



# DOPING AUTORITEIT

**FIH**

The Hague, June 4, 2014

Herman Ram



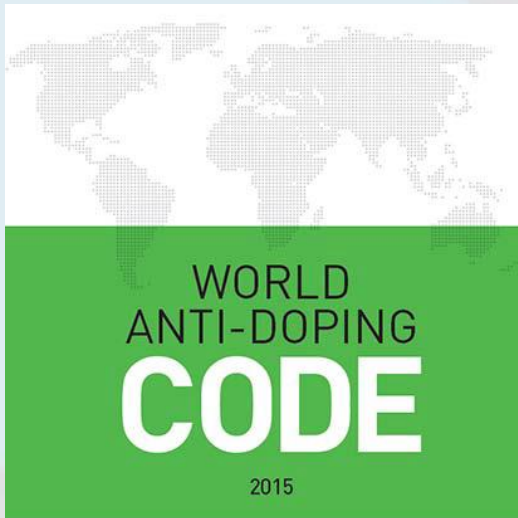
**DOPING  
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# **The 2015 World Anti-Doping Code**

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# World Anti-Doping Code



Not a WADA Code  
but the  
*World Anti-Doping Code*



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# World Anti-Doping Code

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- A core document
- Provides the framework for
  - harmonized anti-doping policies, rules and regulations within sport organizations and - indirectly - among public authorities

# World Anti-Doping Code

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Works in conjunction with five International Standards

1. Testing (and Investigations)
2. Laboratories
3. Therapeutic Use Exemptions (TUEs)
4. List of Prohibited Substances and Methods
5. Protection of Privacy and Personal Information

*... and numerous Technical Documents!*

# Code Consultation Process

Three distinct consultative phases:

- Nov 2011 – March 2012
- June 2012 – Oct 2012
- Dec 2012 – March 2013

March – Nov 2013 – Revision by Code Drafting Team

Revised Code in effect January 1, 2015



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**WORLD CONFERENCE  
ON DOPING IN SPORT**

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**JOHANNESBURG  
2013  
NOVEMBER 12-15**

# Submissions/Comments all phases

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## Code Revision: Submissions and proposals:

Total	Public Authorities	Sport Movement	NADOs/ RADOs	Other	Total
Code	36/401	149/1650	84/1595	46/361	315/3987

# Disappointing features of 2015 Code

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Some ideas that have ***not*** been realized:

- More specific rules for team sports
  - The consequences of harmonized team sanctions were - in some cases - disproportional
- New criteria for the Prohibited List
- A more simple and comprehensible Code
  - But an Athlete's Guide will be written and published

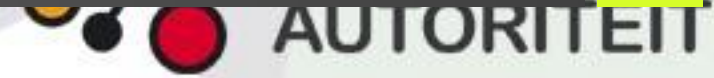


# Prohibited List unchanged

- Return to current List criteria after significant debate
- Two of three criteria must be met:
  - Has the potential to enhance performance
  - Actual or potential health risk to athletes
  - Contrary to the spirit of sport

*NB Detection limits for cannabinoids increased through change to Technical Document in September 2013*

# Features of 2015 Code



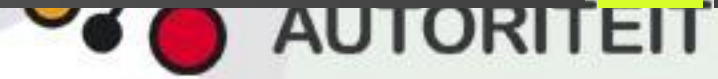
Some changes that stand out:

- Harsher sanctions – **4 years** for *intentional* doping
- Addition of **Complicity** and **Prohibited Association** as 9<sup>th</sup> and 10<sup>th</sup> ADRV
- Emphasis on **investigations** and the use of **intelligence**
- ‘Smarter’ and more **effective testing**

# Some other features of the 2015 Code

- Emphasis on the principles of proportionality and human rights
- Increased focus on prevention and values-based education
- Increased focus on sanctioning entourage / athlete support personnel involved in doping

