality Manager (Suomi)
NADO - NADO

SUBMITTED

Regardless of the level of the athlete we don't support publishing reports showing the name/test date of each athlete tested. We see that this could cause undesirable attention to both tested and non-tested athletes as well as in a way risk our strategy to target/allocate/schedule tests. Thus, in our opinion the "benefit" of publishing the information is much lower than the possible unwanted effects/attention.

Swiss Sport Integrity

Ernst König, CEO (Switzerland)
NADO - NADO

SUBMITTED

SSI deems the reporting of detailed testing statistics (i.e., including the athletes name and date of test) unfit for purpose. The mere number of tests performed can lead to public misinterpretation as repeatedly observed in the past. For instance, a high number of test could be interpreted to the effect that there must be a suspicion against the athlete in question. Also, the perception of publishing such information heavily depends on the local or national cultur. Hence, the publishing this kind of information should not become mandatory in any case.

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

SUBMITTED

Remark: Regarding the publishing of athlete negative test information it is important to note that what is allowed and what not depends on the national legal situation. However, taking into consideration that it would be name plus the date of the test and therefore no sensitive data, there may not be many data privacy concerns. However, publishing all test results publicly will lead to scrutiny and questions from the media about i.e. whether the amount of time an individual athlete was tested has to do with suspicions or allegation of intentional doping.

Anti Doping Danmark

Silje Rubæk, Legal Manager (Denmark)
NADO - NADO

SUBMITTED

ADD does not support this as a mandatory requirement. Although it is likely to hold the ADO more accountable for their testing program, ADD fears the chance of public misinterpretation of those numbers.

NADA India

NADA India, NADO (India)
NADO - NADO

SUBMITTED

NADA India supports the provision of publishing reports showing the name of each athlete tested and the date of each test.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)
NADO - NADO

SUBMITTED

We would not be supportive of increasing the level of information published as we foresee a potential number of

difficulties with the proposal for the “Reporting of ADO Testing statistics by each Athlete”:

- This has the potential to disclose Testing strategies and/or compromise intelligence.
- There could be challenges in respect of Atypical Findings, where an Athlete has been subject to multiple follow-up tests.
- The athlete could be accused of being a “target” for a specific ADO.
- This could create unnecessary challenges from Athletes regarding the publication of their data.
- Consideration needs to be given as to whether ADOs have the capacity to manage the publication of this data.

We therefore do not support this proposal and consider ADOs should be permitted to determine what to publish in this regard.

International Testing Agency

International Testing Agency, - (Switzerland)
Other - Other (ex. Media, University, etc.)

SUBMITTED

We support this review for greater harmonization across all ADOs.

Other Comments / Suggestions (19)

World Rugby

David Ho, Senior Manager Anti-Doping Operations (Ireland)
Sport - IF – Summer Olympic

SUBMITTED

Section 4.6.1: Based on the Risk Assessment and prioritization process described in Articles 4.2 to 4.5, the Anti-Doping Organization must determine to what extent each of the following types of Testing is required in order to detect and deter doping practices within the relevant sport(s), discipline(s) and/or nation(s), intelligently and effectively:

a) In-Competition Testing and Out-of-Competition Testing;

(i) In sports and/or disciplines that are assessed as having a high risk of doping during Out-of-Competition periods, Out-of-Competition Testing shall be made a priority, and a significant portion of the available Testing shall be conducted Out-of-Competition. However, a material amount of In-Competition Testing shall still take place.

We wonder whether this fails to acknowledge that for IFs and MEOs, it's not just about INC-specific risk, but also about protecting the integrity of the competition via testing as deterrence. There may not be significant INC-specific doping risk in the event, but INC testing is still required to make sure that it doesn't become an option for athletes. The use of the term 'material amount' could probably be reconsidered.

Section 4.2: Risk Assessment

We wonder whether this section could benefit from something about the consideration of data analytics (e.g. sport performance metrics) where available/obtainable? The section seems to have everything else that we might need when trying to evaluate risk but that seems an obvious omission (though its implied elsewhere).

On a related point, we feel ADOs could benefit from easier access to data held in ADAMS. Currently the user must understand the process for running reports, but it's not always straightforward, and an easier way of withdrawing potentially valuable data would seem to be of benefit for risk assessments (e.g. DCO allocations, declared medications, timing/frequency of testing etc.)

Section 5.3.2 - Requirements Prior to Notification of Athletes

This may or may not be the correct place in the Code and Standards to do this, but we would encourage a tightening up of what the term 'trained' means here, in favour of a much clearer explanation/definition, including field audit requirements. We often witness Sample Collection Personnel (DCOs and BCOs) in a wide range of territories who do not appear to have the requisite training to conduct testing to the IST without support from our expert officials on-site. Any change to improve requirements in this area would be of considerable value, particularly for IFs who may use a wide range of NADOs for their test services.

International Tennis Integrity Agency

SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)
Sport - Other

Article 12.2 and 12.3, linked to Article 5.3.2.1 of the ISRM - The ITIA would request that clarification is provide don when this article 'kicks in'. The view of the ITIA is that in non-analytical cases, at the investigation stage, the ISRM is not relevant (as the RMA is still considering/gathering evidence as to whether the player may have committed an ADRV) and so there is no obligation on the RMA to disclose all evidence it has in relation to the potential ADRV. That evidence should only be disclosable at the time the ITIA sends a pre-charge notice to the player rather than at interview stage.

Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

Comment #1

Harmonised whereabouts requirements and policies

Major differences exist between ADOs in the practical handling of whereabouts filings and whereabouts failures. Some ADOs are stricter than others, for example regarding the filing of regular activities and the consequences which may result from this. It means that athletes from the same sport may be treated differently.

The current international practice appears to be that almost no RTP athletes submit their regular activities (training, physiotherapy, massage, etc.) although this is mandatory. Difference of practice also appears in the optional calling of athletes, the assessment of unsuccessful Attempt Reports, or whether an RTP athletes' failure to provide regular activities and competitions leads to filing failures or not.

These differences are in general undesirable across all sports and jurisdictions (i.e. between sports and countries), but *within the same* sport it is really a problem causing confusion among athletes, inequality od treatment, mistrust into the system.

The future IST and the ISRM should ensure that ADOs' approaches to whereabouts (requirements and failures) are harmonised.

Comment #2

Calling athletes **outside** the 60-minute time slot

The ISTI makes clear that No Advance Notice Testing *shall* be the standard method. However, unsuccessful Attempt Reports (UARs) show that it is common practice for many service providers to call athletes outside of the 60-minute time slot in order to increase the chance of a successful test attempt. This is not in line with the ISTI as it contravenes the principle of no-advance notice testing.

Consequently, the IST should define that, as a general rule, calling RTP athletes *outside* of the 60-minute time slot

is not allowed and describe clearly when calling is allowed and when it is not allowed.

However, for certain sports, where locating athletes out-of-competition is demonstrably and structurally impossible due to the practicalities of how these athletes train – such as road cycling, surfing or sailing -, the IST shall provide that WADA may approve exceptions if an IF provides a compelling justification. The relevant IF should establish that testing remains sufficiently effective despite (a) the prior notice which results from calling and (b) the athletes not being continuously chaperoned after being (orally) notified. Exceptional circumstances should also be looked into in order to prevent ‘calling practices’ to exist.

Comment #3

Calling athletes **inside** the 60-minute time slot

The comment to Article 4.8.8.5 (d) ISTI creates the option of calling an RTP athlete prior to the expiration of the 60-minute time slot. This is a welcome provision in the ISTI.

However, to ensure that ADOs use this optional calling in a harmonised manner and athletes are treated equally, more guidance is needed – e.g. how many calls, which registered telephone number, the compulsory nature of the call when included in the ADO policy, etc.

Comment #4

Imposing additional whereabouts requirements

Some ADOs impose a requirement on RTP athletes to provide more whereabouts information in their filings than the information mentioned in Article 4.8.8.2 ISTI (overnight address, 60-minute time slot, regular activities and competitions)

This might be consequence from the fact that Article 4.8.8.2 ISTI states that a Whereabouts Filing contains “at least” the following information. This allows ADOs flexibility in what whereabouts information they ask from their athletes (both RTP athletes and athletes included in other testing pools). This flexibility is reflected in Article 4.8.1 ISTI. However, while the ISTI allows flexibility with regard to what is asked in terms of whereabouts, the ISTI does not allow such flexibility when it comes to recording filing failures.

Moreover, imposing a requirement on RTP athletes to submit “Any additional information deemed necessary to enable any ADO intending to locate you for testing” comes down to a full-time 60-minute time slot requirement, which requirement does not exist in the ISTI.

