

2027 CODE & IS UPDATE PROCESS

Stakeholder Consultation Phase: Summary of Major Changes

International Standard for Results Management

Executive Summary

The International Standard for the Results Management (ISRM) is a mandatory International Standard developed as part of the World Anti-Doping Program. The ISRM was first adopted in 2019 and came into effect in 2021 following consultation with Signatories, public authorities, and other relevant stakeholders.

The ISRM's main purpose is to set out the core responsibilities of Anti-Doping Organizations (ADOs) with respect to the various phases of results management, from the initial review and notification of potential anti-doping rule violations until the issuance and notification of a final decision and subsequent appeal.

The key changes to the ISRM are consistent with the concepts that received strong stakeholder endorsement during the [Stakeholder Engagement Phase](#) including:

- A review of the notification process (in particular the interplay between ISRM Articles 5 and 7);
- The clarification of rules governing provisional suspensions (ISRM Article 6);
- Adjustments to the hearing process (ISRM Article 8); and
- Improvements to the results management processes for Whereabouts (ISRM Annex B) and Athlete Biological Passports (ISRM Annex C).

The changes to the ISRM also incorporate additional proposals that either emerged during the consultation process with stakeholders and the anti-doping community or are derived from key amendments made to the Code and/or other International Standards including formal amendments related to the consistency of language used throughout the Standard and other key substantive changes. These amendments notably include:

- The addition of wording concerning cases relating to violation(s) of the prohibition of participation during ineligibility to the anti-doping rule violations, with 2027 ISRM Article 11 now being solely reserved for cases of violation of the prohibition against participation during provisional suspensions;
- Substantive additions relating to “B” sample analyses (2027 ISRM Article 5.1.2);
- The use of simplified decisions in certain cases (2027 ISRM Article 5.4); and
- The use of the English or French language when providing case files or in CAS proceedings involving WADA (2027 ISRM Articles 9.2 and 10.3).

As it concerns the proposed changes to the ISRM, stakeholders should note in particular that Concept #4, concerning the possibility of defining the circumstances in which a final decision could be reopened or subject to review, has not been proposed in the 2027 ISRM, at this stage, due to the possibility to already do so as per the relevant case law, the lack of consensus received from stakeholders during the consultation phase, and the implementation of this concept not being supported by the Code Drafting Team.

The following section offers a concise summary of the key changes proposed by the ISRM Drafting Team.

Article 4.1: Responsibility for conducting *Results Management*

This is a new article that refers to Code Article 7.1 which relates to the responsibility for conducting results management. The purpose of this addition in the ISRM is to draw the attention of Results Management Authorities (RMAs) to this general principle, by inviting them to determine whether they have the authority (and the responsibility) to manage a potential anti-doping rule violation and/or violation of the prohibition of participation during ineligibility or a provisional suspension.

Article 4.2: Confidentiality of *Results Management*

The ISRM Drafting Team has added a comment to this article to clarify that any document of a case file cannot be produced in another proceeding, unless all parties involved have given their consent to do so, as otherwise this would be in breach of this confidentiality provision.

Article 5.1.2: Notification

The ISRM Drafting Team has made several changes to this article covering in particular:

- The implementation of amendments made to 2027 Code Article 10.8.1 relating to the reduction of the period of ineligibility based on early admission and the acceptance of sanction (see 2027 ISRM Article 5.1.2.1, f)), as well as the introduction of a new article in the 2027 Code (Article 10.7.2) regarding the provision of other valuable information by an athlete or other person (see 2027 ISRM Article 5.1.2.1, g)).
 - The “B” sample analysis procedure whereby ADOs are reminded that the operations linked to the analysis of the “B” sample must be carried out as quickly as possible, and invites the RMA and the athlete to act with the utmost diligence in this respect (see 2027 ISRM Article 5.1.2.1, c) and e), Article 5.1.2.3 and 5.1.2.5, which reflect, in particular, the relevant provisions set forth in the 2027 International Standard for Laboratories).
 - The updated information pertaining to the specific procedures to be followed for the detection of certain prohibited substances provided for in 2027 ISRM Article 5.1.2.2, such as salbutamol and formoterol in paragraph a) and urinary human chorionic gonadotrophin in paragraph b).
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Article 5.2.1: Atypical Findings

Following feedback received from stakeholders on Concept #6, the ISRM Drafting Team decided not to add a new Annex D which would have compiled all specific results management procedures, which are currently described in WADA Stakeholder Notices and WADA Technical Documents, so as to avoid any issues associated with the updating of these documents or addition of new procedures.

