

**RESULTS MANAGEMENT PROCEDURE**  
**under the International Standard for Results Management**  
**effective from January 1, 2021,**  
**amended and supplemented, Order № RD-20/09.11.2023**

**PART ONE: INTRODUCTION AND SCOPE**

The *International Standard for Results Management* is a mandatory *International Standard* developed as part of the World Anti-Doping Program. It was developed in consultation with *Signatories*, public authorities, and other relevant stakeholders.

**Defined Terms are used in the *International Standard for Results Management* are from:**

the *Code* ,  
*International Standard for Testing and Investigations*,  
*Standard for Laboratories*, the *International Standard for Therapeutic Use Exemptions*,  
*International Standard for Protection of Privacy and Personal Information*  
Specific Defined Terms are used to the *International Standard for Results Management*  
and  
*Regulations Antidoping Activities (RADA)*

**PART TWO: RESULTS MANAGEMENT - CONFIDENTIALITY OF RESULTS MANAGEMENT AND TIMELINESS**

Save for disclosures, including *Public Disclosure*, that are required or permitted under *Code* Article 14 or this *International Standard*, all processes and procedures related to *Results Management* are confidential.

In the interest of fair and effective sport justice, anti-doping rule violations should be prosecuted in a timely manner. Irrespective of the type of anti-doping rule violation involved, and save for cases involving complex issues or delays not in the control of the *Anti-Doping Centre* (e.g. delays attributable to the *Athlete* or other *Person*), *Anti-Doping Centre* should be able to conclude *Results Management* (including the Hearing Process at first instance) within six (6) months from the notification as per Article 5 below.

**PART THREE: RESULTS MANAGEMENT – PRE-ADJUDICATION**

**5.0 First Results Management Phase**

**5.0.0 (supplemented, Order № RD-20/09.11.2023) Applicable procedures**

This Article sets out the procedures applicable for the first *Results Management* phase as follows: *Adverse Analytical Findings* (Article 5.1), *Atypical Findings* (Article 5.2) and other matters (Article 5.3) which include potential *Failures to Comply* (Article 5.3.1.1), *Whereabouts Failures* (Article 5.3.1.2) and *Athlete Biological Passport* findings (Article 5.3.1.3). The notification requirements in respect of matters falling under the scope of Article 5.3

### **5.0.1 (new, Order № RD-20/09.11.2023) Representation**

In the procedures applicable during the first results management phase – pre-adjudication, the subject of a potential violation of anti-doping rules has the right to authorize a representative to represent him before the Anti-Doping Center.

At the expense of the subject of a potential violation of anti-doping rules his representative can be a lawyer or his direct relative without limitation.

## **5.1 Adverse Analytical Findings**

### **5.1.1 Initial Review**

Upon receipt/establishing an *Adverse Analytical Finding*, the report, consisting of the analytical lab result and the complete documentation concerning the doping control procedure of the sample, are submitted for review by the *Antidoping Centre's Result Management* Expert Group.

*Result Management* Expert Group carries out a preliminary check to determine whether:

(a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions* (Article 5.1.1.1),

(b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding* (Article 5.1.1.2) and/or

(c) it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route (Article 5.1.1.3).

#### **5.1.1.1 Therapeutic Use Exemption**

**5.1.1.1.1** The *Results Management Expert group* shall consult the *Athlete's* records in ADAMS and with other *Anti-Doping Organizations* that might have approved a *TUE* for the *Athlete* (e.g., the *National Anti-Doping Organization* or the *International Federation*) to determine whether a *TUE* exists.

As per the *Prohibited List* and the *Technical Document for Decision Limits* for the *Confirmatory Quantification of Threshold Substances*, the detection in an *Athlete's Sample* at all times or *In-Competition*, as applicable, of any quantity of certain *Threshold Substances* (identified in the *Prohibited List*), in conjunction with a diuretic or masking agent, will be considered as an *Adverse Analytical Finding* unless the *Athlete* has an approved *TUE* for that substance in addition to the one granted for the diuretic or masking agent. Therefore, in the event of such detection, the *Results Management* Expert Group shall also determine whether the *Athlete* has an approved *TUE* for the detected *Threshold Substance*.

**5.1.1.1.2** If the initial review reveals that the *Athlete* has an applicable *TUE*, then the *Results Management* Expert Group shall conduct such follow up review as necessary to determine if the specific requirements of the *TUE* have been complied with.

#### **5.1.1.2 Apparent Departure from *International Standard for Testing and Investigations* and/or *International Standard for Laboratories***

The *Results Management* Expert Group must review the *Adverse Analytical Finding* to determine if there has been any departure from the *International Standard for Testing and Investigations* and/or the *International Standard for Laboratories*. This may include a review of

the *Laboratory Documentation Package* produced by the Laboratory to support the *Adverse Analytical Finding* (if available at the time of the review) and relevant *Doping Control* form(s) and *Testing* documents.

### **5.1.1.3 Apparent Ingestion through Permitted Route**

If the *Adverse Analytical Finding* involves a *Prohibited Substance* permitted through (a) specific route(s) as per the *Prohibited List*, the *Results Management Authority* shall consult any relevant available documentation (e.g. *Doping Control* form) to determine whether the *Prohibited Substance* appears to have been administered through a permitted route and, if so, shall consult an expert to determine whether the *Adverse Analytical Finding* is compatible with the apparent route of ingestion.

*For the sake of clarity, the outcome of the initial review shall not prevent an Athlete from arguing that his Use of the Prohibited Substance came from a permitted route at a later stage of Results Management.*

### **5.1.2 Notification**

**5.1.2.1** If the review of the *Adverse Analytical Finding* does not reveal an applicable *TUE* or entitlement to the same as provided in the *International Standard for Therapeutic Use Exemptions*, a departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding* or that it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through an authorized route, the *Antidoping Centre* shall promptly notify the *Athlete*, the *licensed sport organization*, *international sports organization* and *WADA* for :

a) The *Adverse Analytical Finding*;

*a): In the event that the Adverse Analytical Finding relates to salbutamol, formoterol, human chorionic gonadotrophin or another Prohibited Substance subject to specific Results Management requirements in a Technical Document, the Results Management Expert Group shall in addition comply with Article 5.1.2.2. The Athlete shall be provided with any relevant documentation, including a copy of the Doping Control form and the Laboratory results.]*

b) *The fact that the Adverse Analytical Finding may result in an anti-doping rule violation of Code 2.1 (art.6, para 1, item 1 of the RADA - Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) and/or 2.2 ( art. 6, para 1, item 2 of the RADA Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method) and the applicable Consequences.*

*The Antidoping Centre should always refer to both Code Articles 2.1 and 2.2 in the notification and charge letter (Article 7) to an Athlete if the matter relates to an Adverse Analytical Finding. The Results Management Expert Group shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the applicable Consequences.]*

c) *The Athlete's right to request the analysis of the "B" Sample (in 7 days of the receiving the notification) or, failing such request, that the "B" Sample analysis may be deemed irrevocably waived, the costs of the "B" Sample analysis shall be covered by the Athlete.*

d) *The opportunity for the Athlete and/or the Athlete's representative to attend the "B" Sample opening and analysis in accordance with the International Standard for Laboratories;*

e) The *Athlete's* right to request copies of the "A" *Sample* and "B" *Sample* Laboratory Documentation Package which includes information as required by the *International Standard* for Laboratories and that the costs relating to the issuance of the Laboratory Documentation Package(s) shall be covered by the *Athlete*. This request shall be addressed to the *Antidoping Centre*. In case of *Athlete's* request (or *Result Management Expert Group's* request) the "B" *Sample* should be analyzed in the same WADA-accredited Laboratory, where the "A" *Sample* analysis was performed, unless there are exceptional circumstances, as determined by WADA and with WADA's prior written approval, which prevent the "B" *Sample* confirmation from being performed in the same Laboratory. The Executive Director of the *Antidoping Centre* notifies the *Athlete* for the exact date and time of the analysis.

f) The possibility for the athlete to give an explanation to the *Result Management Expert Group* within 7 days from his notification in compliance with the principles under Art. 8.8 of the ISMR. In case of unforeseen circumstances proved by the athlete or at the discretion of the *Result Management Expert Group*, the terms may be extended by the executive director of ADC after a positive opinion from the *Result Management Expert Group*.

g) The opportunity for the Athlete to provide Substantial Assistance as set out in Code Article 10.7.1, (art. 45 of the *RADA*) to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of Ineligibility in Code Article 10.8.1 (if applicable) (art. 46, para 2 of the *RADA*) or seek to enter into a case resolution agreement in Code Article 10.8.2 (art. 46 para 2 of the *RADA*); and

h) Any matters relating to *Provisional Suspension* (including the possibility for the *Athlete* to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

**5.1.2.2** In addition, in the event that the *Adverse Analytical Finding* relates to the *Prohibited Substances* set out below, the *Results Management Expert Group* shall:

a) Salbutamol or Formoterol: draw the attention of the *Athlete* in the notification letter that the *Athlete* can prove, through a controlled pharmacokinetic study, that the *Adverse Analytical Finding* was the consequence of a Therapeutic dose by inhalation up to the maximum dose indicated under class S3 of the *Prohibited List*. The *Athlete's* attention shall in addition be drawn to the key guiding principles for a controlled pharmacokinetic study and they shall be provided with a list of Laboratories, which could perform the controlled pharmacokinetic study. The *Athlete* shall be granted a deadline of seven (7) days to indicate whether they intend to undertake a controlled pharmacokinetic study, failing which the *Results Management Expert Group* may proceed with the *Results Management*;

b) Urinary human chorionic gonadotrophin: follow the procedures set out at Article 6 of the 2019 *Technical Document* for the Reporting & Management of Urinary Human Chorionic Gonadotrophin (hCG) and Luteinizing Hormone (LH) Findings in Male *Athletes* (TD2019CG/LH) or any subsequent version of the *Technical Document*;

c) Other *Prohibited Substance* subject to specific *Results Management* requirements in a *Technical Document* or other document issued by WADA: follow the procedures set out in the relevant *Technical Document* or other document issued by WADA.

**5.1.2.3** The *Antidoping Centre* shall also indicate the scheduled date, time and place for the "B" *Sample* analysis for the eventuality that the *Athlete* or the *Antidoping Centre* chooses to request an analysis of the "B" *Sample*; it shall do so either in the

notification letter described in Article 5.1.2.1 or in a subsequent letter promptly after the *Athlete* (or the *Antidoping Centre*) has requested the “B” *Sample* analysis.

