

# 2015 WORLD ANTI-DOPING CODE

Following on from the first two versions of the World Anti-Doping Code (Code), which were introduced in 2004 and 2009 respectively, the global anti-doping community agreed that the latest revision of the Code would take effect on 1 January 2015.

At the 2013 World Conference on Doping in Sport in Johannesburg, South Africa, the WADA Foundation Board approved a number of changes to anti-doping rules that would be included in the 2015 Code.

The following questions and answers tackle some of the most common topics surrounding the Code.

1. [When did the revised Code go into force? \(/en/questions-answers/2015-world-anti-doping-code#item-884\)](#)
2. [Why did WADA decide to revise the Code? \(/en/questions-answers/2015-world-anti-doping-code#item-885\)](#)
3. [How did the revisions leading to the 2015 Code occur? \(/en/questions-answers/2015-world-anti-doping-code#item-886\)](#)
4. [What major changes does the 2015 Code include? \(/en/questions-answers/2015-world-anti-doping-code#item-887\)](#)
5. [Who oversaw the Code consultation process? \(/en/questions-answers/2015-world-anti-doping-code#item-888\)](#)
6. [Who approved the changes to the 2015 Code? \(/en/questions-answers/2015-world-anti-doping-code#item-889\)](#)
7. [Was the List of Prohibited Substances and Methods reviewed as part of the Code review? \(/en/questions-answers/2015-world-anti-doping-code#item-890\)](#)
8. [Who was able to submit comments as part of the consultation process? \(/en/questions-answers/2015-world-anti-doping-code#item-891\)](#)
9. [Were changes in relation to the strict liability principle introduced as part of the Code review? \(/en/questions-answers/2015-world-anti-doping-code#item-892\)](#)

## 1. WHEN DID THE REVISED CODE GO INTO FORCE?



The revised Code took effect on 1 January 2015.

## 2. WHY DID WADA DECIDE TO REVISE THE CODE?



The Code - the core document that provides the framework for consistent anti-doping policies, rules, and regulations within sport organizations and among public authorities—has proven to be a very powerful and effective tool in making anti-doping efforts consistent across the world since it came into force on 1 January 2004.

This has been demonstrated by the overwhelming support of athletes, governments and sports in adopting the Code, in addition to the growing body of jurisprudence from CAS supporting the Code's tenets.

However, the Code was never meant to be a document that stood still. Just as the 2004 and 2009 Codes addressed the issues of their day, the 2015 Code aims to respond to the dynamic challenges faced by the anti-doping community today. By continuing to provide strong, simple and fair solutions that unite all members of the anti-doping community, the Code aims to protect the rights of the clean athlete.

## 3. HOW DID THE REVISIONS LEADING TO THE 2015 CODE OCCUR?



The Code consultation process was similar to that used in the lead-up to the introduction of the previous revisions of the Code which came into effect in 2004 and 2009.

The full Code Review process lasted two years, and resulted in 4,000 proposed changes and 2,000 submitted changes.

The Code consultation process began in November 2011, included four draft revisions, and culminated at the Fourth World Conference on Doping in Sport, which was held in November 2013. The revised Code was endorsed by delegates at the World Conference on 15 November 2013, and unanimously adopted by WADA's Foundation Board.

Throughout this process, WADA solicited and carefully considered stakeholders' recommendations on various matters resulting from several years' experience of operating under and implementing the Code.

All stakeholders were urged to consider their experiences in providing suggestions for any amendments. In view of the successful and consistent approach previously adopted, stakeholders were asked to look carefully at the areas which could be improved, and reflect on the potential benefits to athletes that could arise from any changes.

The process for participating in the consultations was made public and transparent through WADA's website and various communications with stakeholders. Any individual or organization was entitled to submit proposals. Each draft revision of the Code was published online alongside official submissions made by stakeholders in response to the drafts.

#### **4. WHAT MAJOR CHANGES DOES THE 2015 CODE INCLUDE?**



##### **Firmness & Fairness**

Two general themes emerged—firmness and fairness—both targeted at strengthening the fight against doping in sport.

