

Anti-Doping: the 2027 WADA Code

Ulrich Haas, University of Zurich

2003

← road to harmonization

2009

← road to
proportionality

2015

← „Amstrong scandal“
(Intel gathering, ASP,
deterrence [4 years])

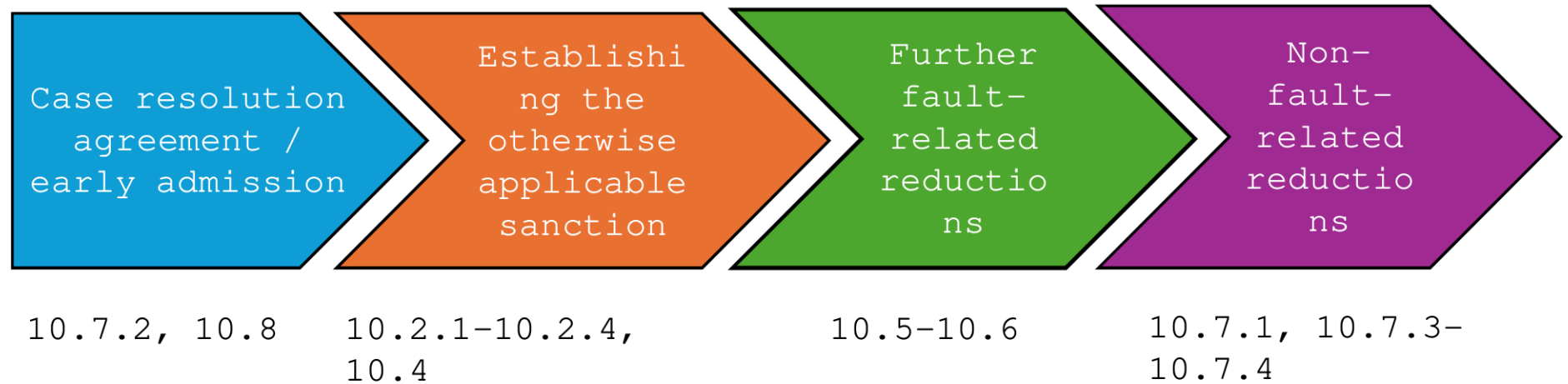