As per Article 5.3.4.5.4.8.5 of the *International Standard* for Laboratories, the “B” *Sample* confirmation should be performed as soon as possible, and no later than three (3) months, following the reporting of the “A” *Sample Adverse Analytical Finding*.

The timing of the “B” *Sample* confirmation analysis may be strictly fixed in the short term with no postponement possible, when circumstances so justify it.

This can notably and without limitation be the case in the context of Testing during or immediately before or after *Major Events*, or when the further postponement of the “B” *Sample* analysis could significantly increase the risk of *Sample* degradation.

**5.1.2.4** If the *Athlete* requests the “B” *Sample* analysis but claims that he/she and/or their representative is not available on the scheduled date indicated by the *Antidoping Centre*, the *Antidoping Centre* shall liaise with the Laboratory and propose (at least) two (2) alternative dates. Upon athlete’s request the “B” *Sample* analysis may be postponed only once after submitting a written request to the *Antidoping Centre* no later than 72 hours before the indicated date for “B” *Sample* analysis. The WADA-accredited Laboratory shall schedule new date and time, for which the *Antidoping Centre* shall inform the *Athlete*. The newly scheduled date and time are irrevocable.

The alternative dates should take into account: (1) the reasons for the *Athlete*’s unavailability; and (2) the need to avoid any degradation of the *Sample* and ensure timely *Results Management*.

**5.1.2.5** If the *Athlete* and their representative claim not to be available on the alternative dates proposed, the *Results Management Expert group* shall instruct the Laboratory to proceed regardless and appoint an Independent Witness to verify that the “B” *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

*(An Independent Witness may be appointed even if the Athlete has indicated that they will be present and/or represented).*

**5.1.2.6** If the results of the “B” *Sample* analysis confirm the results of the “A” *Sample* analysis, the *Antidoping Centre* shall promptly notify the *Athlete* of such results and shall grant the *Athlete* a short deadline (5 days) to provide or supplement their explanations. The *Athlete* shall also be afforded the possibility to admit the anti-doping rule violation to potentially benefit from a one-year reduction in the period of Ineligibility under Code Article 10.8.1 (art. 46, para 1 of the *RADA*), if applicable, and/or to voluntarily accept a *Provisional Suspension* as per Code Article 7.4.4.

**5.1.2.7** Upon receipt of any explanation from an *Athlete*, the *Results Management Expert Group* may, without limitation, request further information and/or documents from the *Athlete* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

*If the positive finding involves a Prohibited Substance subject to a permitted route (e.g. by inhalation, by transdermal or by ophthalmic Use) and the Athlete alleged that the positive finding came from the permitted route, the Results Management Expert Group should assess the credibility of the explanation by contacting third parties (including scientific experts) before deciding not to move forward with Results Management.*

**5.1.2.8** Any communication provided to the *Athlete* under this Article 5.1.2 shall simultaneously be provided by *Antidoping Centre* to the *Athlete's National Anti-Doping Organization(s)*, International Federation and WADA and shall promptly be reported into ADAMS.

If the notification to the *Athlete* takes place via the licensed sports organization, that organization shall inform the Antidoping Centre when the notification is delivered to the *Athlete*.

The notification of the *Athlete* shall be in written and this notification shall include the following information (if applicable): the *Athlete's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the Laboratory and other information as required by the *International Standard for Testing and Investigations*.

The *Athlete* may authorize the licensed sport organization or its chairman / president or other person to receive the notification on *Athlete's* behalf.

The notification of the *Athlete* shall be provided to him/her personally or to their representative at the provided address. When the addressee could not be found on this address, the notification shall be provided to his/her current address, and when such lacks – to his/her permanent address.

A notice may be provided to the party on an e-mail address, indicated by him/her. It is considered delivered upon receipt at the specified e-mail address.

## **5.2 Atypical Findings**

**5.2.1** Upon receipt of an *Atypical Finding*, the *Results Management Expert Group* shall conduct a review to determine whether:

- (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions* (see Article 5.1.1.1 by analogy);
- (b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Atypical Finding* (see Article 5.1.1.2 by analogy) and/or
- c) it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route (see Article 5.1.1.3 by analogy). If that review does not reveal an applicable *TUE*, an apparent departure that caused the *Atypical Finding* or an ingestion through a permitted route, the *Results Management Expert Group* shall conduct the required investigation.

If the *Prohibited Substance* involved is subject to specific *Results Management* requirements in a Technical Document, the *Results Management Expert Group* shall also follow the procedures set out therein.

In addition, the *Results Management Expert Group* may contact WADA to determine which investigative steps should be undertaken. These investigative steps may be provided for by WADA in a specific notice or other document.

**5.2.2** The *Antidoping Centre* need not provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

- a) If the *Results Management Expert Group* determines that the "B" *Sample* should be analyzed prior to the conclusion of its investigation, the

*Antidoping Centre* may conduct the “B” *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 5.1.2.1 c) to e) and Article 5.1.2.3;

- b) If the *Antidoping Center* receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the *Antidoping Centre* shall identify any *Athlete* after first providing notice of the *Atypical Finding* to the *Athlete*; or
- c) If the *Atypical Finding* is, in the opinion of qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention.

**5.2.3** If after the investigation is completed the *Results Management Expert Group* decides to pursue the *Atypical Finding* as an *Adverse Analytical Finding*, then the procedure shall follow the provisions of Article 5.1 *mutatis mutandis*.

### **5.3 Matters not Involving an *Adverse Analytical Finding* or *Atypical Finding***

#### **5.3.1 Specific cases**

##### **5.3.1.1 Report of a potential Failure to Comply**

The pre-adjudication phase of *Results Management* of a possible Failure to Comply shall take place as provided in Annex A – Review of a Possible Failure to Comply.

##### **5.3.1.2 Whereabouts Failures**

The pre-adjudication phase of *Results Management* of potential *Whereabouts Failures* shall take place as provided in Annex B – Results Management for *Whereabouts Failures*.

**5.3.1.3** Failures to comply with whereabouts requirements for the Athletes included in the *Testing Pool* or *Team Testing Pool*.

An *Athlete*’s failure to comply with the *Whereabouts* requirements set by the *Antidoping Centre*, who is included in the *Antidoping Centre*’s *Testing Pool* shall take place as provided in Annex D- *Testing Pool* of the *Antidoping Centre* – Failures to comply with *Whereabouts requirements* and sanctions.

A team’s failure to comply with the *whereabouts* requirements set by the *Antidoping Centre*, which is included in the *Antidoping Centre*’s *Team Testing Pool* shall take place as provided in Annex E- *Team Testing Pool* of the *Antidoping Centre* – Failures to comply with *Whereabouts requirements* and sanctions.

#### **5.3.1.4 Athlete Biological Passport Findings**

The pre-adjudication phase of *Results Management* of *Atypical Passport Findings* or Passports submitted to an Expert by the *Athlete* Passport Management Unit when there is no *Atypical Passport Finding* shall take place as provided in Annex C – *Results Management* Requirements and Procedures for the *Athlete Biological Passport*.

#### **5.3.2 Notification for specific cases and other anti-doping rule violations under Article**

**5.3.2.1** At such time as the *Results Management* Expert Group considers that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s), the *Antidoping Centre* shall promptly notify the *Athlete* of:

- a) The relevant anti-doping rule violation(s) and the applicable *Consequences*;
- b) The relevant factual circumstances upon which the allegations are based;
- c) The relevant evidence in support of those facts that the *Results Management* Expert Group considers demonstrate that the *Athlete* or other *Person* may have committed (an) anti-doping rule violation(s);
- d) The *Athlete* or other *Person's* right to provide an explanation within a reasonable deadline;
- e) The opportunity for the *Athlete* or other *Person* to provide *Substantial Assistance* as set out in *Code* Article 10.7.1 (art.45 of the RADA), to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* in *Code* Article 10.8.1 (if applicable) (art. 46, para1 of the RADA) or seek to enter into a case resolution agreement in *Code* Article 10.8.2 (art.46, para 2 of the RADA); and
- f) Any matters relating to *Provisional Suspension* (including the possibility for the *Athlete* or other *Person* to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

**5.3.2.2** Upon receipt of the *Athlete's* or other *Person's* explanation, the *Results Management* Expert Group may, without limitation, request further information and/or documents from the *Athlete* or other *Person* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

**5.3.2.3** The communication provided to the *Athlete* or other *Person* shall simultaneously be provided by the *Antidoping Centre* to the *Athlete's* or other *Person's National Anti-Doping Organization(s)*, International Federation and WADA and shall promptly be reported into ADAMS.

This notification shall include the following information (if applicable): the Athlete's or other Person's name, country, sport and discipline within the sport.

The notification of the licensed sports organization shall be in written and may be received by its chairman/president or other person, who is authorized by him/her.

#### **5.4 Decision Not to Move Forward**

If at any point during *Results Management* up until the charge under Article 7, the *Results Management Expert Group* decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*) and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under *Code* Article 13.2.3 (art.40, para 6– 10 of the *RADA*).

### **6.0 Provisional Suspensions**

#### **6.1 Scope**

**6.1.1** In principle, a *Provisional Suspension* means that an *Athlete* or other *Person* is barred temporarily from participating in any capacity in any *Competition* or activity as per *Code* Article 10.14.1 prior to the final decision at a hearing pursuant to Article 8.

#### **6.2 Imposition of a Provisional Suspension**

##### **6.2.1 Mandatory Provisional Suspension**

**6.2.1.1** As per *Code* Article 7.4.1, *Signatories* identified in the provision shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) is received for a *Prohibited Substance* or a *Prohibited Method* other than a *Specified Substance* or *Specified Method*, a *Provisional Suspension* shall be imposed promptly by *Antidoping Centre* (art. 28, para 4 of the *RADA*) and starts automatically from the date of notification or after the review and notification under *Code* Article 7.2.

*The review and notification required by Code Article 7.2 is set out in Article 5.*

**6.2.1.2** A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to the Disciplinary Commission with BOC that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under *Code* Article 10.2.4.1 (art. 44, para 2, item 4, point "a" of the *RADA*). The Disciplinary Commission's with BOC decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

## **6.2.2 Optional *Provisional Suspension***

The Optional *Provisional Suspension* of an *Athlete* or other *Person* shall be in accordance with the decision of the *Antidoping Centre* art. 28, para 4 of the *RADA*) in relation to anti-doping rules violation (based on an *Adverse Analytical Finding* for *Specified Substances*, *Specified Methods*, *Contaminated Products*, or Other Anti-Doping Rule Violation), which are not covered by *Code* Article 7.4.1 before “B” *Sample* analysis or final hearing under *Code* Article 8.