##### **Longer Sanctions**

As called for by stakeholders and, in particular, the athlete community, the 2015 Code provides an increase to four-year sanctions for intentional cheats.

Under the 2009 Code, there was the opportunity for a four-year period of Ineligibility for an Anti-Doping Rule Violation (ADRV) if the Anti-Doping Organization could show “Aggravating Circumstances” (such as being part of a large doping scheme; the athlete having used multiple prohibited substances or a prohibited substance on multiple occasions; or the athlete engaging in deceptive or obstructing conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation.) However, that provision was rarely used.

The 2015 Code contains examples where the period of ineligibility for intentional dopers is lengthened to four years (these are set out in Appendix 2 to the Code).

##### **Greater Flexibility**

At the same time, the revised Code states that more flexibility with regards to sanctioning should be permitted in certain circumstances where the athlete can demonstrate that he or she was not cheating. This could include, for example: a case where an athlete can establish No Significant Fault for an Adverse Analytical Finding involving a specified substance or a Contaminated Product. In a case such as this, the athlete's period of ineligibility may range from a reprimand to a two-year sanction.

Furthermore, the window in which an athlete may accumulate three whereabouts failures which trigger a violation has been reduced from 18 months to 12 months.

##### **Proportionality and Human Rights**

Following the receipt of a **detailed opinion from the former President of the European Court of Human Rights Judge Jean-Paul Costa** ([//www.wada-ama.org/en/resources/legal/legal-opinion-on-the-draft-2015-world-anti-doping-code](http://www.wada-ama.org/en/resources/legal/legal-opinion-on-the-draft-2015-world-anti-doping-code)), the applicability of the principles of proportionality and human rights are now expressly in the purpose, scope and organization of the Code.

Furthermore, the revised Code offers greater protection relating to public disclosure for minors or athletes who are not of International or National level.

##### **Investigations and Intelligence**

As the Code makes clear, Anti-Doping Rule Violations (ADRVs) can be proved by any reliable means, including both analytical and non-analytical evidence.

The role of investigations in the fight against doping is highlighted in the revised Code, as is the need for governments and stakeholders to cooperate in relation to all ADRV investigations.

Article 5, now titled ‘Testing and Investigations’, describes each Anti-Doping Organization's (ADO) investigations and intelligence-gathering responsibilities. There are also responsibilities for athletes and athlete support personnel, as well as expectations on governments to put in place legislation, regulation or policies to cooperate in information sharing with ADOs.

The Code now also allows a reduction of sanctions which will give assurance to an Athlete or other Person willing to provide Substantial Assistance that the agreed-upon reduction in the period of Ineligibility cannot be challenged on appeal; that in appropriate circumstances, the disclosure of the Substantial Assistance may be limited or delayed; and that in exceptional circumstances, WADA may approve a Substantial Assistance agreement that provides for no period of Ineligibility.

### **Statute of Limitations**

The statute of limitations has been extended to ten years from the eight-year statute found in the 2009 Code. A number of events in the past have demonstrated that it can sometimes take a long time before sophisticated doping schemes are uncovered.

### **Athlete Support Personnel**

Doping frequently involves coaches, trainers, or other Athlete Support Personnel.

Additionally, in many cases, those Athlete Support Personnel have been outside the jurisdiction of anti-doping authorities. There was widespread support among stakeholders to revise the Code to better address the problem of the role of Athlete Support Personnel in doping.

Of particular note is a new ADRV titled "Prohibited Association". This change makes it a violation for an athlete or other person to associate in a professional or sport-related capacity with Athlete Support Personnel who are ineligible or have been convicted by a criminal or professional disciplinary body of an infraction that would have amounted to doping within the previous six years. Before an athlete can be found to have violated this article, he or she must have received notice of the Athlete Support Personnel's disqualified status and have been given the opportunity to explain the situation. "Prohibited Association" does not apply in unavoidable circumstances, such as a child/parent or wife/husband relationship.