The wish to ask for more whereabouts information than is listed in the ISTI in order to assist in locating and testing athletes for testing is understandable. However, imposing a requirement to submit more whereabouts than those expressly mentioned in the ISTI should **not** lead to the recording of filing failures, for the following reasons:

- it would mean that filing failures would be recorded based on the individual and separate requirements of ADOs instead of the global requirements of the ISTI. This would be a departure from how the anti-doping system is set up;

- it would mean that athlete are not treated equally, but differently. Treating athletes differently, especially when they are from the same sport, is not in line with the principles and objectives of the Code and the International Standards.

Furthermore, imposing additional whereabouts requirements on RTP athletes to the extent that they would have to provide, on a daily basis, ‘any additional information deemed necessary to enable any ADO intending to locate them for testing’ would pose a legitimate threat to (i) the legal acceptance in human rights courts for the whereabouts rules and (ii) the support among athletes for the whereabouts rules.

As a consequence, it is advised to delete the reference in Art. 4.8.8.2 ISTI to “at least”. If this reference is not deleted, it should be specified that a requirement to provide additional whereabouts information (e.g. traveling days) shall not lead to the recording of filing failures.

Comment #5

Filing failures for not submitting regular activities

The ISTI contains the requirement for submitting regular activities, but athletes often do not submit RAs and many NADOs do not even consider recording filing failures for not submitting RAs.

When confronted with the potential Whereabouts Failure, athletes claim that they do not have regular trainings /activities which they can submit, because their training is changing on a day-by-day basis or is irregular. Some of those athletes are also relying - amongst other resources - on the following provision from the ADAMS Handbook, which is not congruent with the ISTI:

“An activity is only “regular” if it is conducted as part of a standard schedule or practice. For example, if you train every Friday from 08:00 – 10:00 at a particular location this qualifies as a regular activity and should be disclosed in your whereabouts. However, if the day on which you train varies from week to week, depending on the weather or other variable, this does not need to be disclosed as a “regular activity”.”

Several issues exist regarding regular activities. These issues may be summarised as follows:

- a. It has become clear that many ADOs never record filing failures in relation to a failure to submit regular activities.
- b. Despite the definition of Filing Failure in the ISRM, several ADOs consider that it is not allowed under the ISRM to record filing failures for not submitting regular activities.
- c. The requirement to submit regular activities for each quarter can easily be circumvented in ADAMS.
- d. Many athletes are afraid of submitting regular activities, because (a) they may not always have this specific information for the entire quarter and (b) they know that including ‘uncertain’ regular activities open them up to the risk of possible filing failures. And because athletes *know* that they can get away with not submitting regular activities in ADAMS, they often chose to not submit any at all.
- e. No regular activities in whereabouts filings means ADOs have less accurate and complete whereabouts, which can cause problems in locating athletes for testing no-advance notice out-of-competition testing. This may very well result in an increase in the amount of unsuccessful test attempts. This may trigger a decision by ADOs to allow athletes to be called prior to testing, which would increase the amount of successful sample collections, but contravene the principle of no-advance notice testing.

Under the IST and the ISRM, an athlete’s failure to submit any regular activities in the whereabouts filing should lead to a filing failure. Otherwise, there would be no point in the IST listing this requirement. However, some ADOs consider that a filing failure may only be recorded after an actual unsuccessful attempt. In this interpretation, (i) the emphasis is placed on whether an athlete could not be located ‘at the times and locations set out in the whereabouts filing’ and (ii) only an actual unsuccessful test attempt is sufficient proof that an athlete could not be found. The fact that such an interpretation exists under the current ISTI and ISRM is sufficient evidence that further clarification is needed.

As a consequence, the language in the IST and in ADAMS should be clarified to confirm that:

- a. there is a requirement to provide regular activities; and
- b. the absence of regular activities in an athlete’s whereabouts filing may lead to a filing failure being recorded.

The definition of Filing Failure could include a clear reference an athlete’s failure part to make an accurate and complete Whereabouts Filing ‘in accordance with the Whereabouts Filing Requirements included in the IST’.

Furthermore, clarification and international harmonization should be made regarding the following aspects: what are regular activities, definition of the terms “regular” and “training”, how to proceed if athletes do not submit them, harmonise ADAMS with the ISTI and the ISRM, and ensure that ADAMS does not discourage athletes to submit regular activities by making it too easy to continue if no such activities are included.

Comment #6

Other testing pools

The ISTI creates the option of establishing other testing pools than the RTP. However, no additional guidance is provided.

As a consequence, the IST should provide guidance on:

- which whereabouts requirements in the IST could or should be applicable to lower-level testing pools; and
- what possible sanctions could be, e.g. 2 or 3 filing failures in a period of 6 months will result in the athlete being included in the RTP for a year.

Comment #7

Storage and transport requirements for different collection methods in light of technological advances

A number of technological advances have been made in the field of anti-doping, including in the various methods of Sample collection. Some of these cross over between different purposes and methods. For example, advances have been made in the collection of ABP samples by capillary blood collection. However, the current ISTI only sets out requirements for transport and storage for samples collected by venipuncture.

As a consequence, the structure of the IST should be reviewed to take into account these different collection methods in the future, e.g. by distinguishing different means of collection from storage and transport requirements depending on the purpose and sample form.

Anti-Doping Sweden

Jenny Schulze, Testing and Science Manager (Sweden)
NADO - NADO

SUBMITTED

Comment #1- Diluted Samples

Article 4.8 in Annex F indicates that the DCO must send all collected urine samples to the laboratory for analysis. ADSE proposes to change to only send the first urine sample collected together with the approved urine sample.

Comment #2 – Mandatory questions on the DCO report

The format of the DCO report should be harmonised and include some mandatory questions. If we can agree on the format of the DCO report, the post-test communication between the Testing Authority and the Sample Collection Authority would be more effective. Article 8.3 in ISTI describes the post-test administration and refers to an example of a DCO report on WADA’s website. ADSE proposes that at least two of these questions should be mandatory on a DCO report, namely:

- 1) whether there have been any modifications to the procedure and
- 2) whether any information was received on the athletes or athlete support personnel that the DCO would like to report, such as “suspicious behaviour” and information emerged in dialogue with the athlete/coach/representative

that could be of interest from an intelligence and investigations perspective.

Comment #3- Harmonised whereabouts requirements and policies

Major differences exist between ADOs in the practical handling of whereabouts filings and whereabouts failures, including the concept of back-tracking filing failures. For instance- how many months should you be allowed to go back and check if an athlete has filed the correct location for a competition, and if not, pursue a “retroactive” filing failure? The future IST and ISRM should ensure that ADO’s approaches (requirements and failures) are harmonised.

Comment #4- Calling athletes outside the 60-minute time slot

Different interpretations also exist regarding when or when not to call an athlete outside the 60-minute time slot. The IST should define that, as a general rule, calling the athlete outside the 60-minute time slot is not allowed and describe clearly when calling is allowed and when it is not allowed. An increasing number of athletes live in buildings where the only option to get inside is to call the apartment. Guidance in these situations would be welcome. An option could be to call the athlete and keep them on the phone until the DCO meets the athlete and can notify the athlete in person.

Comment #5- Calling athletes inside the 60-minute time slot

The comment to ISTI Article 4.8.8.5 (d) gives the DCO the option to call the athletes when 5 minutes remain. To ensure harmonization between ADOs, this call should be mandatory and not optional.

Organizacion Nacional Antidopaje de Uruguay

José Veloso Fernandez, Jefe de control Dopaje (Uruguay)
NADO - NADO

SUBMITTED

None

Sport Integrity Australia

Chris Butler, Director, Anti-Doping Policy and International Engagement (Australia)
NADO - NADO

SUBMITTED

Recommendation 1:

We encourage WADA to review the wait times for athletes post exercise for all blood sample types. Assess whether there are any efficiencies that could be provided through the standard.

Recommendation 2:

We encourage WADA to review Article 4.2.1 Risk Assessment of the current ISTI in particular e) pertaining to available statistics, to assess where it can be strengthened especially for intelligence-led anti-doping. It would be advantageous for WADA to consider how they might be able to release testing figures and ADRV reports more expeditiously (they are regularly two years old) to allow for better planning by ADOs.

Recommendation 3:

Following any updates to the IST, it may be timely to relook at the associated guidance documents to see if, and where, they need refining or further clarity aimed at creating harmonised approaches to issues not mandated in the

International Standard. SIA would be willing to assist and input into this process.

Recommendation 4:

The Code and ISTI include mandatory requirements for the management of a testing program (risk assessment, RTP etc). However, we suggest WADA should consider a way of evaluating the effectiveness or appropriateness of an ADOs testing or anti-doping program as opposed to assessing compliance against only the code compliance questionnaire. Just being compliant doesn't result in an effective testing program. Are there ways the IST can assist or promote this broader assessment of effectiveness? It may require a deeper look at exactly what constitutes an "effective" or appropriate" testing program.