2021

← „Russian doping
scandal“

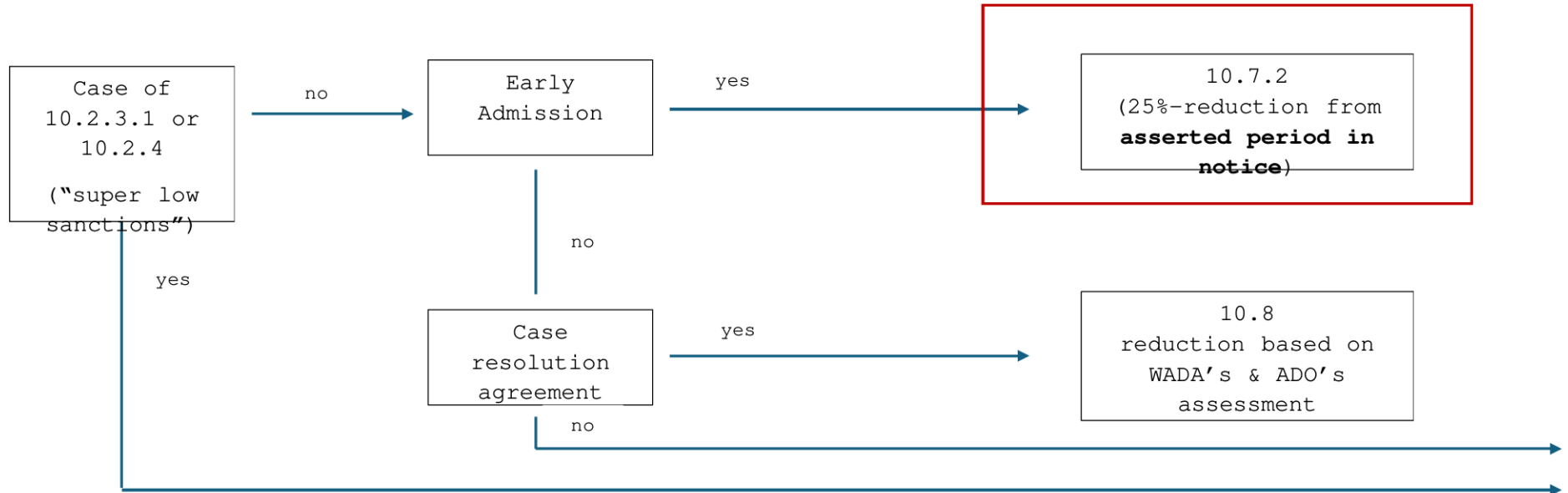
2027

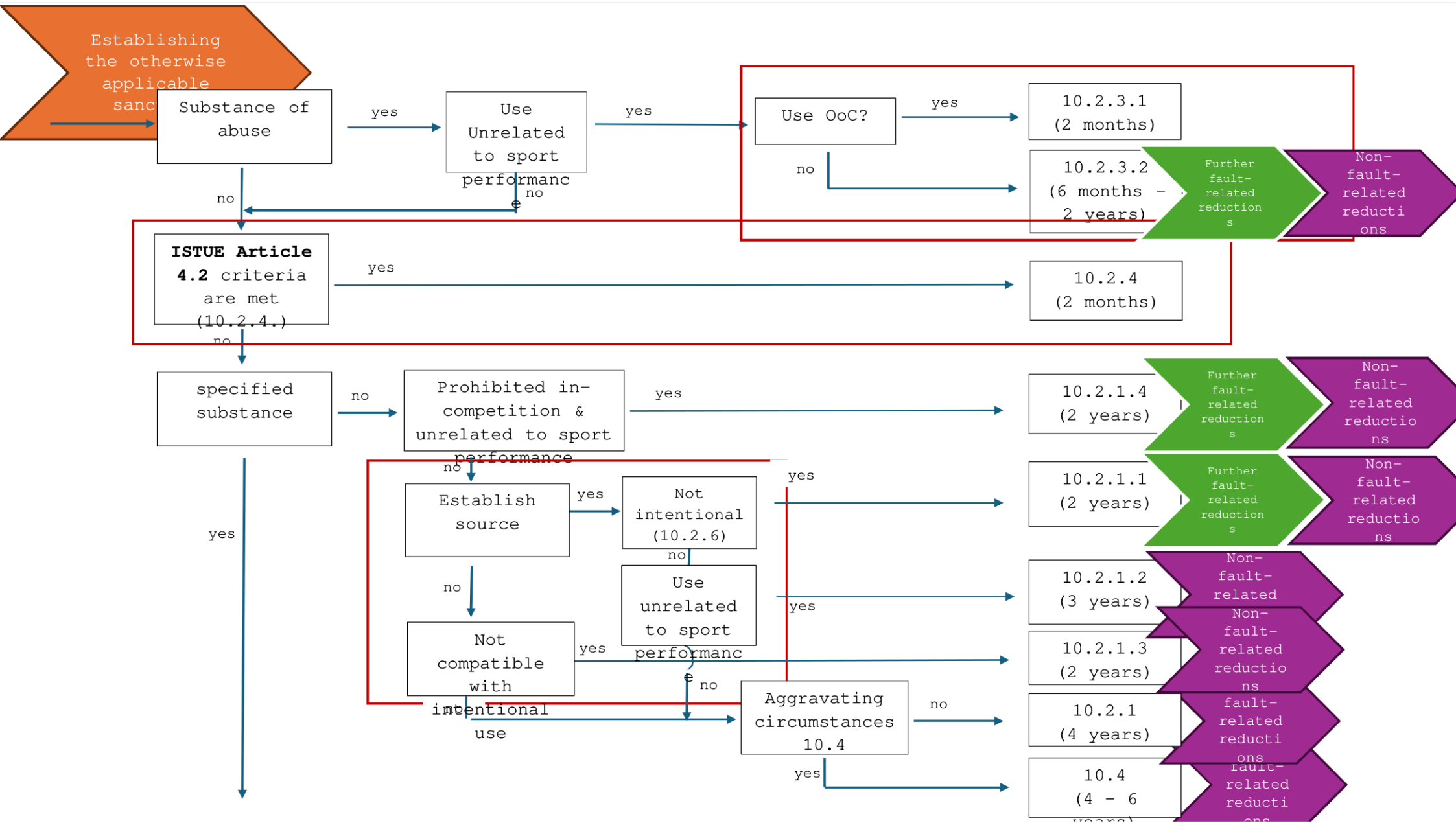
← Chinese swimmer cases
proportionality,
contamination

Sanctions (presence, use – first violation)