### **Smarter Testing**

As has been evident from recent Anti-Doping Testing Figures Reports published by WADA, not all Anti-Doping Organizations collect both blood and urine, nor do they direct the laboratories to conduct full menu analysis on all samples collected. Indeed, some Anti-Doping Organizations do minimal or no Testing for Prohibited Substances or Prohibited

Methods which are likely to be among the most beneficial in particular sports. The 2015 Code has addressed this situation by ensuring that International Federations and other Anti-Doping Organizations implement the new Technical Document for Sport Specific Analysis (TDSSA). The TDSSA replaces a "one size fits all" approach to testing with a more intelligent approach which identifies those Prohibited Substances or Methods that are most likely to be abused in particular sports and sport disciplines.

The document, which will be used by Anti-Doping Organizations for test distribution planning and by laboratories for the analyses of samples starting on 1 January 2015, is part of a wider effort to encourage ADOs to adopt more effective testing programs that use the appropriate testing tools (Athlete Biological Passport, Investigations etc.) that best address their particular doping risks.

### **Athlete Reference Guide to the Code**

WADA has published an **Athlete Reference Guide to the World Anti-Doping Code** (<http://www.wada-ama.org/en/resources/education-and-prevention/athlete-reference-guide-to-2015-code-online-version>), which highlights, more concisely, the areas of the Code deemed most important to athletes.

The Reference Guide does not replace the Code – nor does it have any legal standing – but through its user-friendly language it aims to foster a greater understanding among athletes of the main aspects of the Code.

### **Education**

The revised Code obliges ADOs to provide anti-doping education as well as information in order to prevent the use of doping. Article 18 details what should be provided and who should be the recipient of education/information programs. It also insists on the importance of including values in education programs which are intended to focus on the ethical reasons not to dope as well as protective factors to help athletes compete clean. The revision of this article is based on the most recent findings of anti-doping social science research.

The consultation process was managed by a Code Drafting team, which was in turn overseen by the WADA Executive Committee.

## **6. WHO APPROVED THE CHANGES TO THE 2015 CODE?**



On 15 November 2013, the WADA Foundation Board unanimously approved the revised Code.

## **7. WAS THE LIST OF PROHIBITED SUBSTANCES AND METHODS REVIEWED AS PART OF THE CODE REVIEW?**



No. The Code review and the annual updating of the Prohibited List are two separate processes.

The Prohibited List is reviewed and updated at least annually by WADA through a year-long consultative process involving groups of international scientific and anti-doping experts as well as stakeholder feedback.

## **8. WHO WAS ABLE TO SUBMIT COMMENTS AS PART OF THE CONSULTATION PROCESS?**



Anyone. All stakeholders were encouraged to send their suggestions. The comments that were received included feedback from athletes, governments, international organizations, National Anti-Doping Organizations, the International Olympic Committee, the International Paralympic Committee, International Sports Federations, National Olympic Committees, and other organizations and individuals.

## **9. WERE CHANGES IN RELATION TO THE STRICT LIABILITY PRINCIPLE INTRODUCED AS PART OF THE CODE REVIEW?**



No. Strict liability has been maintained in the 2015 Code.

Strict liability means that each athlete is strictly liable for the substance found in his or her bodily specimen, and that an Anti-Doping Rule Violation occurs whenever a prohibited substance (or its metabolites or markers) is found in a bodily specimen, whether or not the athlete intentionally or unintentionally used a prohibited substance or was negligent or otherwise at fault.

As consistently stated by the Court of Arbitration for Sport (CAS), the strict liability rule for the finding of a prohibited substance in an athlete's specimen, with a possibility that sanctions may be modified based on specific criteria, provides a reasonable balance between, on one hand, effective anti-doping enforcement for the benefit of clean athletes and, on the other hand, fairness in the exceptional circumstances where a prohibited substance entered an athlete's system through no fault or negligence on the athlete's part.