As one example, the Code Compliance survey asks for the number of RTP athletes and the number of tests against each, but there is no assessment of how effective or appropriate this is in each country/ADO. An ADO could have an RTP of 5 athletes, conduct 15 tests and theoretically remain compliant. Just because an ADO has limited budget doesn't mean the number of RTP athletes should be reduced, this is not a fair and consistent approach and exposes athletes in some countries to ADRVs others of very similar standard are not held to. Or conversely, ADOs with adequate budget (or high levels of sporting success) may not actually be doing enough testing or intelligence work and may be deliberately not placing athletes onto an RTP.

While we support maintaining flexibility in anti-doping programs and the ability to be agile, harmonisation or evaluation of appropriate programs could provide additional benefits including:

- a fair and equal application of the rules irrespective of sport or affiliation to a particular ADO.
- enhances trust of athletes that the anti-doping landscape is consistent.
- testing resources, including testing numbers, are utilised effectively and efficiently.
- assists ADO's ability to monitor when athletes enter or are removed from the RTP, especially where and athlete is subject to multiple jurisdictions.

Recommendation 5:

It would be advantageous for the drafting team to consider including the principle of education before testing in the IST. This would ensure consistency across both education and testing portfolios.

Drug Free Sport New Zealand

Nick Paterson, Chief Executive (New Zealand)
NADO - NADO

SUBMITTED

Whereabouts regular activities

We seek clarification and consistency around the requirement to file regular activities in the ISTI, including what constitutes a regular activity. The ISTI, the commentary to the ISTI and the ADAMS guidelines vary and some include work/school examples and some do not (4.8.1 vs commentary to the same vs 4.8.10.1 vs ADAMS guidelines).

Further, we would like explicit guidance that a regular activity is not a mandatory activity, and hence if it changes on an ad hoc basis compared to a change in the routine itself, this should not be an automatic assumed filing issue for investigation.

Further, guidance is needed so that a practicable approach is taken to regular activities such as open road training such as a regular start time / location and end time / location.

ADOs and whereabouts administrators agree that there is a lack of clarity which has resulted in different interpretations and approaches to the enforcement of this requirement.

Anti-Doping Norway

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)
NADO - NADO

SUBMITTED

Annex I – Collection, storage and transport of ABP-samples, refers to ABP-samples by venipuncture only. Given ongoing developments, it may be relevant to take capillary collected ABP-samples into consideration from 2027, e.g. by distinction of the collection of blood (venous/capillary), and the storage and transport (blood/ABP-Blood/DBS).

USADA

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

SUBMITTED

Hair analysis is regularly appearing in athlete results management cases. More detail around the utility of hair analyses and the scientific value it brings to the anti-doping process should be considered and communicated.

Japan Anti Doping Agency

YUICHI NONOMURA, Result Management (??)
NADO - NADO

SUBMITTED

Currently, there are Venous blood and DBS only. If, by the 2027, ABP sample could be collected by Tasso, then this case would not be the venous blood nor DBS. Therefore, new blood category may be necessary.

The regional Games Organizer, such as SEAGF for SEA Games, is currently not a signatory and I understood that the difficulty for them to be a signatory due to the resources. However, if we could find some ways for them, so they can conduct doping control like normal procedure(e.g.using ADAMS, etc.)

Many IFs do not take responsibility to be the TA for the regional level competitions, such as Asian championships, etc. NADOs also would not like to take the responsibilities due to the language burden, but Asian federation would like to do the testing. IF should be the TA and RMA for those regional level competitions.

?From RTP athlete's opinion?It is very troublesome to submit whereabouts via ADAMS. Everyday, whereabouts has been changed.Please consider more convenient way to submit whereabouts.e.g providing Airtag(Apple), using GPS etc

Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)
NADO - NADO

SUBMITTED

1. General observations

1.1. The concepts proposed by the IST Drafting Team are basically welcomed. However, there are also reservations. These reservations have to do with the impact of making everything that the concepts propose

mandatory in the future IST. Several proposals will probably result in a (significant) increase in the costs per test, which could have a negative impact on the national testing program, i.e. the amount of tests that can be conducted in a country per year.

1.2. The part of the ISTI that requires the most attention are the whereabouts. It has become apparent that many different practices exist among national and international Anti-Doping Organisations (ADOs) regarding the approach to whereabouts. This relates to:

- a. the requirement for athletes to provide regular activities in their whereabouts filings;
- b. whether or not to record filing failures for not providing regular activities;
- c. calling athletes *outside* the 60-minute time slot.

The ISTI needs to be amended in order to ensure clear and harmonisation rules and a globally harmonised application of these rules.

1.3. Furthermore, it has become clear that many ADOs have placed a higher emphasis on successfully collecting samples than on conducting no-advance notice testing. This is a dangerous and undesirable trend that is not in line with the ISTI.^[1] The amendments to the ISTI should therefore focus on respecting and reinforcing the fundamental principle that no-advance notice testing is one of the cornerstones of the fight against doping.

2. Harmonised whereabouts requirements and policies

2.1. Topic:

Major differences exist between ADOs in the practical handling of whereabouts filings and whereabouts failures. Some ADOs are stricter than others, for example regarding the filing of regular activities and the consequences which may result from this. The current international practice appears to be that almost no RTP athletes submit their regular activities (training, physiotherapy, massage, etc.) although this is mandatory.

The future IST and the ISRM should ensure that ADOs' approaches to whereabouts requirements and whereabouts failures are harmonised as much as possible. In practice, however, many different interpretations and applications exist among ADO regarding how to approach whereabouts requirements and recording whereabouts failures. Recording filing failures for not submitting regular activities is a rarity and made more complicated by ADAMS.

2.2. Relevant provisions:

Article 4.8.8 ISTI and Annex B ISRM.

2.3. Analysis:

2.3.1. Due to the fact that both the NADO and the IF may have testing authority over RTP athletes, both the NADO and the IF may *report* possible missed tests^[2] or filing failures^[3]. Article B.3.1 ISRM stipulates that only the RMA can *record* whereabouts failures.^[4]

2.3.2. After reviewing Unsuccessful Attempt Reports from various sources and talking with various national and international ADOs, it has become clear that many ADOs have different approaches and policies vis-à-vis whereabouts requirements and recording whereabouts failures. This means that a TA-ADO may report a possible whereabouts failure to the ADO with results management authority, but that the RMA-ADO may not record this reported whereabouts failure due to differences in the rules and policies.

2.3.3. More importantly, it means that athletes from the same sport may be treated differently. For example, a cyclist who is included in a *national* RTP may not have a filing whereabouts failure recorded against him/her, where a cyclist who is included in the *international* RTP will have a whereabouts failure recorded against him/her, even when the facts and circumstances are the same.

2.3.4. These differences are not limited to the optional calling of RTP athletes 5 minutes before the expiration of the

60-minute time slot. Other areas where significantly different approaches exist regarding whereabouts failures are:

- how Unsuccessful Attempt Reports are assessed;
- whether an RTP athlete's failure to provide regular activities and competitions leads to filing failures or not;
- calling athletes outside the 60-minute time slot.

2.3.5. These differences are in general undesirable across all sports and jurisdictions (i.e. between sports and countries), but *within* the *same* sport it is really a problem.

2.3.6. Such differences:

- a. cause confusion among athletes and ADOs;
- b. negatively impact education as NADO are not always aware of the differences in rules and policies that exist;
- c. result in athletes not being treated equally;
- d. may threaten the support among athletes for the whereabouts requirements.

2.4. *Recommendation:*

The IST and the ISRM should ensure harmonisation in the areas where differences in whereabouts requirements and policies have been identified.

3. Calling athletes **outside** the 60-minute time slot^[5]

3.1. *Topic:*

Unsuccessful Attempt Reports (UARs) show that it is common practice for many service providers to call athletes outside of the 60-minute time slot in order to increase the chance of a successful test attempt. This is not in line with the ISTI as it contravenes the principle of no-advance notice testing.

3.2. *Relevant provisions:*

The relevant provisions in the ISTI regarding calling athletes as part of testing attempts are:

- "No Advance Notice Testing shall be the method for Sample collection save in exceptional and justifiable circumstances" (Article 5.3.1 ISTI);
- "Whereabouts information is not an end in itself, but rather a means to an end, namely the efficient and effective conduct of No Advance Notice Testing." (Article 4.8.1 ISTI); and
- The definition of 'No Advance Notice Testing' in the ISTI is: "Sample collection that takes place with no advance warning to the Athlete and where the Athlete is continuously chaperoned from the moment of notification through Sample provision."

3.3. *Issue:*

3.3.1. The ISTI does not expressly prohibit calling athletes prior to sample collection. The only reference to telephone calls is in the comment to Article 4.8.8.5 (d) ISTI.^[6] However, this exception is limited to the last five minutes of the 60-minute time slot.

