

## 2027 CODE & IS UPDATE PROCESS

### Second Draft: Summary of Major Changes

#### International Standard for Results Management

##### Executive Summary

Following the careful review and consideration of stakeholder comments provided during the [Stakeholder Consultation Phase](#) and through extensive consultations with the anti-doping community during the [Second Drafting Phase](#), the International Standard for Results Management Drafting Team has proposed further key changes in a second draft of the 2027 International Standard for Results Management (ISRM) as part of the ongoing [2027 Code & IS Update Process](#).

The purpose of this document is to summarize the major changes proposed in the second draft of the 2027 ISRM, which predominantly build on those proposed in the [first draft of the 2027 ISRM](#) and as summarized in the corresponding [first draft Summary of Major Changes](#).

It is to be noted that any new changes in the second draft of the 2027 ISRM, which do not otherwise stem from or build on those changes indicated in the first draft, will be accordingly marked as “New Addition”. Particularly, in this respect, the ISRM Drafting Team wishes to draw the attention of stakeholders to the following new changes which have been included in this second draft:

- Inclusion, in the definition of “Passport Custodian”, of the criteria for allocating custodianship of the Athlete Biological Passport, which until now have been contained in the Athlete Biological Passport Operating Guidelines.
- Therapeutic Use Exemptions (TUEs) which may be taken into account by Results Management Authorities (RMAs) during the initial review phase (Article 5.1.1.1);
- Imposition of a mandatory Provisional Suspension, which must occur at the same time as the notification to the Athlete of the letter asserting the commission of an anti-doping rule violation (ADRV) (Article 5.1.2.1, see also the [Cottier Report](#));
- Obligation to notify an Athlete of the letter asserting the commission of an ADRV within 20 days upon receipt of the Adverse Analytical Finding (AAF) from the Laboratory (Article 5.1.2.2, see also the Cottier Report);
- Obligation to inform, in the Assertion Letter, each Athlete of the existence of multiple AAFs where the RMA has good reason to believe that these AAFs resulted from a Contaminated Source (Article 5.1.2.3, see also Cottier Report);
- In case of a highly confidential investigation, possibility for the RMA to delay or withhold notice of the AAF or Atypical Finding (ATF) to other Anti-Doping Organizations (ADOs) with WADA’s written approval (Articles 5.1.2.11 and 5.3.2.4);
- Establishment of the procedure to refer matters to the Independent Review Expert (IRE) when RMAs are considering closing a case or not proceeding with normal Results Management processes after they have received notice of an AAF (Article 5.5, see also Cottier Report and World Anti-Doping Code (Code) Article 7.8); and

- Possibility and conditions under which requests for additional information and/or clarification may be made during the Passport review, whether at the initiative of the Expert, the APMU, or the Passport Custodian (Articles C.2.2.5 and C.2.2.6).

Furthermore, the ISRM Drafting Team wishes to mention certain other key developments which arose from its review of stakeholder comments and discussions with the anti-doping community during the Second Drafting Phase:

- Further explanations are provided regarding:
  - Documents pertaining to a case that may or may not be used in another case (Article 4.2);
  - The “B” Sample analysis and its consequences (Articles 5.1.2.1 and 5.1.2.8); and
  - The regime of provisional suspensions (Articles 6.2.1, 6.2.2, 6.2.3.5 and 11);
- Additions relating to the reduction in the period of Ineligibility under Code Article 10.8.1 (Articles 5.1.2.1 and 7.1);
- The use of English or French language when providing case files or in CAS proceedings involving WADA, an International Federation, or a Major Event Organizer (MEO) (Articles 9.2 and 10.3); and
- Substantive additions relating to the regime of Whereabouts Failures (Articles B.1.3, B.2.4 and B.3.1) and Athlete Biological Passport (ABP) (Articles C.2.2.5 to C.2.27 and C.7.1).

The following section will offer a concise article-by-article summary of the changes in this second draft of the 2027 ISRM.

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## Defined Term Specific to the ISRM: Passport Custodian

### **NEW ADDITION**

For the sake of clarity and hierarchy of norms, this definition has been included in the ISRM and amended to incorporate the criteria for determining custody of the Athlete Biological Passport, which are currently set out in the Athlete Biological Passport Operating Guidelines.