The Optional *Provisional Suspension* may also be lifted at the discretion of *Result Management Expert Group* any time before the decision of the *Disciplinary Commission* with *BOC* under Art. 8, unless otherwise specified

Whether or not to impose an optional *Provisional Suspension* is a matter for the *Results Management Expert Group* to decide in its discretion, taking into account all the facts and evidence. The *Results Management Expert Group* should keep in mind that if an *Athlete* continues to compete after being notified and/or charged in respect of an anti-doping rule violation and is subsequently found to have committed an anti-doping rule violation, any results, prizes and titles achieved and awarded in that timeframe may be subject to *Disqualification* and forfeited.

Nothing in this provision prevents provisional measures (including a lifting of the *Provisional Suspension* upon request of the *Athlete* or other *Person*) being ordered by the *Disciplinary Commission* with *BOC*.

## **6.2.3 General Provisions**

**6.2.3.1** Notwithstanding Articles 6.2.1 and 6.2.2, a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* or other *Person* with: (a) an opportunity for a *Provisional Hearing*, either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with *Code* Article 8 on a timely basis after imposition of a *Provisional Suspension*. The rules of the *Anti-Doping Centre* shall also provide for an opportunity for an expedited appeal against the imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, in accordance with *Code* Article 13.

**6.2.3.2** A *Provisional Suspension* shall start on the date on which it is notified (or deemed to be notified) by the *Antidoping Centre* to the *Athlete* or other *Person*.

The *Antidoping Centre* accepts that the athlete has been notified:

- a) when the notification is signed by the *Athlete* or its representative; the notification shall be deemed to be provided on the addressee from the moment of its receipt.
- b) when the notification is delivered by courier and is considered received upon signing the delivery notice;
- c) as well as the use of additional means of notification (for example, the use of fax, e-mail, SMS or other means); the notification shall be deemed to have been provided upon its receipt in the specified information system

**6.2.3.3** The period of *Provisional Suspension* shall end with the final decision of the *Disciplinary commission* with *BOC* conducted under Article 8, unless earlier lifted in accordance with this Article 6. However, the period of *Provisional Suspension* shall not

exceed the maximum length of the period of *Ineligibility* that may be imposed on the *Athlete* or other *Person* based on the relevant anti-doping rule violation(s).

**6.2.3.4** If a *Provisional Suspension* is imposed based on an “A” *Sample Adverse Analytical Finding* and a subsequent “B” *Sample* analysis does not confirm the “A” *Sample* analysis result, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of *Code Article 2.1* (art.6, para 1, item 1 of the RADA - Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete’s Sample*).

*The Antidoping Centre may nonetheless decide to maintain and/or re-impose a Provisional Suspension on the Athlete based on another anti-doping rule violation notified to the Athlete, e.g. a violation of Code Article 2.2* (art.6, para1, item 2 of the RADA *Use or Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

**6.2.3.5** In circumstances where the *Athlete* or the *Athlete’s* team has been removed from an *Event* based on a violation of *Code Article 2.1* (art.6, para1, item 1 of the RADA) and the subsequent “B” *Sample* analysis does not confirm the “A” *Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinstated, the *Athlete* or team may continue to take part in the *Event*.

### **6.3 Voluntary Provisional Suspension**

**6.3.1** As per *Code Article 7.4.4*, *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the “B” *Sample* (or waiver of the “B” *Sample*) or ten (10) days from notification of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notification. Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from notification of the anti-doping rule violation. Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under *Article 6.2.1* or *6.2.2*; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

### **6.4 Notification**

**6.4.1** Unless already notified under another provision of this *International Standard*, any imposition of a *Provisional Suspension* notified to the *Athlete* or other *Person* or voluntary acceptance of a *Provisional Suspension*, or lifting of either, shall promptly be notified by the *Antidoping Centre* to the *Athlete’s* or other *Person’s National Anti-Doping Organization(s)*, *International Federation* and *WADA* and shall promptly be reported into *ADAMS*.

*To the extent not already set out in the communication to the Athlete or other Person, this notification shall include the following information (if applicable): the Athlete’s or other Person’s name, country, sport and discipline within the sport.]*

## 7.0 Charge

7.1 If, after receipt of the *Athlete* or other *Person's* explanation or expiry of the deadline to provide such explanation, the *Results Management* Expert Group is (still) satisfied that the *Athlete* or other *Person* has committed (an) anti-doping rule violation(s), the *Antidoping Centre* shall promptly charge the *Athlete* or other *Person* with the anti-doping rule violation(s) they are asserted to have breached. In this letter of charge, the Antidoping Centre:

- a) Shall set out the provision(s) of its anti-doping rules asserted to have been violated by the *Athlete* or other *Person*;

*Antidoping Centre may decide to assert further anti-doping rule violation(s) in its notice of charge.*

Notwithstanding the above, whereas it is a *Antidoping Centre's* duty to set out all and any asserted anti-doping rule violations against an *Athlete* or other *Person* in the notice of charge, a failure to formally charge an *Athlete* with an anti-doping rule violation that is, in principle, an integral part of a more specific (asserted) anti-doping rule violation (e.g. a Use violation (Code Article 2.2 and art.6, para 1, item 2 of the *RADA*) as part of a Presence violation (Code art. 2.1 art.6, para 1, item 1 of the *RADA*), or a Possession violation (Code art. 2.6 and art.6, para 1, item 6 of the *RADA*) as part of an asserted Administration violation (Code art. 2.8 and art. 6, para1, item 8 of the *RADA*) shall not prevent the *Disciplinary Commission* with *BOC* from finding that the *Athlete* or other *Person* committed a violation of the subsidiary anti-doping rule violation in the event that they are not found to have committed the explicitly asserted anti-doping rule violation.

- b) Shall provide a detailed summary of the relevant facts upon which the assertion is based, enclosing any additional underlying evidence not already provided in the notification under Article 5;

*The Antidoping Centre shall, however, not be prevented from relying on other facts and/or adducing further evidence not contained in either the notification letter under Article 5 or the charge letter under Article 7 during the Hearing Process at the Disciplinary Commission with BOC and/or on appeal.]*

- c) Shall indicate the specific *Consequences* being sought in the event that the asserted anti-doping rule violation(s) is/are upheld and that such *Consequences* shall have binding effect on all *Signatories* in all sports and countries as per Code Article 15 (art. 41 of the *RADA*);

*The Consequences of an anti-doping rule violation set out in the letter of charge shall include as a minimum the relevant period of Ineligibility and Disqualification.*

*The Results Management Expert Group shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the relevant Consequences. The proposed Consequences shall in all circumstances be compatible with the provisions of the Code and shall be appropriate based on the explanations given by the Athlete or other Person or the facts as established by the Results Management Expert Group. For these purposes, it is expected that the Results Management Expert Group will review the explanations given by the Athlete or other Person and assess their credibility (for example, by checking the authenticity of documentary evidence and the plausibility of the explanation from a scientific perspective) before proposing any Consequences. If the Results Management phase is substantially delayed by the review, the Antidoping Centre shall inform WADA, setting out the reasons for the substantial delay.*

- d) Shall grant a deadline of not more than twenty (20) days from receipt of the letter of charge (which may be extended only in exceptional cases) to the *Athlete* or other *Person* to admit the anti-doping rule violation asserted and to accept the proposed *Consequences* by signing, dating and returning an acceptance of *Consequences* form, which shall be enclosed with the letter;
- e) For the eventuality that the *Athlete* or other *Person* does not accept the proposed *Consequences*, shall already grant to the *Athlete* or other *Person* a deadline provided for in the *Results Management Expert Group* anti-doping rules (which shall not be of more than twenty (20) days from receipt of the letter of charge and may be extended only in exceptional cases) to challenge in writing the *Antidoping Centre's* assertion of an anti-doping rule violation and/or proposed *Consequences*, and/or make a written request for a hearing before the *Disciplinary Commission* with *BOC*;
- f) Shall indicate that if the *Athlete* or other *Person* does not challenge the *Antidoping Centre's* assertion of an anti-doping rule violation or proposed *Consequences* nor request a hearing within the prescribed deadline, the *Antidoping Centre* shall be entitled to deem that the *Athlete* or other *Person* has waived their right to a hearing and admitted the anti-doping rule violation as well as accepted the *Consequences* set out by the *Antidoping Centre* in the letter of charge;
- g) Shall indicate that the *Athlete* or other *Person* may be able to obtain a suspension of *Consequences* if they provide *Substantial Assistance* under *Code* Article 10.7.1 (art. 45 of the *RADA*), may admit the anti-doping rule violation(s) within twenty (20) days from receipt of the letter of charge and potentially benefit from a one-year reduction in the period of *Ineligibility* under *Code* Article 10.8.1 (if applicable) (art. 46, para 1 of the *RADA*) and/or seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under *Code* Article 10.8.2 (art.46, para 2 of the *RADA*); and
- h) Shall set out any matters relating to *Provisional Suspension* as per Article 6 (if applicable).

**7.2** The notice of charge notified to the *Athlete* or other *Person* shall simultaneously be notified by the *Antidoping Centre* to the *Athlete's National Anti-Doping Organization(s)*, International Federation and *WADA* and shall promptly be reported into *ADAMS*.

*To the extent not already set out in the notice of charge, this notification shall contain the following information (wherever applicable): Athlete's or other Person's name, country, sport and discipline within the sport, and, for a violation of Code Article 2.1 (art. 6, para 1, item 1 of the RADA), whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the International Standard for Testing and Investigations, and, for any other anti-doping rule violation, the anti-doping rule(s) violated and the basis for the asserted violation(s).]*

**7.3** In the event that the *Athlete* or other *Person* either (i) admits the anti-doping rule violation and accepts the proposed *Consequences* or (ii) is deemed to have admitted the violation and accepted the *Consequences* as per Article 7.1 f), the *Antidoping Centre* shall promptly issue the decision and notify it in accordance with Article 9.

**7.4** If, after the *Athlete* or other *Person* has been charged, the *Antidoping Centre* decides to withdraw the charge, it must notify the *Athlete* or other *Person* and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under *Code Article 13.2.3* (art. 40, para 6 – 10 of the *RADA*).

**7.5** Subject to Article 7.6, in the event that the *Athlete* or other *Person* requests a hearing, the matter shall be referred to the DC's hearing panel and be dealt with pursuant to Article 8.

#### **7.6 Single hearing before CAS**

**7.6.1** Pursuant to *Code Article 8.5*, anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the *Antidoping Centre* and *WADA*, be heard in a single hearing directly at *CAS* under *CAS* appellate procedures, with no requirement for a prior hearing, or as otherwise agreed by the parties.