3.3.2. Nonetheless, it is clear from the provisions above that the ISTI does not allow calling athletes. Calling athletes *outside* the 60-minute time slot contravenes both elements of the definition of 'No Advance Notice Testing':

- a. it means there is an advance warning to the athlete;

b. when there has been contact between the DCO and the athlete by phone prior to sample provision, the athlete is obviously not continuously chaperoned from the time of notification.

3.3.3. The optional calling of the athlete prior to the expiration of the 60-minute time slot is not only the sole exception mentioned in the ISTI, but - moreover - this comment expressly mentions the risk of tampering in such a situation (by requiring the DCO to make a note of any facts suggesting that there could have been tampering or manipulation of the athlete's urine or blood in the time that elapsed between the phone call and the sample collection). If there is a risk of tampering in those five minutes, then the increased risk of tampering when athletes are called 30 minutes or an hour before sample provision need not be further explained.

3.3.4. The definition makes clear that No Advance Notice Testing *shall* be the standard method. However, several ADOs and many service providers have made calling athletes as part of test attempts *outside* the 60-minute time slot common practice. This came to light after reviewing multiple Unsuccessful Attempt Reports. The fact that this approach is common practice already means that it is not limited to the "exceptional and justifiable circumstances" mentioned in Article 5.3.1 ISTI.

3.3.5. The standing practice calling of athletes outside the 60-minute time slot negates the objective of no-advance notice testing, i.e. effective testing (with the highest factor of surprise and the lowest chance of tampering or other types of manipulation).

3.3.6. The reasoning behind this practice is that:

- successfully collecting a sample is more important than the reasons for no-advance notice testing and preferable over unsuccessful test attempts; and
- successfully collecting samples is important to both ADO *and* athletes and.

Fundamentally, however, placing the importance of testing *efficiency*^[7] above the principle of *effective* testing is not in conformity with the ISTI and not the right approach for the fight against doping.

3.4. Recommendation:

3.4.1. The IST should describe more clearly when calling is allowed and when it is not allowed. Exceptional circumstances should also be looked into in order to prevent 'calling practices' to exist, without WADA and ADOs being aware of this.

3.4.2. The IST should clearly state that, as a general rule, calling RTP athletes *outside* of the 60-minute time slot is not allowed, because it conflicts with the principle of no-advance notice.

3.4.3. However, as an exception to the general rule, for certain sports, where locating athletes out-of-competition is demonstrably and structurally impossible due to the practicalities of how these athletes train^[8], the recommendation is to include in the IST that WADA may approve, for a particular sport, exceptions to the general prohibition against calling *outside* the 60-minute time slot if an IF provides a compelling justification that a different approach to calling athletes is necessary for efficient testing in its sport. For approval by WADA the relevant IF would have to establish to WADA that testing remains sufficiently effective despite (a) the prior notice which results from calling and (b) the athletes not being continuously chaperoned after being (orally) notified.^[9]

4. Calling athletes **inside** the 60-minute time slot

4.1. Topic:

The comment to Article 4.8.8.5 (d) ISTI creates the option of calling an RTP athlete prior to the expiration of the 60-minute time slot. This is a welcome provision in the ISTI. However, to ensure that ADOs use this optional calling in a harmonised manner and athletes are treated equally, more guidance is needed.

4.2. Relevant provision:

4.3. Analysis:

4.3.1. The comment contains several important clarifications.^[10] More clarification would, however, be useful, in order to ensure equal treatment of athletes. For example, how many times should the athlete be called? May or should all the telephone numbers provided in an athlete's whereabouts profile or filing be called?^[11]

4.3.2. The comment to Article B.2.4(c) ISRM states that:

“Due to the fact that the making of a telephone call is discretionary rather than mandatory, and is left entirely to the absolute discretion of the Sample Collection Authority, proof that a telephone call was made is not a requisite element of a Missed Test, and the lack of a telephone call does not give the Athlete a defense to the assertion of a Missed Test.”

When it is an ADO's policy to call RTP athletes 5 minutes before the 60-minute time slot expires, this call should always be made (if reasonably possible). If the call is not made, due to reasons that are attributable to the NADO or the DCO^[12], no missed test should be recorded in order to ensure equal treatment of athletes.^[13] In other words, if calling at the end of the 60-minute time slot is an ADO's policy, then calling cannot not be random.

4.4. Recommendation:

To provide additional guidance and clarity to ensure equal treatment of athletes.

5. Imposing additional whereabouts requirements

5.1. Topic:

Some ADOs impose a requirement on RTP athletes to provide more whereabouts information in their filings than the information mentioned in Article 4.8.8.2 ISTI (overnight address, 60-minute time slot, regular activities and competitions).

5.2. Relevant provisions:

Art. 4.8.6.2 ISTI

An Athlete who is in a Registered Testing Pool shall:

a) Make quarterly Whereabouts Filings that provide accurate and complete information about the Athlete's whereabouts during the forthcoming quarter, including identifying where they will be living, training and competing during that quarter, and to update those Whereabouts Filings where necessary, so that they can be located for Testing during that quarter at the times and locations specified in the relevant Whereabouts Filing, as specified in Article 4.8.8. A failure to do so may be declared a Filing Failure; (...)

Art. 4.8.8.2 ISTI

The Anti-Doping Organization collecting an Athlete's Whereabouts Filings may specify a date prior to the first day of each quarter (i.e., 1 January, 1 April, 1 July and 1 October, respectively) when an Athlete in a Registered Testing Pool shall file a Whereabouts Filing that contains at least the following information:

a) A complete mailing address and personal e-mail address where correspondence may be sent to the Athlete for formal notice purposes. Any notice or other item mailed to that address will be deemed to have been received by the Athlete seven (7) days after it was deposited in the mail and immediately when notification of a sent e-mail receipt is generated/obtained (subject to applicable law);

b) Specific confirmation that the Athlete understands that their Whereabouts Filing will be shared with other Anti-Doping Organizations that have authority to conduct Testing on them;

c) For each day during the following quarter, the full address of the place where the Athlete will be staying overnight (e.g., home, temporary lodgings, hotel, etc.);

d) For each day during the following quarter, the name and address of each location where the Athlete will train, work or conduct any other regular activity (e.g., school), as well as the usual time frames for such regular activities; and

e) The Athlete's Competition/Event schedule for the following quarter, including the name and address of each location where the Athlete is scheduled to compete during the quarter and the date(s) and time(s) at which they are scheduled to compete at such location(s).

5.3. Analysis:

5.3.1. Several ADOs seem to impose a full-time requirement on RTP athletes to enable the ADO to locate them for testing. This requirement can be found in letters regarding possible whereabouts failures that refer to a "failure to provide complete and accurate Whereabouts filings to enable Anti-Doping Organisations to locate you for testing". Some ADOs impose the requirement to submit: "Any additional information deemed necessary to enable any ADO intending to locate you for testing".

5.3.2. A requirement on RTP athletes to provide whereabouts filings to enable ADOs to locate them for testing at all times, meaning *also outside the 60-minute time slot*, is:

a. not included in the ISTI; and

b. would in fact mean that athletes would have to comply with the Article 4.8.8.3 ISTI^[14] requirement for the entire period between 5 a.m. and 11 p.m.

5.3.3. Article 4.8.8.2 ISTI states that a Whereabouts Filing contains "at least" the following information. This allows ADOs flexibility in what whereabouts information they ask from their athletes (both RTP athletes and athletes included in other testing pools). This flexibility is reflected in Article 4.8.1 ISTI:

"(...) Therefore, where an Anti-Doping Organization has determined that it needs to conduct Testing (including Out-of-Competition Testing) on particular Athletes, it shall then consider how much information it needs about the whereabouts of those Athletes in order to conduct that Testing effectively and with no advance notice. The Anti-Doping Organization must collect all of the whereabouts information that it needs to conduct the Testing identified in its Test Distribution Plan effectively and efficiently. (...)"

5.3.4. However, while the ISTI allows flexibility with regard to what is asked in terms of whereabouts, the ISTI does not allow such flexibility when it comes to recording filing failures. This is reflected in several provisions in the ISTI. The definition of Code Article 2.4 Whereabouts Requirements clearly refers to the whereabouts requirements "set out in Article 4.8" ISTI. The definition of Filing Failures does the same (as does the definition of Missed Test) by referring to "in accordance with Article 4.8" ISTI. These provisions are meant to ensure that the determination whether an athlete has committed a whereabouts failure is made (i) in accordance with and (ii) based on the requirements identified in the ISTI, and not any additional requirements that are introduced in other documents or regulations from individual ADOs. This in order to ensure harmonisation, fairness, equal treatment, legal certainty and predictability

5.3.5. Moreover, imposing a requirement on RTP athletes to submit "Any additional information deemed necessary to enable any ADO intending to locate you for testing" comes down to a **full-time** 60-minute time slot requirement, which requirement does not exist in the ISTI.^[15]

5.3.6. The wish to ask for more whereabouts information than is listed in the ISTI in order to assist in locating and testing athletes for testing is understandable. However, imposing a requirement to submit more whereabouts than those expressly mentioned in the ISTI should **not** lead to the recording of filing failures, for the following reasons:

a. it would mean that filing failures would be recorded based on the individual and separate requirements of ADOs instead of the global requirements of the ISTI. This would be a departure from how the anti-doping system is set up;

b. it would mean that athletes are not treated equally, but differently. Treating athletes differently, especially when they are from the same sport, is not in line with the principles and objectives of the Code and the International Standards.