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## Article 4.1: Responsibility for conducting Results Management

### ***Changes from the First Draft***

The proposed changes to this Article, as indicated in the first draft, remain unamended and there have been no further changes to the wording of this Article in the second draft.

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## Article 4.2: Confidentiality of Results Management

### ***Changes from the First Draft***

Following the review of stakeholder comments, the ISRM Drafting Team has provided additional explanations, clarifying in which circumstances an Athlete or other Person can produce documents from the case file of another case as part of their defense (consent of all parties involved in the other case required), as well as the situations in which the provisions of this article do not apply (e.g., cooperation with law enforcement agencies, investigation or Results Management of potential ADRVs involving third parties).

## Article 5.1.1.1: Therapeutic Use Exemption

### **NEW ADDITION**

The ISRM Drafting Team has made a few adjustments to this article:

- On the one hand, by specifying that only existing TUEs or applications being processed can be taken into account during the initial review of an AAF or ATF (Article 5.1.1.1.1, changes reflected in Article 5.1.2.1); and
  - On the other hand, by referring to the situations described in Article 6.14 of the International Standard for Therapeutic Use Exemptions (i.e., TUEs that have expired, been withdrawn or reversed), which must be taken into account by RMAs, where applicable (Article 5.1.1.1.2).
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## Article 5.1.2: Notification

### **Changes from the First Draft**

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

- The “B” sample analysis procedure whereby ADOs are reminded that (1) an Athlete cannot delay a request for “B” Sample analysis where a requested Laboratory Documentation Package has not yet been received (see Article 5.1.2.1, e)), and (2) the different procedural options that should be explored when the analysis of the “B” sample has not confirmed the analysis of the “A” sample (Article 5.1.2.8);
- The implementation of amendments made to 2027 Code Article 10.8.1 relating to the reduction of the period of ineligibility based on early acceptance of the violation and the acceptance of proposed consequences (Article 5.1.2.1, f)); and
- The introduction of a new Article offering the possibility to RMAs, with WADA’s written approval, to delay or withhold the notice of the AAF or ATF to other ADOs where highly confidential investigations are being conducted (Articles 5.2.11 and 5.3.2.4).

### **NEW ADDITION**

Further to the Investigation Report of the Independent Prosecutor Eric Cottier in relation to 28 positive tests for trimetazidine involving 23 Chinese swimmers (the [Cottier Report](#)), the ISRM Drafting Team has implemented the following amendments:

- Notice to the Athlete of the potential AAF shall be made within 20 days of receipt of the AAF by the Laboratory (Article 5.1.2.2); and
  - In cases where the RMA has been notified of AAFs for the same prohibited substance involving multiple Athletes and has good reason to believe that these AAFs resulted from a “Contaminated Source” – as per the 2027 Code Defined Term –, the notification to each Athlete shall so state (Article 5.1.2.3).
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## Article 5.2.1: Atypical Findings

### **Changes from the First Draft**

The proposed changes to this Article, as indicated in the first draft, remain unamended and there have been no further changes to the wording of this Article in the second draft.

## Article 5.4: Decision Not to Move Forward

### *Changes from the First Draft*

The proposed changes to this Article, as indicated in the first draft, remain unamended and there have been no further changes to the wording of this Article in the second draft.

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## Article 5.5: Cases Subject to Review by the Independent Review Expert

### **NEW ADDITION**

Further to the Cottier Report, this new Article refers to 2027 Code Article 7.8 and describes the process that a RMA shall follow in rare cases where it considers closing a case or not proceeding with normal Results Management processes after it has received notice of an AAF:

- Such request, as well as the full file, shall promptly be submitted in English to the Independent Review Expert (IRE), copying WADA (Articles 5.5.2 and 5.5.3);
  - The RMA shall fully cooperate with the IRE and provide any requested document and/or information (Article 5.5.4);
  - The IRE shall issue a written opinion and recommendation, with a copy to WADA, within 20 days from receipt of the full file (Article 5.5.5);
  - Upon receipt of the IRE's opinion, the RMA shall promptly decide whether to move forward or not with a violation of Code Article 2.1, providing that any decision not to move forward may be appealed directly to CAS (Article 5.5.6); and
  - The RMA shall cover the costs relating to the IRE process. The same shall apply if the RMA decides not to move forward with normal Results Management – whether in the absence of a referral to the IRE or contrary to the IRE opinion – and such decision is successfully appealed by one or several of the parties with a right of appeal; in that case, the RMA may also be subject to non-compliance proceedings under Code Article 24 (Article 5.5.7).
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## Article 6: Provisional Suspensions

### *Changes from the First Draft*

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

- Mandatory Provisional Suspension shall be imposed at the same time as the notice set out in ISRM Article 5 is given to the Athlete (Article 5.1.2.1, h));
  - Clarifications are provided on the conditions pursuant to which a Provisional Suspension can be lifted and reimposed, the applicable standard of proof, its consequences, and the appeal procedures (Articles 6.1.2.2, 6.2.2 and 6.2.3.1); and
  - Comments to ISRM Articles 6.2.1.2 and 6.2.2 specify that when an Athlete is provisionally suspended by a MEO, any request to lift or reimpose such measure after the completion of the Event shall be filed with the hearing body designated under the rules of the relevant International Federation.
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## Article 7: Charge

### *Changes from the First Draft*

Amendments made to 2027 Code Article 10.8.1, relating to the reduction of the period of ineligibility based on early acceptance of the ADRV and its consequences, have been transposed into ISRM Article 7.1, d), i) and in the Comment to this Article:

- First, the Athlete or other Person will no longer be required to “admit” having committed the ADRV, but simply to “accept” that this ADRV has been established in order to benefit from the reduction in the period of Ineligibility offered in this article. The purpose of this change is to prevent a case from being referred to a hearing body for a simple reason of semantics when the person against whom an ADRV is asserted accepts the proposed consequences.
- Second, as this stage, it is specified that the 25% reduction will be calculated based on the period of Ineligibility asserted by the RMA in the charge letter (which could be a tailored sanction based on No Significant Fault or Negligence under Code Article 10.6) rather than on the period of Ineligibility stated in the Notice of Potential ADRV pursuant to ISRM Article 5 (i.e., the maximum period of Ineligibility incurred for the violation in question).

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## Article 8: Hearing Process

### *Changes from the First Draft*

The proposed changes to this Article, as indicated in the first draft, remain unamended and there have been no further changes to the wording of this Article in the second draft.

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## Article 9: Decisions

### *Changes from the First Draft*

The comment to Article 9.2.4 has been amended to reflect changes made to 2027 Code Article 14.2.2, i.e., case files shall be produced in machine-readable form and, to the greatest extent practicable, in word-searchable format, with an index and a short description of each document in English or French.

Otherwise, the other proposed amendments to this article, as set out in the first draft, remain unchanged and there have been no other changes to the wording of this article in the second draft.

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## Article 10: Appeals

### *Changes from the First Draft*

The wording of Article 10.3 b) has been amended to reflect changes made to 2027 Code Article 13.1.2, i.e., all appeal proceedings before CAS involving WADA, an International Federation and/or a MEO may only be conducted in a language other than English or French if all parties agree with such request at their entire discretion.

Otherwise, the other proposed amendments to this Article, as set out in the first draft, remain unchanged and there have been no other changes to the wording of this article in the second draft.

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

### *Changes from the First Draft*

This Article has been reworded to distinguish more clearly between two different procedural scenarios, i.e., where a suspected violation of a Provisional Suspension has occurred either during Results Management where it shall be considered as part of the case (Article 11.1), or where it is discovered after a final decision has been rendered and regardless of whether the period of Ineligibility has been served or after (Article 11.2). In the latter scenario, the Results Management relating to this potential violation shall comply, *mutatis mutandis*, with the principles set out in ISRM Article 5 (Notification Letter), Article 7 (Letter of Charge), Article 8 (Right to a Hearing), and Article 9 (Reasoned Decision).