# Tougher on the Real Cheats – 4 Year Ban

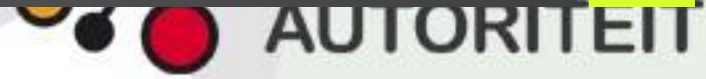
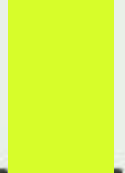


Longer periods of ineligibility for real cheats

- Intentional doping is 4 years
- Other cases – 2 years and specific criteria for sanction reduction



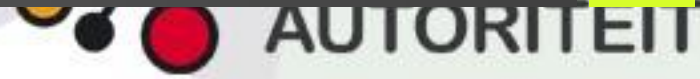
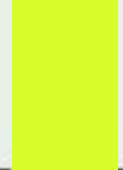
# Sanctions



- Main criteria for determining length of ineligibility:
  - Intentional or unintentional
  - Substance involved
  - Type of anti-doping rule breached
  - First or second offence
  - Degree of fault
  - Certain other factors

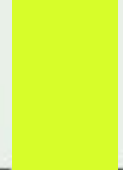


# Reduced sanctions



- Possibilities for sanction reduction in cases of an *unintentional* ADRV:
  - Specified substances
    - Reprimand – 2 years ineligibility
  - Contaminated supplements
    - Reprimand – 2 years ineligibility
  - No significant fault or negligence
    - 1- 2 years ineligibility
  - No fault or negligence
    - No sanction

# Reduced sanctions



- Possibilities for sanction reduction in cases of an *intentional* ADRV:
  - Substantial assistance
    - Minimum 1 year
  - Timely admission
    - Minimum 2 years
  - Admission after test or notification of ADRV
    - Minimum 2 years (WADA and ADO must agree)
  - A combination of the above
    - Minimum 6 months

# Missed Tests or Filing Failures

**Article 2.4** The period to accumulate three Missed Tests or Filing Failures that result in anti-doping rule violation has been reduced from 18 months to **12 months**.

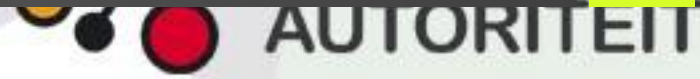
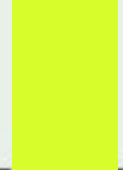


# Article 2.10 Prohibited Association

- Association by an Athlete in a professional or sport-related capacity with any Athlete Support Personnel who:
  - Is serving a period of ineligibility
  - Has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules (disqualifying status shall be in force for the longer of 6 years from the decision or the sanction imposed)
  - Is serving as a front or intermediary for an individual described above.

*The Athlete must be notified by an ADO in writing before this ADRV can be established!*

# Athlete Support Personnel



- Explicitly bound by anti-doping rules
- The *use* of doping by ASP is prohibited
- Responsibility on NADOs, IFs, NOCs to have NFs bind their Athlete Support Personnel to the anti-doping rules
  - This is – in practice – a key issue
- Automatic investigation of Athlete Support Personnel if the ADRV involves a Minor or they have provided support to more than 1 athlete who has committed an ADRV



# 'Smart' Testing

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- **Technical Document** – Specific Analysis for Sports / Sports Disciplines
  - All sports to have risk assessment process
  - Analysis to be conducted by laboratories accordingly
  - Additional analysis can be done
  - Less analysis – only with WADA approval
- **Effective, Intelligent and Proportionate Test Distribution Plan (TDP)**

# Investigations & Substantial Assistance

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## Investigations added into Article 5 (Testing)

- Increasing importance of investigations and use of intelligence
- ADO able to obtain, assess and process anti-doping intelligence from all available sources to decide on TDP, to plan target testing, and to establish potential ADRV
- Incorporate investigations in present duties, employ or outsource investigator



# Other Changes to 2015 Code

## Article 10.12.2

Athletes serving a period of Ineligibility may return to train or use club facilities during **the shorter of:**

- 1) the last two months of the Athlete's period of Ineligibility, or
- 2) the last one-quarter of the period of Ineligibility imposed

## Article 5.7

Athletes who retire while in a Registered Testing Pool (RTP) shall provide six months notice before returning to competition.