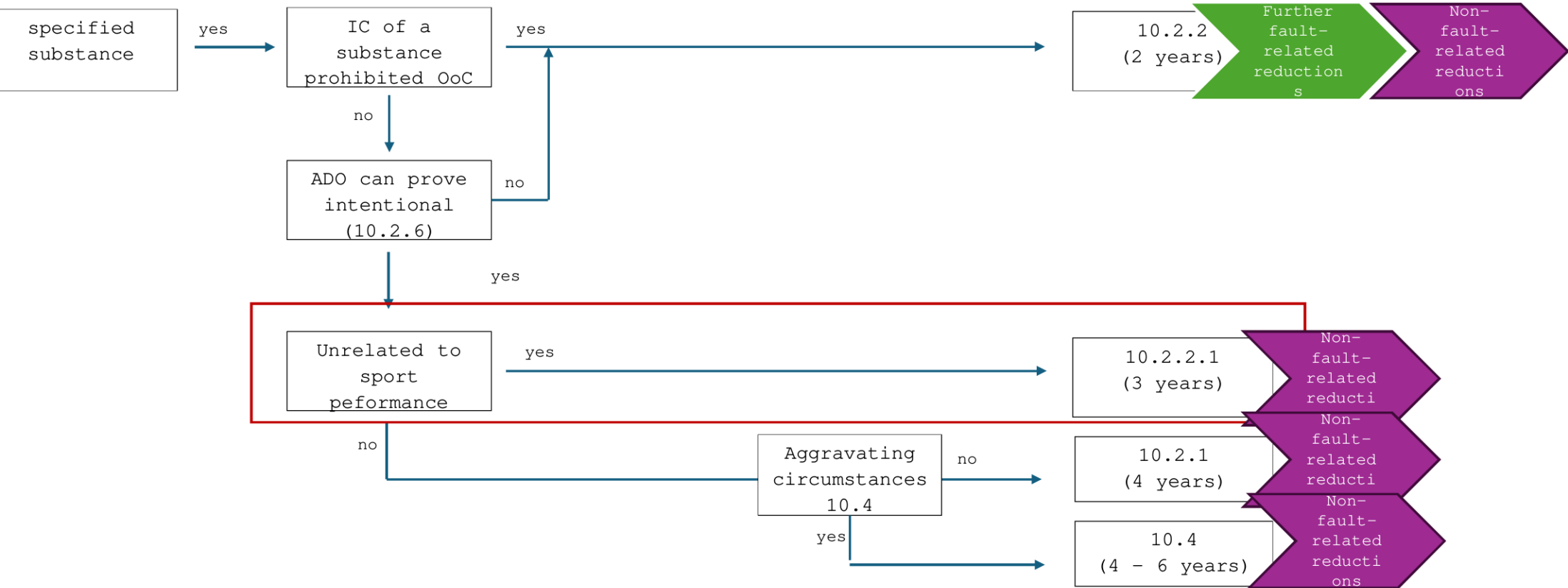


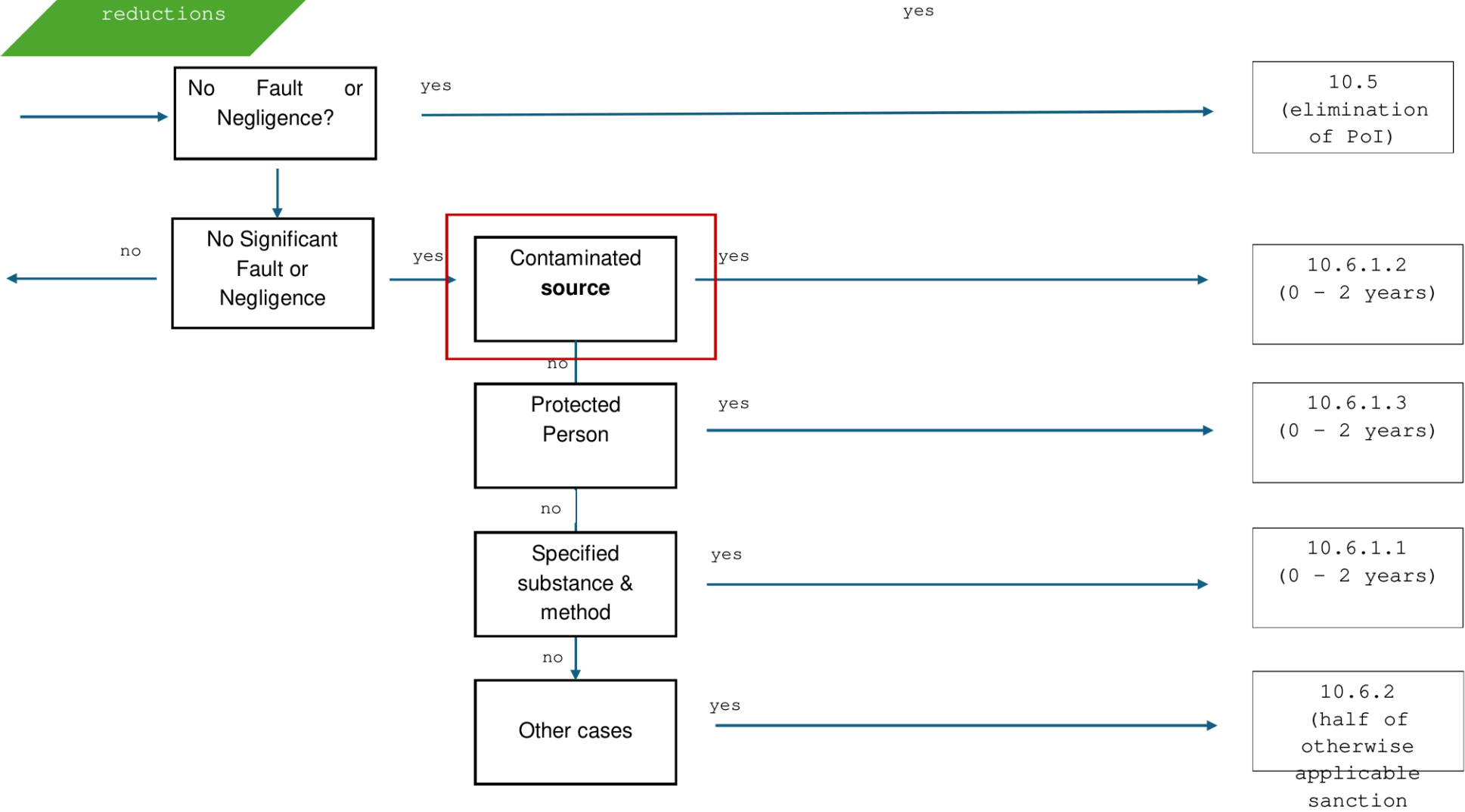
Early
admission /
case
resolution
agreement





Establishing the otherwise applicable sanction





Responsibility for Conducting Whereabouts Failure Results Management (7.1.6)