5.3.7. Furthermore, imposing additional whereabouts requirements on RTP athletes to the extent that they would have to provide, on a daily basis, 'any additional information deemed necessary to enable any ADO intending to locate them for testing' would pose a legitimate threat to (i) the legal acceptance in human rights courts for the whereabouts rules and (ii) the support among athletes for the whereabouts rules.

5.4. Recommendation:

5.4.1. To delete the reference in Art. 4.8.8.2 ISTI to "at least".

5.4.2. However, if this reference is not deleted, to specify that a requirement to provide additional^[16] whereabouts information (e.g. traveling days) shall not lead to the recording of filing failures.

6. Filing failures for not submitting regular activities

6.1. Topic:

The ISTI contains the requirement for submitting regular activities, but athletes often do not submit RAs and many NADOs do not even consider recording filing failures for not submitting RAs.

6.2. Relevant provisions:

Art. 4.8.8.2 ISTI

(...) an Athlete in a Registered Testing Pool shall file a Whereabouts Filing that contains at least the following information: (...)

d) For each day during the following quarter, the name and address of each location where the Athlete will train, work or conduct any other regular activity (e.g., school), as well as the usual time frames for such regular activities; (...)

Art. 4.8.8.5 ISTI

It is the Athlete's responsibility to ensure that they provide all of the information required in a Whereabouts Filing as outlined in Articles 4.8.8.2 and 4.8.8.3 accurately and in sufficient detail to enable any Anti-Doping Organization wishing to do so to locate the Athlete for Testing on any given day in the quarter at the times and locations specified by the Athlete in their Whereabouts Filing for that day, including but not limited to during the 60-minute time slot specified for that day in the Whereabouts Filing.

Definition of Filing Failure (ISRM & ISTI)

A failure by the Athlete (...) to:

- make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing, or*
- update that Whereabouts Filing where necessary to ensure that it remains accurate and complete,*

all in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.

Art. B.1.3 ISRM

For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in Code Article 2.4:

a) A Filing Failure will be deemed to have occurred (i) where the Athlete fails to provide complete information in due time in advance of an upcoming quarter, on the first day of that quarter, and (ii) where any information provided by the Athlete (whether in advance of the quarter or by way of update) transpires to be inaccurate, on the (first) date on which such information can be shown to be inaccurate; and (...)

6.3. Analysis:

6.3.1. A lot of athletes, when they are being confronted with the potential Whereabouts Failure, claim that they do not have regular trainings / activities which they can submit, because their training is changing on a day-by-day basis, due to weather changes, health condition, etc. In some sports like cross country, cycling, skiing or triathlon, nearly all athletes argue in that way. Other athletes argue, their training is not regular, because in one week they train on Monday 5pm and the next week on Monday 05:30pm. Some of those athletes are also relying - amongst other resources - on the following provision from the ADAMS Handbook, which is not congruent with the ISTI:

“An activity is only “regular” if it is conducted as part of a standard schedule or practice. For example, if you train every Friday from 08:00 – 10:00 at a particular location this qualifies as a regular activity and should be disclosed in your whereabouts. However, if the day on which you train varies from week to week, depending on the weather or other variable, this does not need to be disclosed as a “regular activity”.”

6.3.2. Several issues exist regarding regular activities. These issues may be summarised as follows:

- a. It has become clear that many ADOs never record filing failures in relation to a failure to submit regular activities.
- b. Despite the definition of Filing Failure in the ISRM, several ADOs consider that it is not allowed under the ISRM to record filing failures for not submitting regular activities.
- c. The requirement to submit regular activities for each quarter can easily be circumvented in ADAMS.[\[17\]](#)
- d. Many athletes are afraid of submitting regular activities, because (a) they may not always have this specific information for the entire quarter and (b) they know that including ‘uncertain’ regular activities open them up to the risk of possible filing failures. And because athletes *know* that they can get away with not submitting regular activities in ADAMS, they often chose to not submit any at all.
- e. No regular activities in whereabouts filings means ADOs have less accurate and complete whereabouts, which can cause problems in locating athletes for testing no-advance notice out-of-competition testing. This may very well result in an increase in the amount of unsuccessful test attempts. This may trigger a decision by ADOs to allow athletes to be called prior to testing, which would increase the amount of successful sample collections, but contravene the principle of no-advance notice testing.

6.3.3. Under the IST and the ISRM, an athlete’s failure to submit any regular activities in an the whereabouts filing should lead to a filing failure. Otherwise there would be no point in the IST listing this requirement.

6.3.4. To record a filing failure against an athlete, the conditions set forth in the definition of Filing Failure must be met. These conditions are the following. There is either:

- a. a failure on the athlete’s part to make an accurate and complete Whereabouts Filing that enables the Athlete to be located for Testing at the times and locations set out in the Whereabouts Filing;
- b. or a failure on the athlete’s part to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete.

6.3.5. Apparently, however, some ADOs consider that a filing failure may only be recorded after an actual unsuccessful attempt. In this interpretation, (i) the emphasis is placed on whether an athlete could not be located ‘at the times and locations set out in the whereabouts filing’ and (ii) only an actual unsuccessful test attempt is sufficient proof that an athlete could not be found. The fact that such an interpretation exists under the current ISTI

and ISRM is sufficient evidence that further clarification is needed.

6.4. Recommendation:

6.4.1. The language in the IST as well as in ADAMS should be clarified to confirm that:

- a. there is a requirement to provide regular activities^[18]; and
- b. the absence of regular activities in an athlete's whereabouts filing may lead to a filing failure being recorded.

6.4.2. One way of addressing the interpretation issue regarding whereabouts is to include, in the definition of Filing Failure, a clear reference an athlete's failure part to make an accurate and complete Whereabouts Filing 'in accordance with the Whereabouts Filing Requirements included in the IST'.^[19]

6.4.3. Another element to be addressed in the IST is clarification and international harmonization regarding the following aspects:

- what are regular activities;
- how are the terms "regular" and "training" to be defined;
- how to proceed if athletes do not submit them;
- bringing ADAMS in line with (a) the ISTI and the ISRM, and (b) ensure that ADAMS does not encourage athletes to not submit regular activities by making it too easy to continue if no such activities are included.

7. Other testing pools

7.1. Topic:

The ISTI creates the option of establishing other testing pools than the RTP. However, no additional guidance is provided.

7.2. Relevant provision:

4.8.11 ISTI: Other Pool(s)

4.8.11.1 International Federations and National Anti-Doping Organizations may implement other pool(s) for Athletes who do not meet the criteria of Article 4.5.2 and where diminishing whereabouts requirements may be defined by the International Federation and National Anti-Doping Organization. Athletes in such pool(s) are not subject to Code Article 2.4 Whereabouts Requirements.

7.3. Analysis:

Usually when 'lower' testing pools are established, the following main questions arise:

- a. which whereabouts requirements should be imposed on athletes included in this other testing pool; and
- b. which consequences should be imposed if athletes do not comply with these whereabouts requirements, i.e. filing failures?

However, little if any guidance is provided by the ISTI with respect to other testing pools.

7.4. Recommendation:

Instead of ADOs trying to figure out themselves what to do, reinventing the wheel and WADA being contacted by ADO for advice, the IST could provide guidance and/or directions, mainly regarding:

- which whereabouts requirements in the IST could or should be applicable to lower level testing pools; and
- what possible sanctions could be, e.g. 2 or 3 filing failures in a period of 6 months will result in the athlete being included in the RTP for a year.

8. ADOs receiving notification of a (possible) whereabouts failure

8.1. Topic:

Under the ISRM (Article B.3.3), the requirement to inform WADA and the other ADO with testing authority applies once a decision to record a whereabouts failure is final. Under the ISRM there is no right of appeal against a decision to record a whereabouts failure.^[20]

8.2. Relevant provision:

B.3.3 The Results Management Authority shall promptly report a decision to record a Whereabouts Failure against an Athlete to WADA and all other relevant Anti-Doping Organizations, on a confidential basis, via ADAMS.