**7.6.2** If the *Athlete* or other *Person* and the *Antidoping Centre* agree to proceed with a single hearing before *CAS*, it shall be the responsibility of the *Antidoping Centre* to liaise in writing with *WADA* to determine whether it agrees to the proposal. Should *WADA* not agree (in its entire discretion), then the case shall be heard by the *Disciplinary Commission with BOC* at first instance.

*In the event that all relevant parties agree to refer the case to the CAS as a single instance, the Antidoping Centre shall promptly notify any other Anti-Doping Organization with a right of appeal upon initiating the proceedings so that the latter may seek to intervene in the proceedings (if they wish to). The final decision rendered by the CAS shall not be subject to any appeal, save to the Swiss Federal Tribunal.*

## **PART FOUR: RESULTS MANAGEMENT – ADJUDICATION**

### **8.0 Hearing Process**

**8.1** The *RADA* shall confer jurisdiction on the *Disciplinary Commission with BOC* to hear and determine whether an *Athlete* or other *Person* subject to its anti-doping rules has committed an anti-doping rule violation and, if applicable, to impose the relevant *Consequences*. The *Antidoping Centre* shall bring forward the charge before the *Disciplinary Commission with BOC*.

*It is not a Code requirement that a hearing should take place in person. Hearings may also take place remotely by the participants joining together using technology. There are no restrictions as to the technology that can or should be used, but include means such as conference calling, video conferencing technology or other online communication tools. Depending on the circumstances of a case, it may also be fair or necessary – for example, where all the facts are agreed and the only issue is as to the Consequences – to conduct a hearing “in writing”, based on written materials without an oral hearing.*

**8.2** For the purposes of the *Results Management Procedure Article 8.1* and in accordance to the *RADA art. 31 and 32*, a *Disciplinary Commission with BOC* is established as a hearing panel.

**8.3.** The applicable rules of *Disciplinary Commission with BOC* shall provide for an independent person or body to determine in their discretion the size and composition of a

particular hearing panel to adjudicate an individual case. At least one appointed hearing panel member must have a legal background.

The size and composition of the hearing panel may vary depending on the nature of the charge and the evidence put forward.

**8.4** Upon appointment to a Disciplinary Commission, each hearing panel member shall sign a declaration that there are no facts or circumstances known to him/her which might call into question their impartiality in the eyes of any of the parties, other than any circumstances disclosed in the declaration. If such facts or circumstances arise at a later stage of the Hearing Process, the relevant hearing panel member shall promptly disclose them to the parties.

A person under the Regulations on Antidoping activity art. 34, para 2 may not be appointed as a member of the hearing panel.

**8.5** The parties shall be notified of the identity of the hearing panel members appointed to hear and determine the matter and be provided with their declaration at the outset of the Hearing Process. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known. Any challenge shall be decided upon by an independent person from the wider pool of hearing panel members or by an independent institution.

*For example, the independent person may be a designated chairperson of the pool. The relevant rules should also provide for a mechanism for the event that the independent person is the person subject to the challenge or is one of the other members of that particular hearing panel (e.g. the designated independent person may be replaced in these circumstances by a vice-chairperson or other designated senior hearing panel member).*

**8.6** Operational independence of the members of the Disciplinary Commission is guaranteed in Law for the Physical Education and Sport, Regulations on Antidoping activity, Results Management Procedure, the procedural rules of the Disciplinary Commission.

As per the Code definition of "Operational Independence" in Appendix 1, it means that (1) board members, staff members, commission members, consultants and officials of the Antidoping Centre or its affiliates (e.g. member federation or confederation), as well as any person involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of the Disciplinary Commission with BOC and (2) that the Disciplinary Commission with BOC shall be in a position to conduct the hearing and decision-making process without interference from the Antidoping Centre or any third party.

**8.7** The *Antidoping Centre* shall provide adequate resources to ensure that the *Disciplinary Commission* with BOC is able to fulfil its tasks efficiently and independently and otherwise in accordance with this Article 8.

**8.8** The Hearing Process shall respect, at a minimum, all of the following principles:

- a) The hearing panel must remain fair, impartial and *Operationally Independent* at all times;
- b) The Hearing Process shall be accessible and affordable;
- c) The Hearing Process shall be conducted within a reasonable time;

*All decisions shall be issued and notified promptly after the hearing in person or, if no hearing in person is requested, after the parties have filed their written submissions. Save in complex matters, this timeframe should not exceed two (2) months.]*

- d) The right to be informed in a fair and timely manner of the asserted anti-doping rule violation(s), the right to be represented by counsel at the *Athlete* or other *Person's* own expense, the right of access to and to present relevant evidence, the right to submit written and oral submissions, the right to call and examine witnesses, and the right to an interpreter at the hearing at the *Athlete* or other *Person's* own expense; and

*In principle, where the hearing is in person, it should be composed of an opening phase, where the parties are given an opportunity to briefly present their case, an evidentiary phase, where the evidence is assessed and witnesses and experts (if any) are heard, and a closing phase, where all parties are given an opportunity to present their final arguments in light of the evidence.]*

- e) The panel meeting shall be held privately, unless one of the parties requests that the dispute to be held public and the *Athlete* or other person has given written consent for it.

*However, the request may be denied by the hearing panel in the interest of morals, public order, national security, where the interests of Minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice or where the proceedings are exclusively related to questions of law.]*

**8.9** Hearing Processes held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.

## **9.0 DECISIONS**

### **9.1 Content**

**9.1.1** *Results Management* decisions or adjudications by the *Antidoping Centre and Disciplinary Commission with BOC* must not purport to be limited to a particular geographic area or sport and shall address and determine the following issues:

- a) Jurisdictional basis and applicable rules;
- b) Detailed factual background;

*Where the violation is based on an Adverse Analytical Finding, the decision shall set out inter alia the date and place of the Sample Collection Session, the type of Sample collection (blood or urine), whether the control was Out-of-Competition or In-Competition, the Prohibited Substance detected, the WADA-accredited Laboratory that performed the analysis, if the "B" Sample analysis was requested and/or performed as well as the results of the analysis. For any other violation, a full and detailed description of the facts shall be made.]*

c) Anti-doping rule violation(s) committed;

*Where the violation is based on an Adverse Analytical Finding, the decision shall inter alia set out that there was no departure from the International Standards, or that the alleged departure(s) did or did not cause the Adverse Analytical Finding and demonstrate that the violation of Code Article 2 is made out (see Code Article 2.1.2 and art. 6, para. 1, point “b” of the RADA). For any other violation, the Disciplinary Commission with BOC shall assess the evidence presented and explain why it considers that the evidence presented by the Antidoping Centre meets or does not meet the required standard of proof. In case the Disciplinary Commission with BOC considers that the anti-doping rule violation(s) is/are established, it shall expressly indicate the anti-doping rule(s) violated.]*

d) Applicable Consequences; and

*The decision shall identify the specific provisions on which the sanction, including any reduction or suspension, is based and provide reasons justifying the imposition of the relevant Consequences. In particular, where the applicable rules grant discretion to the Disciplinary Commission with BOC (e.g. for Specified Substances or Specified Methods or Contaminated Products under Code Article 10.6.1.1 - art. 44, para. 6, item 1, point „a“ of the RADA and 10.6.1.2 – art. 44, para.6, item. 1, point „5“), and 10.6.1.2), the decision shall explain why the period of Ineligibility imposed is appropriate. The decision shall also indicate the start date of the period of Ineligibility (if any) and provide justifications in the event that this date is earlier than the date of the decision (see Code Article 10.13.1 and art. 50, para 2). The decision shall also indicate the period of Disqualification, with justification in the event that certain results are not Disqualified for reasons of fairness (Code Article 10.10 of the Code), and any forfeiture of medals or prizes. The decision shall also set if (and to what extent) any period of Provisional Suspension is credited against any period of Ineligibility ultimately imposed, and set out any other relevant Consequences based on the applicable rules, including Financial Consequences. As per Code Article 7.5.1, Major Event Organizations shall, however, not be required to determine Ineligibility or Financial Consequences beyond the scope of their Event.]*

e) Appeal routes and deadline to appeal for the Athlete or other Person.

*The decision shall indicate whether the Athlete is an International-Level Athlete for the purposes of the appeal route under Code Article 13. If this information is not available to the Disciplinary Commission with BOC, the Disciplinary Commission shall request the Antidoping Centre to liaise with the relevant Organization. The decision shall then set out the appropriate appeal route (including the address to which any appeal should be sent to) and the deadline to appeal.]*

*[Results Management decisions include Provisional Suspension, save that a Results Management decision on Provisional Suspension shall not be required to determine whether an anti-doping rule violation was committed.]*

## **9.2 Notification**

**9.2.1** Decisions shall be promptly notified by the *Antidoping Centre* to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right of appeal under Code Article 13.2.3 (art. 40, para 6-10 of the RADA) and shall promptly be reported into ADAMS. Where the decision is not in English or French, the *Antidoping Centre* shall provide an English or French summary of the decision and of the supporting reasons as well as a searchable version of the decision (art. 39, para 3 of the RADA).

**9.2.2** An *Athlete* or other *Person* subject to a period of *Ineligibility* shall be made aware by the *Antidoping Centre* of their status during *Ineligibility*, including the *Consequences* of a violation of the prohibition of participation during *Ineligibility*, pursuant to Code Article 10.14 (art.53, para.1-2 of the RADA). The *Antidoping Centre* shall ensure

that the period of *Ineligibility* is duly respected within its sphere of competence. The *Athlete* or other *Person* should also be made aware that they may still provide *Substantial Assistance*.

**9.2.3** An *Athlete* subject to a period of *Ineligibility* should also be made aware by the *Antidoping Centre* that they remain subject to *Testing* during the period of *Ineligibility*.

**9.2.4** Where, further to notification of the decision, an *Anti-Doping Organization* with a right of appeal requests a copy of the full case file pertaining to the decision, it shall be provided promptly by the *Antidoping Centre*.

*The case file shall contain all documents relating to the case. For an analytical case, it shall include at a minimum the Doping Control form, Laboratory results and/or Laboratory Documentation Package(s) (if issued), any submissions and exhibits and/or correspondence of the parties and all other documents relied upon by the hearing body. The case file should be sent by email in an organized manner with a table of contents.*

**9.2.5** If the decision concerns an *Adverse Analytical Finding* or *Atypical Finding*, and after any deadline to appeal has elapsed and no appeal has been filed against the decision, the *Antidoping Centre* shall promptly notify the relevant Laboratory that the matter has been finally disposed of.