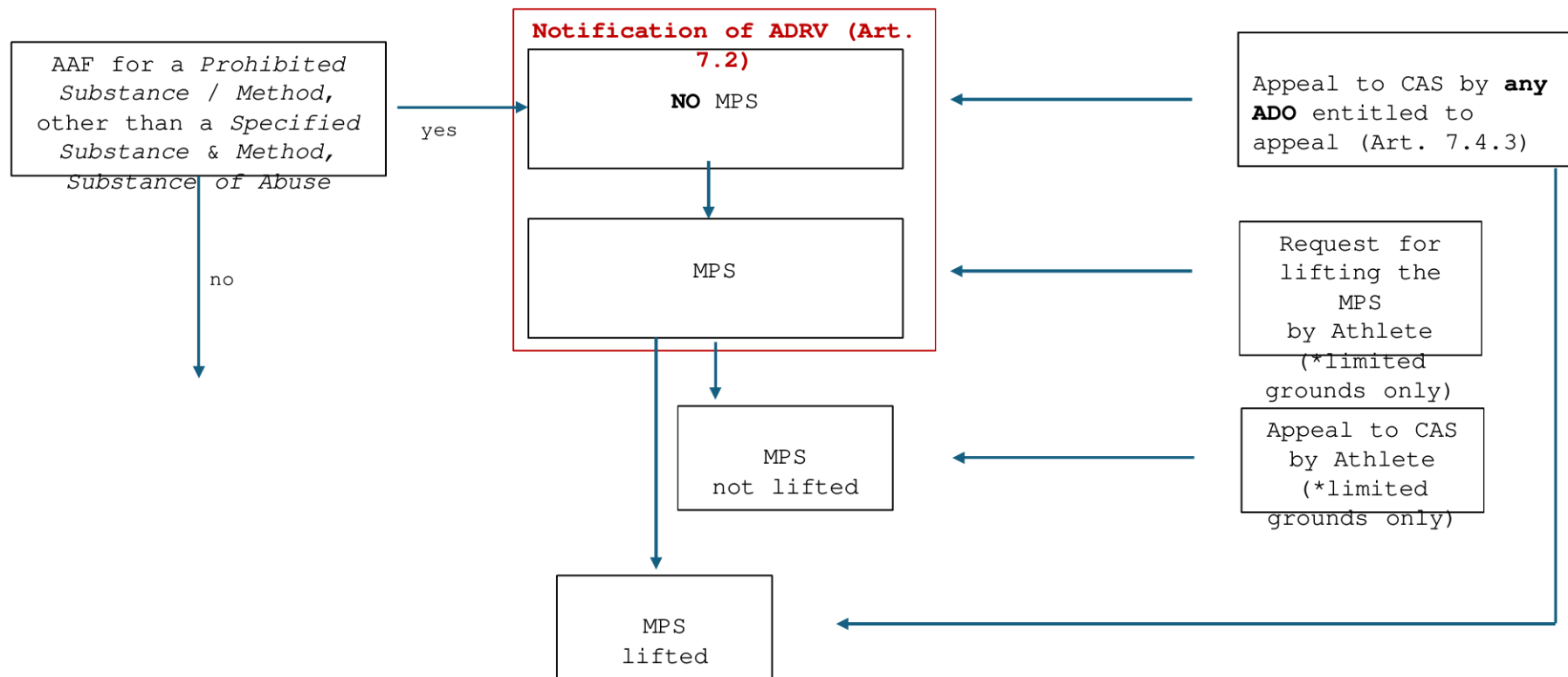
With respect to a potential whereabouts failure, **Results Management shall be administered by the Anti-Doping Organization (other than a Major Event Organization) that ordered the test that led to the discovery of the potential whereabouts failure;**