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## Annex B: Results Management for Whereabouts Failures

### *Changes from the First Draft*

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

- Comment to Article B.2.4 c), reflects the amendments made to 2027 IST Article 4.10.6.2, clarifying that the reasonableness of a Doping Control Officer (DCO)'s attempt shall be assessed against the fundamental duty of the Athlete to be available and accessible for testing without advance notice during the full 60-minute time slot at a specific location, regardless of whether a telephone call was or was not made by the DCO.
- Article B.3.1 reflects the amendments made to 2027 Code Article 7.1.6, clarifying the rules governing the jurisdiction of ADOs with regard to the results management of individual Whereabouts Failures and violations of Code Article 2.4.

Furthermore, substantive changes have been made to the Comment to Article B.1.3 iii), to further clarify the date on which a Filing Failure will be deemed to have occurred where there was an inaccuracy in the Whereabouts Filing over a number of consecutive days.

Otherwise, the other proposed amendments to this article, as set out in the first draft, remain unchanged and there have been no other changes to the wording of this article in the second draft.

However, in this respect, it is important to note that the ISRM Drafting Team has decided not to reinstate the administrative review process for individual Whereabouts Failures currently provided for in the 2021 ISRM Article B.3.2, f), despite several comments received to this effect. In addition to the fact that such a deletion will make it possible to simplify this procedure and improve its timeliness, the ISRM Drafting Team considers that it will have no negative impact on the rights of Athletes for the following reasons:

- Athletes shall retain the possibility of challenging the individual Whereabouts Failure after having been notified of it as per ISRM Article B.3.2, d) and e); and
- They shall still have the possibility to challenge any Whereabouts Failures pursuant to ISRM Article B.3.5 within the context of a potential asserted violation of Code Article 2.4 at a later stage.

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

### *Changes from the First Draft*

The ISRM Drafting Team has implemented several linguistic additions throughout Annex C, such as the use of the term ‘prompt’, in order to emphasize the need for swiftness regarding the measures to be taken in application of this Annex (e.g., provision of the Expert report, collection of additional *Samples*, review of explanation from the *Athlete*), or, for the sake of consistency, such as the reference to the correct number of Experts involved throughout the different phases (e.g., in case of “Likely doping” initial review and review by three Experts).

Furthermore, substantive changes have been made to the following articles:

- The comment to Article C.2.2.7.1 clarifies that during the initial review of a Passport, the Expert does not have to be satisfied of a specific doping scenario for a conclusion of “Likely Doping”;
- Article C.5.1 specifies that once an Adverse Passport Finding is issued, the APMU shall share all related documents with WADA through ADAMS;
- A comment to Article C.6.3 has been added, providing that any further review of the Athlete’s Passport, which was initially concluded because the Experts were unable to reach a unanimous opinion of “Likely doping”, should be conducted by an Expert who was not amongst the first Expert panel; and
- A comment to Article C.7.1 clarifies that the Passport data of an Athlete, who has been acquitted by a final decision or who has had the charge against them withdrawn, shall not be reset and continues to be part of the Athlete’s Passport to which a new Biological Passport ID has been allocated in ADAMS.

Otherwise, the other proposed amendments to this article, as set out in the first draft, remain unchanged and there have been no other changes to the wording of this article in the second draft.

### **NEW ADDITION**

Lastly, the ISRM Drafting has added two articles detailing the conditions pursuant to which additional information and/or clarifications may be requested during the Passport review, whether at the initiative of the Expert during their initial review, or the APMU or Passport Custodian, at any Stage.

Regarding the Expert, such requests will typically be related to medical conditions, competition schedule and/or sample analysis results, and can only be directed via the Athlete Passport Management Unit (APMU) to the Passport Custodian (Article C.2.2.5).

For the APMU or Passport such requests will be related to basic information available to the Passport Custodian, the APMU and/or the Expert, and may include, for instance, additional information/clarification obtained from the Athlete in relation to their activities (e.g., competition schedule, training, Whereabouts Filing) or medications and supplements declared during the sample collection session. These requests will be shared with the APMU, which shall decide whether it will be provided to the Expert panel (Article C.2.2.6).

The purpose of these additions is to avoid Expert reviews being conducted based on inaccurate or insufficient information.