## **10.0 Appeals**

**10.1** The rules governing appeal rights and avenues are set out at *Code Article 13*.

**10.2** With respect to national appellate instances within the meaning of *Code Article 13.2.2*:

- a) The appointment of hearing panel members of Bulgarian Sport Arbitration and the Hearing Process on appeal are governed by Article 8 *mutatis mutandis*. In addition to being fair, impartial and *Operationally Independent*, a hearing panel on appeal shall also be *Institutionally Independent*;

*For the purposes of this provision, hearing panels on appeal shall be fully Institutionally Independent from the Antidoping Centre. They must therefore not in any way be administered by, connected or subject to the Antidoping Centre.*

- b) The appeal decision rendered by an appeal body shall comply with the requirements of Article 9.1;
- c) The appeal decision shall promptly be notified by the *Antidoping Centre* to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal the prior instance decision under *Code Article 13.2.3* (art.39, para 3 and art. 40, para 6-10 of the RADA);
- d) The further notification requirements at Article 9.2 shall apply *mutatis mutandis*.

**10.3** With respect to appeals before CAS:

- a) The appeal procedure shall be governed by the Code of Sports-related Arbitration;

- b) All parties to any CAS appeal must ensure that WADA and any other party, which would have had a right of appeal and is not a party to the CAS appeal, has been given timely notice of the appeal;
- c) No settlement embodied in an arbitral award rendered by consent of the parties as per R56 of the Code of Sports-related Arbitration shall be entered into by an *Anti-Doping Organization* without WADA's written approval. Where the parties to the CAS proceedings are envisaging settling the matter by way of a settlement embodied in an arbitral award rendered by consent of the parties, the *Antidoping Centre* if it is a party to the proceedings shall immediately notify WADA and provide it with all necessary information in this respect;
- d) The Antidoping Centre if it is a party to an appeal before CAS shall promptly provide the CAS award to the other *Anti-Doping Organizations* that would have been entitled to appeal under Code Article 13.2.3 (art.39, para 3 и art.40, para 6-10 of the RADA); and
- e) The requirements of Articles 9.2.2 to 9.2.4 shall apply mutatis mutandis.

#### **11.0 Violation of the Prohibition Against Participation During *Ineligibility***

**11.1** In the event that an *Athlete* or other *Person* is suspected to have violated the prohibition against participation during *Ineligibility* pursuant to Code Article 10.14, the *Results Management* relating to this potential violation shall comply with the principles of this *Procedure for Result Management*, mutatis mutandis.

*In particular, the Athlete or other Person shall receive a notification letter in accordance with Article 5.3.2 of the Procedure for Result Management, mutatis mutandis. a letter of charge in accordance with Article 7 mutatis mutandis and be afforded the right to a hearing as per Article 8.*

## **ANNEX A – REVIEW OF A POSSIBLE FAILURE TO COMPLY**

### **A.1 Responsibility**

**A.1.1** The *Antidoping Centre* is responsible for ensuring that:

- a) When the possible Failure to Comply comes to its attention, it notifies *WADA*, and instigates review of the possible Failure to Comply based on all relevant information and documentation;
- b) The *Athlete* or other *Person* is informed of the possible Failure to Comply in writing and has the opportunity to respond in accordance with Article 5.3.2 of the *International Standard for Results Management*;
- c) The review is conducted without unnecessary delay and the evaluation process is documented; and
- d) If it decides not to move forward with the matter, its decision is notified in accordance with Article 5.4 of the *International Standard for Results Management*.

**A.1.2** The DCO is responsible for providing a detailed written report of any possible Failure to Comply.

### **A.2 Requirements**

**A.2.1** Any potential Failure to Comply shall be reported by the *DCO* to the *Antidoping Centre* and *Antidoping Centre* assigns management to the results to the *Results Management Expert Group* as soon as practicable.

**A.2.2** If the *Results Management Expert Group* determines that there has been a potential Failure to Comply, the *Athlete* or other *Person* shall be promptly notified in accordance with Article 5.3.2 of the *International Standard for Results Management* and further *Results Management* shall be conducted as per Article 5 *et seq.* of the *International Standard for Results Management*.

**A.2.3** Any additional necessary information about the potential Failure to Comply shall be obtained from all relevant sources (including the *Athlete* or other *Person*) as soon as possible and recorded.

**A.2.4** The *Results Management Expert Group* shall establish a system for ensuring that the outcomes of its reviews into potential Failures to Comply are considered for *Results Management* action and, if applicable, for further planning and *Target Testing*.

## **ANNEX B – RESULTS MANAGEMENT FOR WHEREABOUTS FAILURES**

### **B.1 Determining a Potential Whereabouts Failure**

**B.1.1** Three (3) Whereabouts Failures by an *Athlete* within any 12-month period amount to an anti-doping rule violation under *Code Article 2.4*. The Whereabouts Failures may be any combination of Filing Failures and/or Missed Tests declared in accordance with Article B.3 and adding up to three (3) in total.

*[Comment to Article B.1.1: While a single Whereabouts Failure will not amount to an anti-doping rule violation under Code Article 2.4, depending on the facts, it could amount to an anti-doping rule violation under Code Article 2.3 (Evading Sample Collection) and/or Code Article 2.5 (Tampering or Attempted Tampering with Doping Control).]*

**B.1.2** The 12-month period referred to in *Code Article 2.4* starts to run on the date that an *Athlete* commits the first Whereabouts Failure being relied upon in support of the allegation of a violation of *Code Article 2.4*. If two (2) more Whereabouts Failures occur during the ensuing 12-month period, then *Code Article 2.4* anti-doping rule violation is committed, irrespective of any *Samples* successfully collected from the *Athlete* during that 12-month period. However, if an *Athlete* who has committed one (1) Whereabouts Failure does not go on to commit a further two (2) Whereabouts Failures within the 12-months, at the end of that 12-month period, the first Whereabouts Failure “expires” for purposes of *Code Article 2.4*, and a new 12-month period begins to run from the date of their next Whereabouts Failure.

**B.1.3** 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

b) A Missed Test will be deemed to have occurred on the date that the *Sample* collection was unsuccessfully attempted.

**B.1.4** Whereabouts Failures committed by the *Athlete* prior to retirement as defined in Article 4.8.7.3 of the *International Standard for Testing and Investigations* may be combined, for purposes of *Code Article 2.4*, with Whereabouts Failures committed by the *Athlete* after the *Athlete* again becomes available for *Out-of-Competition Testing*.

*[Comment to Article B.1.4: For example, if an Athlete committed two (2) Whereabouts Failures in the six (6) months prior to their retirement, then if they commit another Whereabouts Failure in the first six (6) months in which they are again available for Out-of-Competition Testing, that amounts to a Code Article 2.4 anti-doping rule violation.]*

### **B.2 Requirements for a Potential Filing Failure or Missed Test**

**B.2.1** An *Athlete* may only be declared to have committed a Filing Failure where the *Results Management Expert Group* establishes each of the following:

a) That the *Athlete* was duly notified: (i) that they had been designated for inclusion in a *Registered Testing Pool*; (ii) of the consequent requirement to make

Whereabouts Filing; and (iii) of the *Consequences* of any Failure to Comply with that requirement;

b) That the *Athlete* failed to comply with that requirement by the applicable deadline;

*[Comment to Article B.2.1(b): An Athlete fails to comply with the requirement to make Whereabouts Filing (i) where they do not make any such filing, or where they fail to update the filing as required by Article 4.8.8.6 of the International Standard for Testing and Investigations; or (ii) where they make the filing or update but do not include all of the required information in that filing or update (e.g. they do not include the place where they will be staying overnight for each day in the following quarter, or for each day covered by the update, or omit to declare a regular activity that they will be pursuing during the quarter, or during the period covered by the update); or (iii) where they include information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or insufficient to enable the Anti-Doping Organization to locate them for Testing (e.g., “running in the Black Forest”).]*

c) In the case of a second or third Filing Failure, that they were given notice, in accordance with Article B.3.2(d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure they must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and

*[Comment to Article B.2.1(c): All that is required is to give the Athlete notice of the first Filing Failure and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Athlete.]*

That the *Athlete’s* failure to file was at least negligent. For these purposes, the *Athlete* will be presumed to have committed the failure negligently upon proof that they were notified of the requirements yet did not comply with them. That presumption may only be rebutted by the *Athlete* establishing that no negligent behavior on their part caused or contributed to the failure.

**B.2.2** While Code Article 5.2 specifies that every *Athlete* must submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with *Testing Authority* over them, in addition, an *Athlete* in a *Registered Testing Pool* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day in their Whereabouts Filing, at the location that the *Athlete* has specified for that time slot in such filing. Where this requirement is not met by the *Athlete*, it shall be pursued as an apparent Missed Test. If the *Athlete* is tested during such a time slot, the *Athlete* must remain with the DCO until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of Code Article 2.3 (refusal or failure to submit to *Sample* collection).

**B.2.3** To ensure fairness to the *Athlete*, where an unsuccessful attempt has been made to test an *Athlete* during one of the 60-minute time slots specified in their Whereabouts Filing, any subsequent unsuccessful attempt to test that *Athlete* (by the same or any other *Anti-Doping Organization*) during one of the 60-minute time slots specified in their Whereabouts Filing may only be counted as a Missed Test (or, if the unsuccessful attempt was because the information filed was insufficient to find the *Athlete* during the time slot, as a Filing Failure) against that *Athlete* if that subsequent attempt takes place after the *Athlete* has received notice, in accordance with Article B.3.2(d), of the original unsuccessful attempt.

*[Comment to Article B.2.3: All that is required is to give the Athlete notice of one Missed Test or Filing Failure before a subsequent Missed Test or Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Missed Test or Filing Failure before pursuing a second Missed Test or Filing Failure against the Athlete.]*

**B.2.4** An *Athlete* may only be declared to have committed a Missed Test where the *Results Management Authority* can establish each of the following:

- a) That when the *Athlete* was given notice that they had been designated for inclusion in a *Registered Testing Pool*, they were advised that they would be liable for a Missed Test if they were unavailable for *Testing* during the 60-minute time slot specified in their Whereabouts Filing at the location specified for that time slot; b) That a DCO attempted to test the *Athlete* on a given day in the quarter, during the 60-minute time slot specified in the *Athlete's* Whereabouts Filing for that day, by visiting the location specified for that time slot;
- c) That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the *Athlete*, short of giving the *Athlete* any advance notice of the test;

*[Comment to Article B.2.4(c): 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.]*

- d) That Article B.2.3 does not apply or (if it applies) was complied with; and
- e) That the *Athlete's* non-availability for *Testing* at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the *Athlete* will be presumed to have been negligent upon proof of the matters set out at sub-Articles B.2.4 (a) to (d). That presumption may only be rebutted by the *Athlete* establishing that

no negligent behavior on their part caused or contributed to their failure (i) to be available for *Testing* at such location during such time slot, and (ii) to update their most recent Whereabouts Filing to give notice of a different location where they would instead be available for *Testing* during a specified 60-minute time slot on the relevant day.