in all other instances, Results Management remains with the Anti-Doping Organization with which the Athlete files whereabouts information at the time of the potential whereabouts failure.

As an exception to the foregoing, the Anti-Doping Organization that ordered the test may request that Results Management nevertheless be administered by the Anti-Doping Organization with which the Athlete files whereabouts information; if the involved Anti-Doping Organization so agrees, Results Management shall be administered by the Anti-Doping Organization with which the Athlete files whereabouts information.

To the extent there is an issue as to which Anti-Doping Organization has Results Management authority for a potential whereabouts failure, the Anti-Doping Organizations involved may resolve the issue between them. In the event that there is an unresolved dispute between Anti-Doping Organizations as to which organization should administer Results Management for a whereabouts failure, WADA shall determine that question in its entire discretion. For the avoidance of doubt, Article 7.1.1 shall

Mandatory Provisional Suspension (Article 7.4.1, 7.4.3)

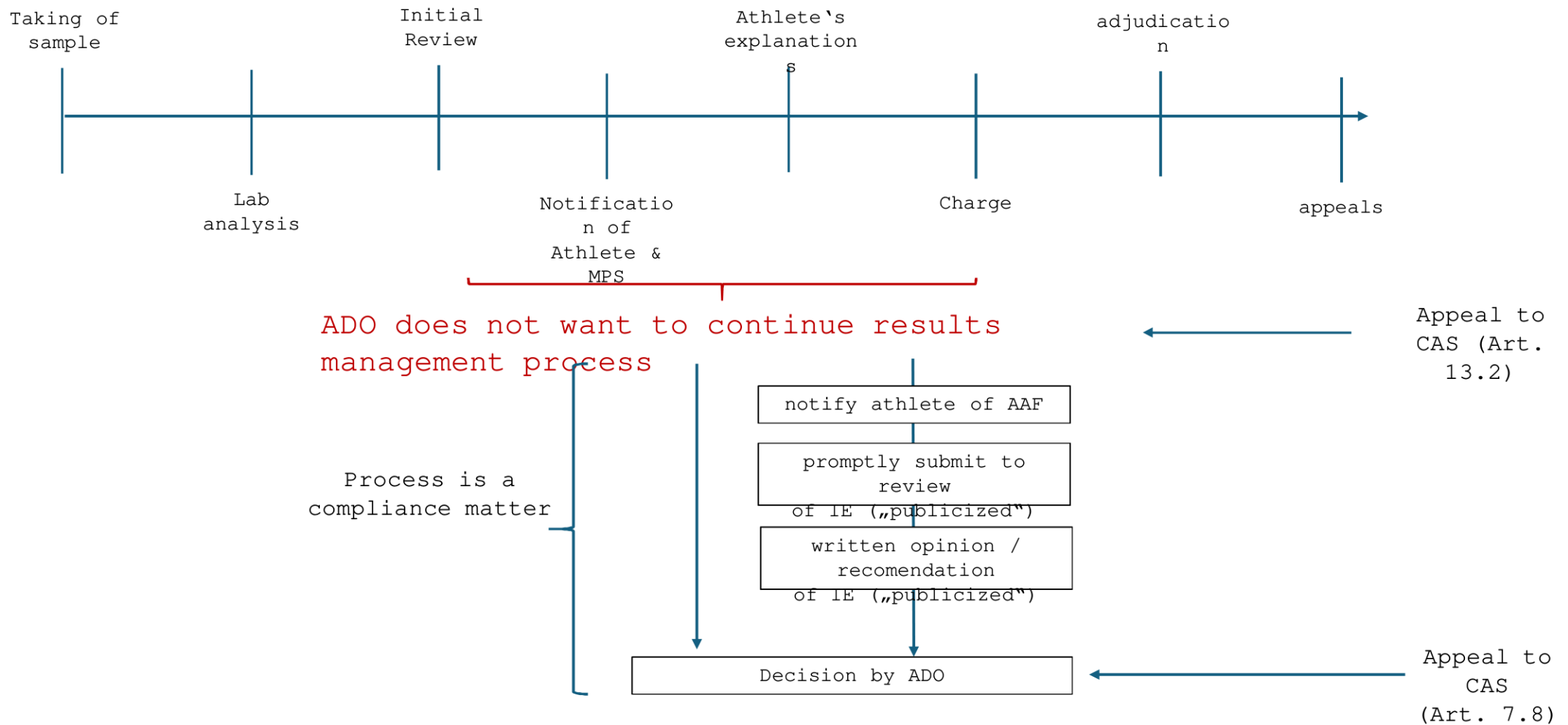


Notification of
ADRV

First instance
decision

- * likely to result in a finding of
- no anti-doping rule violation,
 - *No Fault or Negligence* under Article 10.5,
 - a reprimand with no period of *Ineligibility* under Article 10.6.1.2 (*Contaminated Source*), or
 - the time already served by the Athlete under the *Provisional Suspension* would exceed the period of *Ineligibility* asserted in the charging letter for the ADRV

Article 7.8 Cases Subject To Review By Independent Review Expert

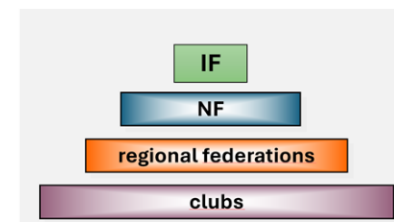
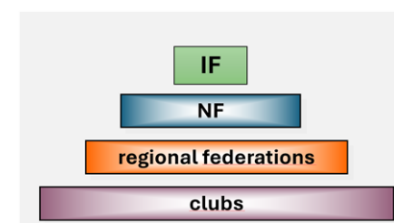
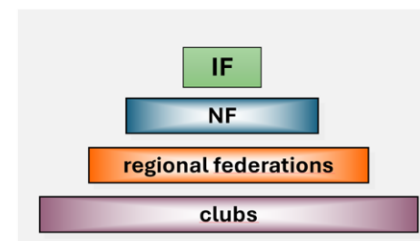