8.3. Analysis:

There is no wish to introduce a right of appeal against decisions to record a whereabouts failure. However, as discussed above, many different practices and approaches exist among ADOs regarding the interpretation and application of the whereabouts rules and requirements in the ISTI and the ISRM. Some of these interpretations are clearly not in line with the ISTI and/or the ISRM. If ADOs were to be notified together with the athlete of a possible whereabouts failure, they would be able to liaise and discuss with one another to discuss differences in interpretation and application of the whereabouts rules, in order to find a solution. However, there is no requirement in the ISRM to inform the 'other' ADO together with the athlete of an apparent whereabouts failure.^[21]

8.4. Recommendation:

To include in the ISRM the requirement that the other ADO with testing authority is notified together with the athlete of an apparent whereabouts failure.

9. Storage and transport requirements for different collection methods in light of technological advances

9.1. A number of technological advances have been made in the area of anti-doping, also in relation to various methods of sample collection. Some of these cross over between different purposes and methods. An example of this are the advances in the collection of ABP samples via capillary blood sampling. However, the current ISTI only sets up requirements for transportation and storage for samples collected by venipuncture.

9.2. Recommendation:

To consider whether the structure of the IST could be better equipped for these different collection methods in the future, e.g. by distinguishing different means of collection from the storage and transport requirements depending on purpose and specimen form.

^[1] "No Advance Notice Testing shall be the method for Sample collection save in exceptional and justifiable circumstances" (Article 5.3.1 ISTI).

^[2] In case of an unsuccessful test attempt **inside** the 60-minute time slot by either the NADO or the IF.

- [3] In case of an unsuccessful attempts **outside** the 60-minute time slot by either the NADO or the IF.
- [4] In accordance with Article 7.1.6 Code, the Results Management Authority in relation to potential Whereabouts Failures shall be the IF or the NADO with whom the Athlete in question files their whereabouts information.
- [5] NB: This refers to test attempts that are planned to take place outside the 60-minute time slot (i.e. this does not refer to test attempts that take place just after the expiration of the 60-minute time slot).
- [6] WADA 2023 Guidelines for Sample Collection also refers to the optional telephone call to the athlete 5-minutes before the end of the 60-minute time slot.
- [7] Where the objective of completing a successful test outweighs the objective of a unannounced test.
- [8] E.g. in road cycling, surfing, sailing.
- [9] Such an exception would be similar to the exception that is created in the Code for the definition of 'In-Competition'.
- [10] It states that calling is permitted but optional, that the test may only commence if the athlete is available for testing within the 60-minute time slot and that the DCO should record all the circumstances, e.g. the time elapsed between the phone call and the sample collection.
- [11] Additional examples, taken from WADA's 2023 Guidelines for Sample Collection, are whether to leave a voice message, send a follow up text message, what to do if the athlete is close-by, and how to proceed if a third-party is contacted. Also, repeated (2) phone calls go through sleep mode for iPhones.
- [12] For example, the DCO forgot or the DCO's phone was empty.
- [13] If one athlete included in that NADO's RTP receives the benefit of this phone call, then all athletes in this NADO's RTP should receive this benefit.
- [14] I.e., the requirement to provide "one specific 60-minute time slot between 5 a.m. and 11 p.m. each day where the Athlete will be available and accessible for Testing at a specific location".
- [15] See also the comment to Article 4.8.6.2 (b) ISTI: "The purpose of the 60-minute time slot is to strike a balance between the need to locate the Athlete for Testing and the impracticality and unfairness of making Athletes potentially accountable for a Missed Test every time they depart from their previously-declared routine."
- [16] With 'additional' meaning on top of those requirements that are expressly mentioned in the IST.
- [17] ADAMS makes it very easy to avoid providing regular activities.
- [18] It is inconceivable that elite athletes would not have any regular activities (like training sessions, work-out sessions) during a quarter.
- [19] Currently in Article 4.8.8 ISTI.
- [20] There is only a right of appeal against decisions not to record a whereabouts failure (Article B.3.2 under c, e (i) and g ISRM).
- [21] Some ADOs, however, do provide this notification (e.g. the UCI). The ITA does as well.

CHINADA

MUQING LIU, Coordinator of Legal Affair Department (CHINA)
NADO - NADO

SUBMITTED

Comment 1: Doping control delegated by non-signatories

As set out in Code Article 15.3, an anti-doping decision by a body that is not a signatory to the Code shall be implemented by each signatory if the signatory finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code. However, neither the Code nor the international standards specify whether an ADO can be delegated by a non-signatory to conduct doping control over athletes or other persons under its jurisdiction. If so, is it required to comply with the Code and international standards, or is it allowed to follow the anti-doping rules adopted by the ADOs themselves?

It is known that many ADOs are delegated by non-signatories to conduct doping control, but the specific practices vary. The International Standard for Laboratories requires that sample analysis from non-signatories to the Code (organization or sport) shall not negatively affect the allocation of resources of the ADOs. As a result, many laboratories are cautious about whether to accept samples from non-signatories. It is recommended that the Code clearly define doping control delegated by non-signatories and that relevant guidelines be developed by WADA.

Comment 2: On the relationship between international standards and guidelines

According to the Code, WADA recommends and provides the best practice models and guidelines to signatories and other stakeholders, but they are not mandatory. As a matter of fact, there are many references to guidelines in the texts, comments and appendices of international standards. For example, the International Standard for Testing and Investigations (ISTI) contains 14 references to the guidelines, including the Intelligence and Investigations Guidelines, the Guidelines for Implementing an Effective Testing Program, and the Guidelines for sample Collection. With so many cross-references, it is difficult to distinguish the mandatory provisions from the best practice models. For another example, Part 3 (Mandatory Protocols) of the ABP Operating Guidelines (V9.0) is mandatory, including the procedures for the collection, storage and transport of blood ABP samples, the EAAS technical documents and results management procedures. Any violation of these guidelines may result in the reversal of an adverse passport finding. Therefore, the validity of the ABP Operating Guidelines is inconsistent with the description of the guidelines in the Code.

Comment 3: Obtaining the parental consent for Minor Athletes' data

As set out in Appendix B.3.1 of the International Standard for Testing and Investigations, the testing authority has responsibility for ensuring, when possible, that the sample collection authority and/or the DCO has any information necessary to conduct a sample collection session with an athlete who is a Minor. This includes confirming wherever necessary, the parental consent for Testing any participating athlete who is a Minor. We do not consider obtaining parental consent prior to sample collection as a necessary prerequisite for testing under this Article. Given that ADOs conduct a large number of sample collections on minor athletes annually, it becomes impractical to obtain parental consent for each individual athlete to be tested. Moreover, should failure to obtain parental consent result in tests suspended? Upholding such a requirement would only lead to the reduction by ADOs of the number of tests conducted on minor athletes. Therefore, we propose loosening this requirement without any further specific regulations in this regard.

Swiss Sport Integrity

Ernst König, CEO (Switzerland)
NADO - NADO

SUBMITTED

The implication of art. 5.3.3 ISL, namely that no samples should be collected for the sole purpose of being put into long-term storage, strikes us to be out-dated in light of the numerous new matrices and ABP modules. The complexity of reconciling all the mandatory provisions, e.g., regarding the different ABP modules and TDSSA requirements, is not to be underestimated. Also, this provision is preventing some of the postulated use cases for DBS samples, i.e., to use DBS samples to support the Results Management process (which would mean that the DBS samples would only be analyzed in case the analysis of the urine samples returns an ATF or AAF). SSI proposes to keep the requirement that there needs to be at least one analysis - but to limit it to the matrix (i.e., Urine and Blood - without distinguishing between whole blood, serum, DBS and potentially others). In our opinion, this would be a proportionate provision - both protecting the athletes interests and granting greater flexibility to ADOs in implementing their testing program.

General Position – General comments:

As already communicated to the T-DO, in general and in accordance with previous CAHAMA mandates of May and September, regarding the revision of the WADP, Belgium:

- Supports WADA's repeated commitment to a limited review and update of the Code and International Standards, rather than a full review;
- Asks WADA again, as it committed to doing from the start of the process, for an assessment of the impact of the planned modifications on the resources of stakeholders, on the legislation and on the rights of athletes;
- Supports a flexible approach in general, preferring, wherever possible, the adaptation or adoption of guidelines rather than the revision of the Code and Standards;
- In line with the pillars of the Council of Europe and with the Riga Conference of October 3 on the right to a fair trial, requests that no envisaged modification have the direct or indirect effect of reducing the right to a fair trial, nor the athletes' rights.

Furthermore, also in connection with the right to a fair trial and with the general principle of the separation of powers and in accordance with a common position, discussed at the T-DO LI meeting of October 4, 2023, Belgium considers that it is not normal and legally correct that NADOs must ultimately respond, in terms of compliance, to a decision taken by an independent hearing body. This issue should be taken into account by WADA, probably in the Code, via a clarification of the roles of the actors, but also in the Standard on compliance.