### **B.3 Results Management for a Potential Whereabouts Failure**

**B.3.1** In accordance with Code Articles 7.1.6, the *Results Management Authority* in relation to potential Whereabouts Failures shall be the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files their whereabouts information.

*[Comment to Article B.3.1: If an Anti-Doping Centre that receives an Athlete's Whereabouts Filing (and so is Results Management Authority for whereabouts purposes) removes the Athlete from its Registered Testing Pool after recording one or two Whereabouts Failures against them, then if the Athlete is put in another Anti-Doping Organization's Registered Testing Pool, and that other Anti-Doping Organization starts receiving their Whereabouts Filing, then, that other Anti-Doping Organization becomes the Results Management Authority in respect of all Whereabouts Failures by that Athlete, including those recorded by the first Anti-Doping Organization. In that case, the first Anti-Doping Organization shall provide the second Anti-Doping Organization with full information about the Whereabouts Failure(s) recorded by the first Anti-Doping Organization in the relevant period, so that if the second Anti-Doping Organization records any further Whereabouts Failure(s) against that Athlete, it has all the information it needs to bring proceedings against them, in accordance with Article B.3.4, for violation of Code Article 2.4.]*

**B.3.2** When a Whereabouts Failure appears to have occurred, *Results Management* shall proceed as follows:

- a) If the apparent Whereabouts Failure has been uncovered by an attempt to test the *Athlete*, the *Testing Authority* shall timely obtain an Unsuccessful Attempt Report from the DCO. If the *Testing Authority* is different from the *Results Management Authority*, it shall provide the Unsuccessful Attempt Report to the *Results Management Authority* without delay, and thereafter it shall assist the *Results Management Authority* as necessary in obtaining information from the DCO in relation to the apparent Whereabouts Failure.
- b) The *Results Management Authority (Results Management Expert Group)* shall timely review the file (including any Unsuccessful Attempt Report filed by the DCO) to determine whether all of the Article B.2.1 requirements (in the case of a Filing Failure) or all of the Article B.2.4 requirements (in the case of a Missed Test) are met. It shall gather information as necessary from third parties (e.g., the DCO whose test attempt uncovered the Filing Failure or triggered the Missed Test) to assist it in this task.
- c) If the *Results Management Expert Group* concludes that any of the relevant requirements have not been met (so that no Whereabouts Failure should be declared), *Antidoping Centre* shall so advise WADA, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with Code Article 13.
- d) If the *Results Management Expert Group* concludes that all of the relevant requirements as set out in B.2.1 (Filing Failure) and B.2.4 (Missed Test) have been met, it should notify the *Athlete* within fourteen (14) days of the date of the

apparent Whereabouts Failure. The notice shall include sufficient details of the apparent Whereabouts Failure to enable the *Athlete* to respond meaningfully, and shall give the *Athlete* a reasonable deadline to respond, advising whether they admit the Whereabouts Failure and, if they do not admit to the Whereabouts Failure, then an explanation as to why not. The notice should also advise the *Athlete* that three (3) Whereabouts Failures in any 12-month period is a *Code* Article 2.4 anti-doping rule violation, and should note whether they had any other Whereabouts Failures recorded against them in the previous twelve (12) months. In the case of a Filing Failure, the notice must also advise the *Athlete* that in order to avoid a further Filing Failure they must file the missing whereabouts information by the deadline specified in the notice, which must be within 48 hours after receipt of the notice.

- e) If the *Athlete* does not respond within the specified deadline, the *Antidoping Centre* shall record the notified Whereabouts Failure against them.

If the *Athlete* does respond within the deadline, the *Results Management Expert Group* shall consider whether their response changes its original decision that all of the requirements for recording a Whereabouts Failure have been met.

- i. If so, it shall so advise the *Athlete*, *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13.
- ii. If not, it shall so advise the *Athlete* (with reasons) and specify a reasonable deadline by which they may request an administrative review of its decision. The Unsuccessful Attempt Report shall be provided to the *Athlete* at this point if it has not been provided to them earlier in the process.
- f) If the *Athlete* does not request an administrative review by the specified deadline, the *Antidoping Centre* shall record the notified Whereabouts Failure against them. If the *Athlete* does request an administrative review before the deadline, it shall be carried out, based on the papers only, by one or more person not previously involved in the assessment of the apparent Whereabouts Failure. The purpose of the administrative review shall be to determine anew whether or not all of the relevant requirements for recording a Whereabouts Failure are met.
- g) If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, the *Antidoping Centre* shall so advise the *Athlete*, *WADA*, the International Federation or *National Anti-Doping Organization* (as applicable), and the *Anti-Doping Organization* that uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *Code* Article 13. On the other hand, if the conclusion is that all of the requirements for recording a Whereabouts Failure are met, it shall notify the *Athlete* and shall record the notified Whereabouts Failure against them.

**B.3.3** The *Antidoping Centre* 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.

*[Comment to Article B.3.3: For the avoidance of doubt, the Antidoping Centre is entitled to notify other relevant Anti-Doping Organizations (on a strictly confidential basis) of the apparent Whereabouts Failure at an earlier stage of the Results Management process, where it considers it appropriate (for test planning purposes or otherwise). In addition, an Anti-Doping Organization may publish a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been recorded in respect of Athletes under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the Athletes involved. Prior to any proceedings under Code Article 2.4, an Anti-Doping Organization should not Publicly Disclose that a particular Athlete does (or does not) have any Whereabouts Failures recorded against them (or that a particular sport does, or does not, have Athletes with Whereabouts Failures recorded against them).]*

**B.3.4** Where three (3) Whereabouts Failures are recorded against an *Athlete* within any 12-month period, the *Antidoping Centre* shall notify the *Athlete* and other *Anti-Doping Organizations* in accordance with Article 5.3.2 of the *International Standard for Results Management* alleging violation of Code Article 2.4 and proceed with *Results Management* in accordance with Article 5 et seq. of the *International Standard for Results Management*. If the *Antidoping Centre* fails to bring such proceedings against an *Athlete* within 30-days of WADA receiving notice of the recording of that *Athlete's* third Whereabouts Failure in any 12-month period, then the *Antidoping Centre* shall be deemed to have decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at Code Article 13.2.

**B.3.5** An *Athlete* asserted to have committed a Code Article 2.4 anti-doping rule violation shall have the right to have such assertion determined at a full evidentiary hearing in accordance with Code Article 8 and Articles 8 and 10 of the *International Standard for Results Management*. The hearing panel shall not be bound by any determination made during the *Results Management* process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the *Anti-Doping Organization* bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure to the comfortable satisfaction of the hearing panel. If the hearing panel decides that one (or two) Whereabouts Failure(s) have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no Code Article 2.4 anti-doping rule violation shall be found to have occurred. However, if the *Athlete* then commits one (or two, as applicable) further Whereabouts Failure(s) within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in accordance with Code Article 3.2.3) and the Whereabouts Failure(s) subsequently committed by the *Athlete*.

*[Comment to Article B.3.5: Nothing in Article B.3.5 is intended to prevent the Anti-Doping Organization challenging an argument raised on the Athlete's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the Results Management process.]*

**B.3.6** A finding that an *Athlete* has committed a *Code Article 2.4* anti-doping rule violation has the following *Consequences*: (a) imposition of a period of *Ineligibility* in accordance with *Code Article 10.3.2* (first violation) or *Code Article 10.9* (subsequent violation(s)); and (b) in accordance with *Code Article 10.10* (*Disqualification*, unless fairness requires otherwise) of all individual results obtained by the *Athlete* from the date of the *Code Article 2.4* anti-doping rule violation through to the date of commencement of any *Provisional Suspension* or *Ineligibility* period, with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes. For these purposes, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure found by the hearing panel to have occurred. The impact of any *Code Article 2.4* anti-doping rule violation by an individual *Athlete* on the results of any team for which that *Athlete* has played during the relevant period shall be determined in accordance with *Code Article 11*.

## **ANNEX C – RESULTS MANAGEMENT REQUIREMENTS AND PROCEDURES FOR THE ATHLETE BIOLOGICAL PASSPORT**

### **C.1 Administrative Management**

**C.1.1** The requirements and procedures described in this Annex apply to all modules of the *Athlete Biological Passport* except where expressly stated or implied by the context.

**C.1.2** These processes shall be administered and managed by an *Athlete* Passport Management Unit on behalf of the Passport Custodian. The *Athlete* Passport Management Unit will initially review profiles to facilitate targeting recommendations for the Passport Custodian when appropriate or refer to the Experts as required. Management and communication of the biological data, *Athlete* Passport Management Unit reporting and Expert reviews shall be recorded in *ADAMS* and be shared by the Passport Custodian with other *Anti-Doping Organizations* with *Testing* Authority over the *Athlete* to coordinate further *Passport Testing* as appropriate. A key element for *Athlete Biological Passport* management and communication is the *Athlete* Passport Management Unit report in *ADAMS*, which provides an overview of the current status of the *Athlete's* Passport including the latest targeting recommendations and a summary of the Expert reviews.

**C.1.3** This Annex describes a step-by-step approach to the review of an *Athlete's* Passport:

- a) The review begins with the application of the Adaptive Model.
- b) In case of an *Atypical Passport Finding* or when the *Athlete* Passport Management Unit considers that a review is otherwise justified, an Expert conducts an initial review and returns an evaluation based on the information available at that time.
- c) In case of a “Likely doping” initial review, the Passport is then subjected to a review by three (3) Experts including the Expert who conducted the initial review.
- d) In case of a “Likely doping” consensus of the three (3) Experts, the process continues with the creation of an *Athlete Biological Passport* Documentation Package.
- e) An *Adverse Passport Finding* is reported by the *Athlete* Passport Management Unit to the Passport Custodian if the Experts' opinion is maintained after review of all information available at that stage, including the *Athlete Biological Passport* Documentation Package.
- f) The *Athlete* is notified of the *Adverse Passport Finding* and offered the opportunity to provide explanations.
- g) If after review of the explanations provided by the *Athlete*, the Experts maintain their unanimous conclusion that it is highly likely that the *Athlete* Used a *Prohibited Substance* or a *Prohibited Method*, an anti-doping rule violation is asserted against the *Athlete* by the Passport Custodian.