Article 10.14.1 Status During Ineligibility or Provisional Suspension

10.14.1 Prohibition against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*:

- (i) → compete or participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization;
- (ii) → compete or participate in any capacity in *Competitions* or training activities authorized or organized by any professional league, any professional *Event* organization or any international or national-level *Event* organization where not already covered by Article 10.14.1(i);
- (iii) → compete or participate in any capacity in competitions or training activities funded by a governmental agency;
- (iv) → provide any sport-related services, including without limitation serving as a coach or other *Athlete Support Personnel*, to any *Athlete* or other *Person* bound by rules adopted pursuant to the *Code* (and doing so could also result in a violation of Article 2.10 by such *Athlete(s)*);
- (v) → serve as a board member, officer, director, official or senior executive, or in any position involving *Doping Control* or involving direct contact with *Athletes* or *Athlete Support Personnel*, of any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization; or
- (vi) → receive compensation from any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, except for compensation for employment for services not prohibited as described in 10.14.1(v) above.⁹⁴⁹⁷



An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons* or *Minors*.¶

An *Athlete* or other *Person* subject to a period of *Ineligibility* who has not retired shall remain subject to *Testing* and any requirement by an *Anti-Doping Organization* to provide whereabouts information.⁹⁵⁹⁸¶

**Thank you very much for your
attention**

`ulrich.haas@ius.uzh.ch`