The same observations apply with regard to the adoption of legislation or regulations compliant. The adoption of legislation or regulations is not the responsibility of a NADO. This issue should be taken into account in the revision of the Standard on compliance, in order, on the one hand, to better understand what is (or is not) the responsibility of NADOs and, on the other hand, to avoid any sanction for a NADO or for the athletes for any question in link with the adoption of legislation or regulations.

Finally, regarding general remarks, the Riga conference highlighted the fact that the anti-doping system and rules were became complex, which meant that it took time to explain them to the athletes. In this context, as much as possible, a simplification of the rules would also be desirable and encouraged.

The specific remarks which follow, on the different concepts, per document, are without prejudice to the general position and general comments which precede.

UK Anti-Doping

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

SUBMITTED

Definitions Articles 3.1 and 3.5 - Target Testing, Random Selection, No Advance Notice Testing

We propose amending the definition 'Target' to 'Pre-Selected' because our view is that even when conducting random draws, Testing is always targeted e.g. targeting a team, Competition, but not all Athletes are pre-selected. If this is amended, the wording under 'Random Selection' would need amending.

We also propose that the 'No Advance Notice Testing' definition is amended and that the second part '...where the Athlete is continuously chaperoned.....' is not relevant to this definition.

Definitions – Inclusion of Sport Nationality

We propose that Sport Nationality should be made a defined term in the IST, setting out how it should be used to grant jurisdiction and ADAMS access.

This is because the understanding between ADOs for how this should be used varies. It is also difficult to compare the sport nationality of an individual Athlete against a team Athlete. For example, is it the nationality the Athlete is competing for, if different to that of their birth (likely for an individual Athlete) or the country their team is based in or in which they are based for training?

Article 4.2.1 Risk Assessment

The criteria listed under Article 4.2.1 is a mix of sport risks and Athlete risks and not all criteria are scorable.

Therefore, we propose that the Athlete risks/qualitative criteria are separated from this Article so that Article 4.2.1 is solely focussed on the criteria that influences the sport risk assessment outcome. The Athlete risks/qualitative criteria e.g. H & I, could be listed under another clause as factors that should influence the distribution of tests in the TDP.

On a practical point, it would be helpful to have better available worldwide statistics and trends to assist ADOs with Article 4.2.1(d).

Article 4.3 Defining International Level

We would propose that there is greater consistency across International Federations for defining an International Level athlete. NADOs are having to work across multiple frameworks and often it is not clear to NADOs or Athletes, and it is challenging when managing retirements. It would therefore be helpful if there was a more standardised approach to defining International Level.

Article 4.5.5 Overnight Testing

We would suggest some more guidance is provided, e.g. inclusion of examples to give greater confidence for ADOs to conduct Testing overnight.

It is not possible in some countries to conduct overnight Testing without pre-approval, etc., therefore can this be something that is strengthened to enable no-advance notice of overnight Testing in all countries?

Article 4.6.1 (a) - Prioritising Test Types (IC v OOC)

We propose flexibility is provided, or that ADOs (International Federations and NADOs) can seek exemptions from WADA, where Testing can either be solely In-Competition or Out-of-Competition in certain sports.

This is because there may be occasions where there are small numbers of tests assigned to that sport in the TDP, and there is limited or no In-Competition Testing opportunities in that country (accepting NADOs can test Athletes at overseas competitions, but they have less control over the implementation of that Testing depending on where it is and who is governing that event). Therefore, it can make this a 'tick box' exercise and/or sometimes challenging and unfeasible to conduct.

Article 4.8.7.2 (a) Removal from TPs

We propose that consideration is given to stipulating minimum information that should be provided to an Athlete when removing them from a Test Pool, similar to what is outlined for inclusion in Article 4.8.7.1.

Article 4.8.7.2 (b) Whereabouts - Retirement

We propose that consideration is given to clarify what constitutes retirement, e.g. could it be linked to National and International level definitions. This could enable ADOs to more clearly define when it should be considered a retirement, as well as any Athletes potential return to Competition from retirement e.g. planning to retire from (or returning to) National/International level

Article 4.8.8.2 Whereabouts provisions

We propose that the wording is strengthened here with regards to the whereabouts provisions. Specifically, whereabouts information must include a hotel room number or apartment block (where applicable and when known, e.g. after checking in). When staying in a hotel/apartment block, the onus should be on an Athlete to ensure they are accessible – and not contingent on the DCO navigating through security/reception.

Article 4.8.8.4 Whereabouts - 60 minute time slot

We would propose that the ability of waiving the 60-minute slot on days the Athlete is competing is removed. Our view is that the Athlete should provide a 60-minute time slot to enable access/locating the Athlete for Testing.

Article 4.8.8.5.d

The threshold for reasonable attempts is extremely high and subjective. We would propose further guidance is provided for determining what represents a reasonable test attempt by a DCO and key features/minimum criteria are established that could act as a checklist for ADOs and DCOs.

Article 4.8.8.6 - Whereabouts updates

We would propose that consideration is given to strengthening the timeliness of whereabouts updates by Athletes to minimise manipulation of whereabouts, e.g. preventing Athletes from updating whereabouts for flights, Competitions, on the day of flying/competing.

We acknowledge that there are various factors that impact an Athlete's ability to update their whereabouts 'as soon as possible' but would suggest adding more detail/guidance notes to manage/address whereabouts behaviours/patterns. This could include amending Article 4.8.8.6 so that it is extended beyond the 60-minute time slot and have the inclusion of a comment to give general guidance/expectations, e.g. what are reasonable expectations for updating whereabouts.

This could assist ADOs with providing warnings to Athletes about their whereabouts behaviours and having a specific reference within the IST that could be utilised and enable escalation to whereabouts failures where deemed necessary.

Article 4.8.12 Whereabouts Custodian

We would propose that a regular review of whereabouts custodian for Athletes on multiple pools should be conducted e.g. annually. This is to ensure that this is updated where required and the appropriate ADO for Results Management for whereabouts failures is in place.

An additional consideration is whether there could be a review of who is designated as Results Management Authority based upon the ADO which was Testing Authority of the associated tests linked to the whereabouts failures (Article 4.8.6.5), e.g. if the three whereabouts failures are a result of Testing by one ADO, should that ADO conduct Results Management instead of the whereabouts custodian? If this is amended relevant Articles in the Code (7.1.6) and ISRM (B.3.1) will require updating.

Article 4.8.12.3 Whereabouts Test Pools and Custodian

We would propose that if an Athlete is to be included within more than one ADO's Testing Pool, they should be on the same level, i.e. either included within the Registered Testing Pool or Testing Pool for both, to avoid confusion for an Athlete.

Should an Athlete be on two Testing Pools, it would be helpful to have greater guidance on notifications of which ADO they are providing whereabouts to and which ADO should be doing this.

We would also propose that a regular review of whereabouts custodian for Athletes on multiple pools should be conducted, e.g. annually. This is to ensure that this is updated where required and the appropriate ADO for Results Management for whereabouts failures is in place. The provision of factors to ADOs for what should be taken into

account would support the reviews and determination of who should be custodian. For example:

■

Which ADO is (or is likely) conducting the most Testing?

■

Which pool are they likely to have the most longevity on, e.g. if International Federations base inclusions on rankings and regularly update, it might be appropriate that the NADO that takes on the role of custodian as the Athlete may remain a high priority for the NADO for a longer period.

■

Whose pool are they already on? If they are already on one and that ADO has communicated with the Athlete they should remain on it, subject to the above factors.

■

Which ADO has more capacity to conduct RMA?

Article 4.8.12.4 IF and NADO Test Pool coordination

We would propose that this is strengthened and that International Federations and NADOs must notify each other of planned changes (inclusion or removals) to their Test Pools to ensure improved coordination.

Article 4.8.10 & 4.8.11 - Team Sport Whereabouts

We would propose more information is provided with regards to team whereabouts submissions. As a minimum we would propose that Articles 4.8.10 and 4.8.11 are updated to include team whereabouts. The requirements for team whereabouts should include training and competition schedules. The sections would need re-wording as they refer to Athletes in a testing pool.

Practical considerations would include the ability to mark a team as within a Testing Pool on ADAMS. ADAMS would then treat team whereabouts similarly to individual whereabouts, whereby if they don't have training or competitions entered over a quarter they would be deemed non-compliant and would need to tick the box to confirm they are not training/competing that quarter and why. The team managers listed would act as the 'Athlete' in terms of notification of non-compliance.

Article 5.3.1 Notification

Notification for In-Competition Testing states that this shall occur after the Competition. Whilst this would be the case for most In-Competition Testing, we would propose consideration is given to amending this to allow Notification to take place prior to the Competition starting (perhaps in exceptional, justifiable circumstances) since the In-Competition window commences from midnight on the day of Competition.

Article 5.4.4 Showers/ice baths

We would propose that guidance is provided on showers and ice-baths. Our view is that showers and ice baths should not be permitted unless presenting a health risk to the Athlete due to the risk of Tampering i.e. not collecting the first Sample post-Notification. They could also be considered after a urine Sample has been provided.