## **C.2 Initial Review Phase**

### **C.2.1 Review by the Adaptive Model**

**C.2.1.1.** In *ADAMS*, the Adaptive Model automatically processes data on the biological *Markers* of the *Athlete Biological Passport*. These *Markers* include primary *Markers* that are defined as the most specific to doping and secondary *Markers* that provide supporting evidence of doping in isolation or in combination with other *Markers*. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values outside of the 99%-range, from a lower limit corresponding to the 0.5<sup>th</sup> percentile to an upper limit corresponding to the 99.5<sup>th</sup> percentile (1:100 chance or less that this result is due to normal physiological variation). A specificity of 99% is used to identify both haematological and steroidal *Atypical Passport Findings*. In the case of sequence deviations (sequence *Atypical Passport Findings*), the applied specificity is 99.9% (1:1000 chance or less that this is due to normal physiological variation).

**C.2.1.2.** An *Atypical Passport Finding* is a result generated by the Adaptive Model in *ADAMS* which identifies either a primary *Marker(s)* value(s) as being outside the *Athlete's* intra-individual range or a longitudinal profile of a primary *Marker* values (sequence deviations) as being outside expected ranges, assuming a normal physiological condition. An *Atypical Passport Finding* requires further attention and review.

**C.2.1.3.** The *Athlete* Passport Management Unit may also submit a Passport to the Expert when there is no *Atypical Passport Finding* (see C.2.2.4 below).

#### **C.2.1.4. *Atypical Passport Finding* – Haematological Module**

**C.2.1.4.1.** For the Haematological Module, the Adaptive Model automatically processes in *ADAMS* two primary *Markers*, haemoglobin concentration (HGB) and stimulation index OFF-score (OFFS), and two secondary *Markers*, the reticulocyte percentage (RET%) and the Abnormal Blood Profile Score (ABPS). An *Atypical Passport Finding* is generated when a HGB and /or OFFS value of the last test falls outside the expected intra-individual ranges. Furthermore, the longitudinal profile composed of (up to) the last five valid HGB and/or OFFS values is also considered as an *Atypical Passport Finding* when deviating from the expected ranges, as determined by the Adaptive Model (sequence *Atypical Passport Finding*). An *Atypical Passport Finding* is only generated by the Adaptive Model based on values of the primary *Markers* HGB and OFFS or the sequence thereof.

**C.2.1.4.2.** In case of an *Atypical Passport Finding* the *Athlete* Passport Management Unit shall advise the *Antidoping Centre* in the *Athlete* Passport Management Unit report, or via the Passport Custodian where appropriate, on whether the *Sample*, or any accompanying urine *Sample*, should be subjected to analysis for Agents Affecting Erythropoiesis. The *Athlete* Passport Management Unit should also provide recommendations for Agents Affecting Erythropoiesis analysis when the Adaptive Model detects an abnormality in the secondary *Markers* RET% and/or ABPS.

#### **C.2.1.5. *Atypical Passport Finding* – Steroidal Module**

**C.2.1.5.1** For the Steroidal Module, the Adaptive Model automatically processes in *ADAMS* one primary *Marker*, the T/E ratio, and four (4) secondary *Markers*, the ratios A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol and 5 $\beta$ Adiol/E.

**C.2.1.5.2** Ratios coming from a *Sample* that showed signs of heavy microbial degradation, and ratios for which one or both of the concentrations were not measured accurately by the Laboratory as established in the *Technical Document* for Endogenous Anabolic Androgenic Steroids (TDEAAS), shall not be processed by the Adaptive Model. In the case where the Laboratory reports a confounding factor that may otherwise cause an alteration in the steroid profile, such as the presence of ethanol glucuronide in the *Sample*, the *Athlete Passport Management Unit* shall evaluate whether the steroid profile can still be considered as valid and processed by the Adaptive Model and the *Sample* be subjected to a Confirmation Procedure (see TDEAAS).

**C.2.1.5.3** An *Atypical Passport Finding* is generated when a value of the T/E ratio falls outside the expected intra-individual ranges. In addition, the “*longitudinal steroid profile*” composed of (up to) the last five (5) valid values of the T/E ratio is also considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model (sequence *Atypical Passport Finding*).

**C.2.1.5.4** In the case of a “*longitudinal steroidal profile*”, an *Atypical Passport Finding* caused by an atypically high T/E value will trigger an *Atypical Passport Finding Confirmation Procedure Request* notification through ADAMS as established in the TDEAAS. When the Adaptive Model determines an abnormality in any of the other ratios of the “*steroid profile*” (A/T, A/Etio, 5 $\alpha$ Adiol/5 $\beta$ Adiol and 5 $\beta$ Adiol/E), the *Athlete Passport Management Unit* should advise the *Results Management Authority* (or *Testing Authority* as applicable) in the *Athlete Passport Management Unit* report, or via the *Passport Custodian* where appropriate, on whether the *Sample* should be subjected to a Confirmation Procedure.

#### **C.2.1.6. Suspicious Steroid Profiles – Steroidal Module**

**C.2.1.6.1** If the *Sample* constitutes the first and unique result in a *Passport*, or if the *Sample* cannot be matched to a *Doping Control Form* in ADAMS, ADAMS will flag the result as a Suspicious Steroid Profile (SSP) if the steroid profile of the *Sample* meets any of the SSP criteria established in the TD EAAS, and the Laboratory and the *Testing Authority* will receive an SSP-Confirmation Procedure Request (CPR) notification from ADAMS. In such cases, the *Testing Authority*, upon consultation by the Laboratory, shall confirm, in writing within seven (7) days, whether or not the SSP result shall be confirmed by the Laboratory. The *Testing Authority* may consult with their APMU, or the *Passport Custodian* where applicable, in order to reach a decision. If the *Testing Authority* advises the Laboratory not to proceed with Confirmation Procedures, then it shall provide the reasons for this decision to the Laboratory, which shall update the ADAMS test report for the *Sample* accordingly. In the absence of any justification from the *Testing Authority*, the Laboratory shall proceed with the confirmation analyses (for further details, see TD EAAS).

#### **C.2.1.7. Departure from WADA Athlete Biological Passport requirements**

**C.2.1.7.1** If there is a departure from WADA *Athlete Biological Passport* requirements for *Sample* collection, transport and analysis, the biological *Marker* result obtained from this *Sample* affected by the non-conformity shall not be considered in the Adaptive Model calculations (for example, RET% can be affected but not HGB under certain transportation conditions).

**C.2.1.7.2** A *Marker* result which is not affected by the non-conformity can still be considered in the Adaptive Model calculations. In such case, the *Athlete Passport Management Unit* shall provide the specific explanations supporting the inclusion of the result(s). In all cases, the

*Sample* shall remain recorded in the *Athlete's* Passport. The Experts may include all results in their review provided that their conclusions may be validly supported when taking into account the effects of the non-conformity.

## **C.2.2 The Initial Expert Review**

**C.2.2.1** A Passport generating an *Atypical Passport Finding*, or for which a review is otherwise justified, shall be sent by the *Athlete* Passport Management Unit to an Expert for review in ADAMS. This should take place within seven (7) days following the generation of the *Atypical Passport Finding* in ADAMS. The review of the Passport shall be conducted based on the Passport and other basic information (e.g. *Competition* schedules), which may be available, such that the Expert is blinded to the identity of the *Athlete*.

*[Comment to Article C.2.2.1: If a result rendered by a Laboratory represents an Atypical Passport Finding caused by an atypically high T/E value, the Sample will undergo a Confirmation Procedure, including GC/C/IRMS analysis. If the result of the GC/C/IRMS Confirmation Procedure is negative or inconclusive then the Athlete Passport Management Unit shall seek an Expert review. An Athlete Passport Management Unit or Expert review is not required when the GC/C/IRMS Confirmation Procedure renders an Adverse Analytical Finding (AAF).]*

**C.2.2.2** If a Passport has been recently reviewed by an Expert and the Passport Custodian is in the process of executing a specific *multi-Sample Testing* strategy on the *Athlete*, the *Athlete* Passport Management Unit may delay the review of a Passport generating an *Atypical Passport Finding* triggered by one of the *Samples* collected in this context until completion of the planned series of tests. In such situations, the *Athlete* Passport Management Unit shall clearly indicate the reason for delaying the review of the Passport in the *Athlete* Passport Management Unit report.

**C.2.2.3** If the first and unique result in a Passport is flagged as an *Atypical Passport Finding* by the Adaptive Model, the *Athlete* Passport Management Unit may recommend the collection of an additional *Sample* before initiating the initial Expert review.

### **C.2.2.4 Review in the absence of an *Atypical Passport Finding***

**C.2.2.4.1** A Passport may also be sent for Expert review in the absence of an *Atypical Passport Finding* where the Passport includes other elements otherwise justifying a review.

These elements may include, without limitation:

- a) Data not considered in the Adaptive Model;
- b) Any abnormal levels and/or variations of *Marker(s)*;
- c) Signs of hemodilution in the haematological Passport;
- d) Steroid levels in urine below the corresponding Limit of Quantification of the assay;
- e) Intelligence in relation to the *Athlete* concerned.

**C.2.2.4.2** An Expert review initiated in the above-mentioned situations may result in the same *Consequences* as an Expert review triggered by an *Atypical Passport Finding*.

### C.2.2.5 Expert Evaluation

**C.2.2.5.1** When evaluating a Passport, an Expert weighs the likelihood that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* against the likelihood that the Passport is the result of a normal physiological or pathological condition in order to provide one of the following opinions: “Normal”, “Suspicious”, “Likely doping” or “Likely medical condition”. For a “Likely doping” opinion, the Expert shall come to the conclusion that the likelihood that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* outweighs the likelihood that the Passport is the result of a normal physiological or pathological condition.

*[Comment to Article C.2.2.5.1: When evaluating competing propositions, the likelihood of each proposition is evaluated by the Expert based on the evidence available for that proposition. It is acknowledged that it is the relative likelihoods (i.e., likelihood ratio) of the competing propositions that ultimately determine the Expert’s opinion. For example, where the Expert is of the view that a Passport is highly likely the result of the Use of a Prohibited Substance or Prohibited Method, it is necessary for a “Likely doping” evaluation that the Expert consider that it is unlikely that it may be the result of a normal physiological or pathological condition. Similarly, where the Expert is of the view that a Passport is likely the result of the Use of a Prohibited Substance or Prohibited Method, it is necessary for a “Likely doping” evaluation that the Expert consider that it is highly unlikely that it may be the result of a normal physiological or pathological condition.]*

**C.2.2.5.2** To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert shall come to the opinion that it is highly likely that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* and that it is highly unlikely that the Passport is the result of a normal physiological or pathological condition.