Instead, in relation to atypical findings and in the comment to this article, the ISRM Drafting Team chose to refer to the different types of documents that may be issued by WADA and which describe specific investigative steps that RMAs shall follow. For the sake of convenience and the centralization of information, all documents currently containing such investigative steps have also been cited and hyperlinked.

Article 5.4: Decision Not to Move Forward

The ISRM Drafting Team has clarified the requirements for the notification of decisions not to move forward in a new comment to this article and in particular the possibility of issuing a simplified decision in certain specific

cases (i.e., Therapeutic Use Exemptions or atypical findings) or in relation to the requirement to notify the athlete or other person.

Article 6: Provisional Suspensions

Amendments made by the Code Drafting Team to the provisional suspension regime have been reflected in the following ISRM articles:

- A new comment to 2027 ISRM Article 6.1.2 incorporates the content of 2027 Code Article 7.4.1, by providing clarification as to the effect and scope of provisional suspensions imposed by Major Event Organizations.
 - 2027 ISRM Article 6.2.1.1 incorporates substances of abuse to the list of anti-doping rule violations which do not require a mandatory provisional suspension. The comment to this article also clarifies that RMAs have the option of imposing an optional provisional suspension before the completion of the review process in Adverse Passport Findings.
 - 2027 ISRM Article 6.2.1.2 confirms the possibility for RMAs to lift a mandatory provisional suspension when the athlete demonstrates that their violation is likely to have involved a ‘Contaminated Source’ (a Code Defined Term that has replaced that of ‘Contaminated Products’).
 - 2027 ISRM Article 6.2.2 and its comment also clarify that an optional provisional suspension may be imposed upon notification under 2027 ISRM Article 5 (which is also recalled in the comment to 2027 ISRM Article 6.2.3.1), as well as the grounds and conditions under which this measure can be lifted (including unilaterally by the RMA).
 - Finally, the comment to 2027 ISRM Article 6.2.3.1 specifies that the failure to request the lifting of a provisional suspension in a timely manner may have adverse consequences for the athlete or other person.
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Article 7: Charge

Amendments made to 2027 Code Article 10.8.1, relating to the reduction of the period of ineligibility based on early admission and acceptance of sanction, and the introduction of the new 2027 Code Article 10.7.2 concerning the provision of other valuable information by an athlete or other person, have been transposed to the appropriate paragraphs under 2027 ISRM Article 7.1.

In addition, clarifications have been provided concerning the application of the twenty (20) day deadline given to athletes or other persons to either admit the asserted violation(s) and accept the proposed consequences or to challenge the RMA’s assertion, and/or proposed consequences, and/or request to be heard by a hearing panel.

Article 8: Hearing Process

Amendments made by the Code Drafting Team to the Code definition of ‘NADO Operational Independence’, dealing in particular with the involvement of National Federations in results managements activities, have been introduced in the comment to 2027 ISRM Article 8.1.

Clarifications have also been made in the comment to 2027 ISRM Article 8.3, concerning the number of members required to compose the hearing panel.

Lastly, amendments have been made to 2027 ISRM Article 8.8, c), which henceforth imposes a timeframe of two (2) months from the hearing for issuing a decision (save in exceptional circumstances).

Article 9: Decisions

The comment to 2027 ISRM Article 9.1.1 clarifies, on the one hand, that results management decisions include those relating to provisional suspensions and refers, on the other hand, to the simplified form that certain decisions to move forward with a matter may take, as mentioned in the comment to 2027 ISRM Article 5.4.

The new requirements imposed by 2027 Code Article 14.2.2, concerning the conditions under which cases files must be produced in either French or English and in a readable form as well as the related consequences vis-à-vis the deadline for appeals, are reflected in the comment to 2027 ISRM Article 9.2.4.

Article 10: Appeals

The current obligation imposed by 2023 ISRM Article 10.3, b) – henceforth 2027 ISRM Article 10.3 c) – on all parties to a CAS appeal to give timely notice of such appeal to WADA and any other party which would have a right of appeal and is not a party to the CAS appeal, has also been extended to national appellate instances (see 2027 ISRM Article 10.2, a)).

Amendments made by the Code Drafting Team to 2027 Code Article 13.1.2 (i.e., CAS proceedings are *de novo* and no deference shall be given to the discretion exercised by the body whose decision is being appealed, with the exception of WADA decisions in application of 2027 Code Articles 5.6.1, 10.7 and 10.8.2) have been reflected in the comment to Article 10.3, a).

Finally, Article 10.3 b) stipulates that all appeal proceedings before CAS involving WADA, an International Federation and/or a Major Event Organization as a party shall be conducted in English or French, except if agreed otherwise.