Articles 7.3.2 and 7.3.5 and 7.3.6 Rights and Responsibilities and Leaving the DCS

We would propose that these Articles are amended to confirm that this can be a DCO or a Chaperone.

Article 7.3.4 Alcohol in DCS

On the basis that this is prohibited due to the impact on an Athlete's Steroidal Passport, we would propose that this is extended to stating that: alcohol is prohibited from the point of notification to the end of Sample collection (or urine Sample collection) to ensure it is not consumed outside of the DCS and to avoid confusion when Testing at an Athlete's home address.

Article 7.4.5 (c) Minimum information to be recorded

Clarification is required on whether the time for the end of Sample collection session is required on the DCF. This is currently not captured within DCOC.

We would also propose that minimum reporting information is stipulated for the DCO Report Form and Unsuccessful Attempt Forms.

Article 9.1 (b) Transport of samples and documentation

There is a small discrepancy between this Article and Article 9.3.4 (which states that the DCO shall send documentation to the Sample Collection Authority). We propose to amend this so that the Sample Collection Authority is responsible for ensuring documentation is sent to the Testing Authority.

Annex C.4.2

We would request greater clarity as to what Sample collection equipment an Athlete with an impairment can provide. Our view is that this should not extend to Sample collection vessels (if not providing via catheter or other drainage route) to ensure the SCA has control over this equipment and what is provided. Clarity is also required on what Sample Collection Personnel should be inspecting, e.g. catheters.

Annex E Partial Sample Procedure

We propose that accredited chaperones can also record partial Sample details (first partial Sample only since they would not be involved in the process for combining partial Samples). We emphasise this would be for accredited chaperones only, i.e. not volunteers.

Annex G Chaperones

Our view is that ADOs should move away from the use of volunteer chaperones and that chaperones should have full training and accreditation like DCOs. This is because of the heightened risk of refusals, failures to comply, evasions, etc., and ensuring that an Athlete's first interaction is positive and that they are fully and properly notified. We accept this will be a big change for ADOs and therefore a phased approach could be considered, e.g. Sample witnesses can only be accredited chaperones or DCOs, volunteers only to be considered in an In-Competition setting.

Annex I.2.1 and I.2.2 - ABP

There is some confusion over what is classified as 'training' and therefore we would request that further guidance is provided, e.g. whether it includes, rehab, non-physical activity, ice baths, walking. It would also be helpful to have the rationale for the waiting times provided.

Annex I - ABP

The requirement for a data logger is specific to ABP, can clarification/or accompanying clauses/annexes be included to capture what is required for blood serum samples i.e. for non-ABP samples? For example, can other temperature reports for non-ABP samples be accepted? This may assist with some of the logistical challenges for the use of data loggers.

WAD Code (Concept #8 – Operational Independence)

Whilst relating to the Code review concept 8, perhaps the IST (or Code) could provide further clarity for the following - in respect of Testing, we would welcome clarity that NADOs operate independently both In- and Out-of-

Competition and that minimum standards are clarified as what amounts to independence from National Federations, e.g. no knowledge or notice of any aspect of Out-of-Competition and for In-Competition Testing, or that National Federations are to have no involvement or awareness of selection policies. We note that for some In-Competition Testing, National Federations may need to support logistical arrangements, but the level of information provided should be kept to a minimum. A consideration could be that approval is sought from WADA if a National Federation needs to have involvement in Testing beyond that.

ABCD

ANTHONY RUY MOREIRA, Director (Brasil)
NADO - NADO

SUBMITTED

5. International Standard for Testing (IST):

We'd like to highlight that increasing the requirements related to Testing for RTP or TP will lead to a significant increase in the work of the ADOs, including increasing the need for additional human and financial resources. This is an important issue that we think shall not be approved without further discussion.

Caribbean Regional Anti-Doping Organization

Sasha Sutherland, Executive Director (Barbados)
NADO - RADO

SUBMITTED

General Comment

The recommendations for the Code Review process are, in theory, good for contributing to a more comprehensive anti-doping system, which holds ADOs accountable for their jurisdictions and increases collaboration across ADOs in some instances. The challenges are primarily the following:-

1. Recommendations that are proposed as mandatory requirements will burden already overloaded and understaffed ADOs in some jurisdictions; without suggestions/solutions that are fit for purpose. For example, the premise that some governments pay for athletes to travel to compete and should therefore pay for anti-doping is erroneous and does not pave the way for collaborative solutions. Instead, perhaps greater collaboration with NOCs, that currently act as NADOs, to support additional staffing within the anti-doping framework might temporarily resolve the workload burden. Then, WADA and UNESCO can improve their strategies to work with NOCs and governments to fund independent NADOs.

2. Adopting changes based on European best practice that are not suited to other regions. If capacity building and partnerships with law enforcement work in Europe, the theory is that it should work in other regions. However, the reality is that training and collaborative agreements take an enormous amount of time and funding. Whose burden is it to fund anti-doping in regions where climate change, healthcare, and war conflicts rank far higher than athlete participation in sport? While athlete success unites countries, governments are not always financially equipped to fund sport development. The number of countries in some regions with sport policies are below the number 5. How then are they to create frameworks to support the anti-doping system in sport where there is no guiding policy to establish and develop sport? Our recommendation is to take a step back so that we can go farther together. This takes patience, empathy and commitment from the leadership within WADA. RADO do an enormous amount of the work in partnership with WADA to build capacity in various regions. RADOs should be given more funding and human resources to bridge the gap on behalf of NOCs/NADOs/countries that require additional support to create and sustain full time ADO staff and programmes.

All other requirements under the IST and ISTUE are a matter of increasing human resources. RADOs will do their part in continuing to build capacity in regions that are understaffed and ill-equipped to do it on their own. What we require of the Code and the international community is funding and support for the RADO programme, whether through WADA as per usual or through an anti-doping fund in partnership with corporate sponsors.

Finally, thank you to the drafting team for attempting a Code revision that is robust, athlete centered and forward

thinking.

WADA NADO Expert Advisory Group

Martin Holmlund Lauesen, member (Norge)

Other - Other (ex. Media, University, etc.)

SUBMITTED

We would like to highlight that increasing the requirements related to testing, potentially will lead to a significant increase in the work of the ADOs, including increasing the need for additional human and financial resources.

International Testing Agency

International Testing Agency, - (Switzerland)

Other - Other (ex. Media, University, etc.)

SUBMITTED

- Broaden the scope of the discipline addressing conflicts of interest (articles 4.1.2 and G.4.3), possibly incorporating a new provision in the Code (or expanding the language in Code article 20.6.5) to extend the prohibition of involvement of individuals with conflicts of interest to other aspects of Doping Control. Additionally, in cases where *potential* conflicts of interest exist for DCOs, it is recommended that ADOs/SCAs be required to maintain a documented register of conflicts, to monitor that DCOs with potential conflicts are not assigned to missions where such conflicts may arise.
- Expand article G.4.4.3 to offer clearer guidance on Chaperones' training requirements, considering the importance of their role.

2027 Code & International Standard Update Process : Stakeholder Engagement Phase - International Standard for Testing (IST)

Bram van Houten, Policy adviser, Ministry of Health, Welfare and Sport (Netherlands)
Public Authorities - Government

SUBMITTED

Concept #1 – The Timely Analysis of Samples Collected prior to a Major Event

We wonder whether any such requirement could have an adverse effect, in that the turnaround time that is necessary to ensure timely analysis, however short, will effectively create a test-free period. Which would be an undesirable side-effect.

Concept #7 – Reporting of ADO Testing Statistics by each Athlete

With regard to publishing reports showing the name of each athlete and the question whether this publishing should become mandatory, subject to data privacy rules: this type of publication should NOT become mandatory. Any requirement with regard to processing and publishing personal data should remain strictly within the scope of existing national legislation and national regulations on data processing and privacy, and the limitations they present to what a nado can and cannot do. It is for national legislators to decide what legal powers to give to a nado, or whether to expand a nado's powers. By setting requirements as to what a nado should and should not be able to do, WADA is stepping in the role of national legislators, for which there is no legal basis.

Furthermore, to regulate in this way will create non-compliance in the current system, since nado's may not have the powers the Code might require on this point, and with art 8.4.3.1 ISCCS will be held to account for any lack of powers. The nado has no part and no responsibility in the decision-making of legislation, and should not have to suffer consequences for any actions or lack thereof.

As such all these points mentioned in this concept should have a non-mandatory nature, to avoid compliance procedures that could risk harming the system.

The construct of setting a requirement and allowing for exceptions, as is currently in place for art. 14.3.2 Code and comment 91 for example, creates tension over which interpretation of existing national legislation to follow and is therefore not a suitable solution to this problem. We would therefore suggest to not deviate from the existing requirements.