### C.2.3 Consequences of the Initial Review

Depending on the outcome of the initial review, the *Athlete* Passport Management Unit will take the following action:

#### Expert Evaluation

#### **Athlete Passport Management Unit Action**

“Normal”

Continue normal *Testing* plan.

“Suspicious”

Provide recommendations to the Passport Custodian for *Target Testing*, *Sample* analysis and/or requesting further information as required.

“Likely doping”

Send to a panel of three (3) Experts, including the initial Expert, as per section C.2 of this Annex C.

“Likely medical condition”

Inform the *Athlete* as soon as possible via the Passport Custodian (or send to other Experts).

*[Comment to Article C.2.3: The Athlete Biological Passport is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s) and it is not intended as a health check or for medical monitoring. It is important that the Passport Custodian educate the Athletes to ensure that they undergo regular health monitoring and not rely on the Athlete Biological Passport for this purpose. Nevertheless, the Passport Custodian should inform the Athlete in case the Passport indicates a likely pathology as determined by the Experts.]*

### **C.3 Review by Three (3) Experts**

**C.3.1** In the event that the opinion of the appointed Expert in the initial review, pending other explanation to be provided at a later stage, is that of “Likely doping”, the Passport shall then be sent by the *Athlete* Passport Management Unit to two (2) additional Experts for review. This should take place within seven (7) days after the reporting of the initial review. These additional reviews shall be conducted without knowledge of the initial review. These three (3) Experts now constitute the Expert Panel, composed of the Expert appointed in the initial review and these two (2) other Experts.

**C.3.2** The review by the three (3) Experts must follow the same procedure, where applicable, as presented in section C.2.2 of this Annex. The three (3) Experts shall each provide their individual reports in *ADAMS*. This should take place within seven (7) days after receipt of the request.

**C.3.3** The *Athlete* Passport Management Unit is responsible for liaising with the Experts and for advising the Passport Custodian of the subsequent Expert assessment. The Experts can request further information, as they deem relevant for their review, notably information related to medical conditions, *Competition* schedule and/or *Sample(s)* analysis results. Such requests are directed via the *Athlete* Passport Management Unit to the Passport Custodian.

**C.3.4** A unanimous opinion among the three (3) Experts is necessary in order to proceed further towards declaring an *Adverse Passport Finding*, which means that all three (3) Experts render an opinion of “Likely doping”. The conclusion of the Experts must be reached with the three (3) Experts assessing the *Athlete*’s Passport with the same data.

*[Comment to Article C.3.4: The three (3) Expert opinions cannot be accumulated over time based on different data.]*

**C.3.5** To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert Panel shall come to the unanimous opinion that it is highly likely that the Passport is the result of the *Use of a Prohibited Substance or Method* and that there is no reasonably conceivable hypothesis under which the Passport is the result of a normal physiological condition and highly unlikely that it is the result of pathological condition.

**C.3.6** In the case when two (2) Experts evaluate the Passport as “Likely doping” and the third Expert as “Suspicious” asking for more information, the *Athlete* Passport Management Unit shall confer with the Expert Panel before they finalize their opinion. The group can also seek advice from an appropriate outside Expert, although this must be done while maintaining strict confidentiality of the *Athlete*’s Personal Information.

**C.3.7** If no unanimity can be reached among the three (3) Experts, the *Athlete* Passport Management Unit shall report the Passport as “Suspicious”, update the *Athlete* Passport Management Unit report, and recommend that the Passport Custodian pursue additional *Testing* and/or gather intelligence on the *Athlete* (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate.

### **C.4 Conference Call, Compilation of the *Athlete Biological Passport* Documentation Package and Joint Expert Report**

**C.4.1** If a unanimous opinion of “Likely doping” is rendered by all three (3) Experts, the *Athlete* Passport Management Unit shall declare a “Likely doping” evaluation in the *Athlete* Passport Management Unit report in *ADAMS* and should organize a conference call with the Expert Panel to initiate the next steps for the case, including proceeding with the compilation of the *Athlete*

*Biological Passport* Documentation Package (see *Technical Document* for *Athlete* Passport Management Units) and drafting of the joint Expert report. In preparation for this conference call, the *Athlete* Passport Management Unit should coordinate with the Passport Custodian to compile any potentially relevant information to share with the Experts (e.g. suspicious analytical findings, relevant intelligence and relevant pathophysiological information).

**C.4.2** Once completed, the *Athlete Biological Passport* Documentation Package shall be sent by the *Athlete* Passport Management Unit to the Expert Panel, who will review it and provide a joint Expert report to be signed by all three (3) Experts. The conclusion within the joint Expert report shall be reached without interference from the Passport Custodian. If necessary, the Expert Panel may request complementary information from the *Athlete* Passport Management Unit.

**C.4.3** At this stage, the identity of the *Athlete* is not mentioned but it is accepted that specific information provided may allow to identify the *Athlete*. This shall not affect the validity of the process.

### **C.5 Issuing an *Adverse Passport Finding***

**C.5.1** If the Expert Panel confirms their unanimous position of “likely doping”, the *Athlete* Passport Management Unit shall declare an *Adverse Passport Finding* in ADAMS that includes a written statement of the *Adverse Passport Finding*, the *Athlete Biological Passport* Documentation Package and the joint Expert report.

**C.5.2** After reviewing the *Athlete Biological Passport* Documentation Package and joint Expert report, the Passport Custodian shall:

- a) Notify the *Athlete* of the *Adverse Passport Finding* in accordance with Article 5.3.2;
- b) Provide the *Athlete* the *Athlete Biological Passport* Documentation Package and the joint Expert report;
- c) Invite the *Athlete* to provide their own explanation, in a timely manner, of the data provided to the Passport Custodian.

### **C.6 Review of Explanation from *Athlete* and Disciplinary Proceedings**

**C.6.1** Upon receipt of any explanation and supporting information from the *Athlete*, which should be received within the specified deadline, the *Athlete* Passport Management Unit shall forward it to the Expert Panel for review with any additional information that the Expert Panel considers necessary to render its opinion in coordination with both the Passport Custodian and the *Athlete* Passport Management Unit. At this stage, the review is no longer anonymous. The Expert Panel shall reassess or reassert the case and reach one of the following conclusions:

- a) Unanimous opinion of “Likely doping” by the Experts based on the information in the Passport and any explanation provided by the *Athlete*; or
- b) Based on the available information, the Experts are unable to reach a unanimous opinion of “Likely doping” set forth above.

*[Comment to Article C.6.1: Such a reassessment shall also take place when the Athlete does not provide any explanation.]*

**C.6.2** If the Expert Panel expresses the opinion set forth in section C.6.1(a), then the Passport Custodian shall be informed by the *Athlete* Passport Management Unit, shall charge the *Athlete* in accordance with Article 7 and continue with *Results Management* in accordance with the *International Standard*.

**C.6.3** If the Expert Panel expresses the opinion set forth in section C.6.1(b), the *Athlete* Passport Management Unit shall update the *Athlete* Passport Management Unit report and recommend the Passport Custodian to pursue additional *Testing* and/or gather intelligence on the *Athlete* (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate. The Passport Custodian shall notify the *Athlete* and WADA of the outcome of the review.

## **C.7 Passport Re-setting**

**C.7.1** In the event the *Athlete* has been found to have committed an anti-doping rule violation based on the Passport, the *Athlete's* Passport shall be reset by the Passport Custodian at the start of the relevant period of *Ineligibility* and a new Biological Passport ID shall be assigned in ADAMS. This maintains the *Athlete's* anonymity for potential *Athlete* Passport Management Unit and Expert Panel reviews conducted in the future.

**C.7.2** When an *Athlete* is found to have committed an anti-doping rule violation on any basis other than the *Athlete Biological Passport*, the haematological and/or Steroidal Passport will remain in effect, except in those cases where the *Prohibited Substance* or *Prohibited Method* caused an alteration of the haematological or steroidal *Markers*, respectively (e.g. for AAF reported for anabolic androgenic steroids, which may affect the *Markers* of the steroid profile, or for the *Use* of Erythropoiesis Stimulating Agents or blood transfusions, which would alter the haematological *Markers*). The Passport Custodian shall consult with their *Athlete* Passport Management Unit following an *Adverse Analytical Finding* to determine whether a Passport reset is warranted. In such instances, the *Athlete's* profile(s) would be reset from the time of the beginning of the sanction.

## **ANNEX D–TESTING POOL OF THE ANTIDOPING CENTRE – FAILURES TO COMPLY WITH WHEREABOUTS REQUIREMENTS AND SANCTIONS**

**D.1** Failure to comply with whereabouts requirements represents:

1. Failure to provide whereabouts information within the specified deadline;
2. Provided incomplete and inaccurate whereabouts information;
3. Unsuccessful testing attempt of an athlete.

**D.2** (1) In case of a first failure to comply under Art.D.1 by an athlete, the Executive Director of the Antidoping Centre sends a reprimand to the athlete (personally or through the relevant licensed sporting organization), in which reminds him/her to be compliant with the requirements and for the consequences of a second failure to comply.

(2) In case of a second failure to comply under Art.D.1 by an athlete, the Executive Director of Antidoping Centre notifies in writing him/her with official letter (personally or through the relevant licensed sporting organization), in which informs him/her that he/she will be included in the Registered Testing Pool of the Antidoping Centre and for all of the obligations, rights and responsibilities related to this inclusion.

## **ANNEX E –TEAM TESTING POOL OF THE ANTIDOPING CENTRE – FAILURES TO COMPLY WITH WHEREABOUTS REQUIREMENTS AND SANCTIONS**

**E.1** Failure to comply with team whereabouts requirements could be/ represents:

1. Failure to provide whereabouts information within the specified deadline;
2. Provided incomplete and inaccurate whereabouts information;
3. Unsuccessful testing attempt of the relevant team/club.

**E.2** (1) In case of violation of these requirements by any team/club, the Executive Director of the Antidoping Centre notifies the relevant licensed sporting organization.

(2) In case of violation of these requirements by any licensed sporting organization, the Executive Director of Antidoping Centre notifies the Minister of Youth and Sports.

**E.3.** Each team/club who committed a violation under art. E.1 is subject to sanctions.

**E.4.** (1) The sanctions of teams/clubs shall be determined and imposed by the relevant sporting organization which shall inform the Antidoping Centre about their decision.

(2) The sanctions of licensed sporting organizations shall be determined and imposed by the Minister of Youth and Sports which shall inform the Antidoping Centre about his decision.

**E.5.** In case of violation of these requirements by the Athlete, the rules specified in Annex D, D.2, apply mutatis mutandis.