*WADA, in consultation with the relevant IF and NADO, may grant an exemption where the strict applicability of the rule would be manifestly unfair.*

# Other Changes to 2015 Code

## **Article 6.5**

The opportunity for ADOs to conduct further analysis on samples and to store samples for future analysis has been clarified

## **Article 17**

Statue of limitations is now 10 years

“All Signatories shall **within their means** and **scope of responsibility** and in cooperation with each other, plan, implement, evaluate and monitor information, education, and prevention programs for doping-free sport”

*Makes clear that educational programmes should focus on **prevention***



# ARTICLE 18

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“Educational programs should focus on prevention and be directed towards athletes and athlete support personnel with a particular focus on young people through Implementation in school curricula”

# International Standard for Testing *and Investigations* (ISTI) 2015

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## ‘Smart’ and Effective Testing

- Risk assessment
- Effective use of different testing menus

And in addition to testing: establish standards for the effective gathering of anti-doping intelligence and conduct of investigations into potential ADRVs

*....While respecting the rights of athletes and the principle of proportionality*

# Technical Document on Risk Assessment

## Art. 5.4.1

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

# Specific Enhancements to 2015 ISTI

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## Test Distribution Planning (TDP)

- The rules and procedures remain harmonized
- Greater emphasis on Athlete Biological Passport (ABP) testing and strategic sample retention for potential further analysis
- Use of ADAMS to coordinate testing and reporting

# Specific Enhancements to 2015 ISTI

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## Intelligence-Gathering

- Intelligence shall be captured from all available sources
- Intelligence shall be assessed and used to inform test distribution planning and target testing, and to trigger/support investigations
- Where appropriate, intelligence shall be shared with other ADOs and other authorities



# Specific Enhancements to 2015 ISTI

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## Investigations

- ADOs shall ensure they are able to conduct effective and confidential investigations to determine whether or not an ADRV should be asserted
- Investigations must be conducted fairly and impartially, and concluded without undue delay
- Outcome to be reported to WADA and other relevant ADOs

- No major changes to criteria for granting Therapeutic Use Exemptions or to application process
- Each NADO (RADO), IF and MEO has its own TUE jurisdiction
  - NADOs (RADOs) - TUE decisions in relation to athletes competing at national level or below
- Each NADO (RADO), IF and MEO must recognize TUE granted by others if they meet the ISTUE criteria
  - To minimize burden on athletes, an athlete with a TUE does not need to apply for another TUE

## Disputes resolved by WADA review/CAS appeal

- WADA must review TUE decisions where IF and NADO (RADO) disagree (and may review other TUE decisions)
  - If ISTUE conditions are met, the TUE will be upheld and valid for all levels of competition
  - If ISTUE conditions are not met, the TUE will be overturned and not valid for any level of competition
- WADA decision can be appealed to CAS
- If WADA declines to review, the appeal is to the national-level body (NADO/RADO decision) or to CAS (IF decision)



NADO (RADO)/IF/MEO must publish TUE information on websites so that it is clear to athletes:

- to which ADO they should apply for a TUE;
- how to apply for a TUE;
- when they become subject to the TUE requirements of an IF/MEO,
- when an IF/MEO will recognize another TUE automatically and when they will require the athlete to submit TUE for recognition.

NADOs (RADOs) must warn athletes that any TUE it has issued will not apply automatically at international level, and must help athletes determine when they need to apply to IFs or MEOs for recognition of that TUE, and must support him in that process.

# 2015 Code and Standards Implementation

WADA to work with all stakeholders in transition to 2015 Code

Two priorities for 2014:

- Revision of ADO anti-doping rules to reflect 2015 Code and Standards
- Development of Technical Document on Sport Specific Analysis (TDSSA)



# **DOPING AUTORITEIT**

**Questions?**

**Thank you!**