Article 11: Violation of the Prohibition Against Participation During Provisional Suspension

The scope of this article was limited solely to violations of the prohibition against participation during provisional suspensions, since cases relating to violation(s) of the prohibition of participation during ineligibility have been added to anti-doping rule violations throughout the ISRM.

Annex B: Results Management for Whereabouts Failures

The ISRM Drafting Team has implemented the following changes to ISRM Annex B to reflect amendments made either to the Code or to the 2027 International Standard for Testing (IST):

- Article B.1.3, a), i) reflects the amendments made to 2027 IST Article 4.10.6.1 b), i.e., the terms “on the first day of that quarter” have been replaced with “by the 15th day of the month preceding the calendar quarter”;
- Comment to B.2.1, b) reflects the amendments made to 2027 IST Article 4.10.11, i.e., the terms “regular activity that they will be pursuing during the quarter, or during the period covered by the update” have been replaced with “training locations and time frames for such training activities”.
- Article B.2.4 reflects the amendments made to 2027 Code Article 3.2.3, iv), clarifying that the establishment by an athlete of a departure from the ISRM related to an attempt to locate them does not invalidate a potential Missed Test and/or a violation of Code Article 2.4, but shifts the burden onto the RMA to establish that such departure did not cause the Whereabouts Failure.

- Article B.3.1 reflects the amendments made to 2027 Code Article 7.1.6, clarifying the rules governing the jurisdiction of ADOs with regard to the results management of Whereabouts Failures and violations of Code Article 2.4.
- Article B.3.2 reflects the amendments made to 2027 Code Article 13 clarifying which decisions are appealable.

Furthermore, substantive changes have been made to:

- Article B.1.3, a) ii) and iii), to further clarify the date on which a Filing Failure (FF), either the initial filing in advance of a quarter or an athlete's failure to update their information, is deemed to have occurred.
- Comment to Article B.2.4, e), which clarifies the term 'negligence', using the definition given by case law.
- Article B.3.2, which removes the administrative review process for individual Whereabouts Failures. This deletion reflects a desire to simplify and streamline the existing process, in line with wishes expressed by a large number of stakeholders in response to Concept #5. Furthermore, the rights of athletes will not be affected, insofar as they will still have the possibility to challenge any Whereabouts Failures pursuant to Article B.3.5 within the context of a potential asserted violation of Code Article 2.4 at a later stage.
- Comment to Article B.3.4 clarifies:
 - On the one hand, that RMAs have the possibility of asserting any additional Whereabouts Failures after the confirmation of a third Whereabouts Failure, including during the results management of a violation of Code Article 2.4; and
 - On the other hand, that the only purpose of the thirty (30) day timeframe set forth in this article is to trigger appeal rights under Code Article 13.2 and does not prevent the applicable RMA from bringing a violation of Code Article 2.4 forward even if after this thirty (30) day period.

Annex C: Results Management for Athlete Biological Passport (ABP)

The ISRM Drafting Team has implemented several formal changes throughout ISRM Annex C, such as the use of the term 'Expert panel' and the addition of the terms 'maximum' and 'prompt', in order to emphasize the need for swiftness in the measures to be taken in application of this Annex (e.g., Passport review, provision of the Expert report, collection of additional *Samples*).

2023 ISRM Articles C.2.1.3 to C.2.1.3.3 have been removed, as primary and secondary markers are only used to flag abnormalities in ADAMS, not as Atypical Passport Findings (ATPFs) requiring mandatory follow up.

Substantive changes have been made to ISRM Article C.2.2.5 and C.3.5, to clarify matters for the Expert *inter alia* as to the conclusion of "Likely Doping", in particular with regard to the absence of any need for the Expert panel nor the Passport Custodian to make assumptions as to the specifics of a possible doping scenario and/or to be satisfied of its existence.

The comment to 2027 ISRM Article C.3.7 confirms the possibility of using a strong suspicion of doping that is insufficient to trigger an ABP proceeding in a violation of Code Article 2.2 (Use or Attempted Use) if combined with further evidence.

Matters relating to the imposition of a provisional suspension within the context of this Annex are clarified in the comment to 2027 ISRM Article C.5.2 (which reflects amendments made to 2027 Code Article 7.4.1 and the possibility of imposing an optional provisional suspension before the completion of the review process) and the comment to Article C.6.2 (imposition of a mandatory provisional suspension) (see also Article 6.2.1.1 above).

Article C.6.3 allows the Passport Custodian to reinstate results management if the explanations and/or evidence provided by the athlete transpire to be untrue and/or forged.

Lastly, Article C.7.1 clarifies that the Passport must also be reset by the Passport Custodian in case of acquittal or withdrawal of charge.