

2027 World Anti-Doping Code and International Standards Summary of Changes

The Canadian Centre for Ethics in Sport (CCES) is highlighting key changes being proposed in the draft 2027 World Anti-Doping Code and International Standards and welcomes comments and feedback from the sport community, which the CCES may incorporate into its comments to WADA as part of the Code consultation process. This document is only intended as a guide to facilitate the sport community's review of the proposed changes.

The consultation timeline is available on the [WADA website](#), and further information on how to submit feedback – whether to the CCES or directly to WADA (through WADACONnect) – is available on the CCES website. Click here to read the [advisory note](#).

World Anti-Doping Code (the Code)

Flexibility in Determining a Period of Ineligibility

Retroactive TUEs

Under the 2021 Code, when using a prohibited substance or method for medical reasons, national- and international-level athletes are required to apply for a Therapeutic Use Exemption (TUE) in advance being notified for doping control. In Canada, this includes athletes in their sport organization's National Athlete Pool (NAP). Failure to have a TUE approved in advance could result in an anti-doping rule violation if a prohibited substance or use of a prohibited method is detected in an athlete's sample.

Currently, there is limited flexibility in determining a period of ineligibility for athletes who are using a prohibited substance or method for medical reasons but fail to apply for a TUE prior to sample collection. Retroactive TUEs are granted only under specific circumstances, such as emergency or urgent medical treatment.

For the 2027 Code, WADA has proposed several options that allow for greater flexibility in determining periods of ineligibility in cases involving international- or national-level athletes who did not apply for a TUE in advance, including:

- Applying a standard fault analysis to impose a period of ineligibility ranging from a reprimand to two years.
 - This approach may not be ideal in this context, as athletes who fail to meet the criteria for a retroactive TUE are often judged to have high fault. They are typically aware of TUE requirements through anti-doping education and have simply failed to apply in advance.

- Establishing a specific, standalone period of ineligibility regime for such cases. If an athlete can prove their use or possession of a prohibited substance or method meets the criteria for a TUE, their period of ineligibility would be between three and six months, depending on their degree of fault.
 - This option is not the CCES's preferred choice, as the fault assessment generally results in a higher period of ineligibility. Additionally, this approach imposes an administrative burden on the athlete, the CCES, and potentially the hearing panel.
- Simply have a fixed three-month period of ineligibility in such cases. This is simpler and doesn't require the CCES/hearing panel to spend time assessing degree of fault.
 - The CCES recommends a fixed three-month period of ineligibility for these cases, as it benefits athletes who have committed an administrative oversight (assuming their TUE would be approved) and reduces the administrative burden on the CCES in determining fault.

Amendments to a Period of Ineligibility

The proposed 2027 Code introduces nuances to the regime to determine the relevant and applicable period of ineligibility, focusing on recklessness and proving the source of prohibited substances. The burden of proof remains on athletes to prove mitigating factors to reduce their periods of ineligibility.

Under the current regime, the period of ineligibility for anti-doping rule violations involving non-specified substances or methods is four (4) years, unless the athlete proves the use was not intentional, in which case the period of ineligibility decreases to two (2) years, subject to further reductions based on degree of fault to a minimum of one (1) year. For anti-doping rule violations involving specified substances¹ or methods, the period of ineligibility is two (2) years, unless the CCES proves the use was intentional, in which case the period of ineligibility increases to four (4) years.

To reduce below a two (2)-year period of ineligibility, athletes must demonstrate “No Fault or Negligence” or “No Significant Fault or Negligence.”

The 2027 Code proposes a new regime to determine the appropriate period of ineligibility which considers the distinction between reckless behavior and intentional violations, and which considers whether the athlete can establish the source of the prohibited substance that was detected in their system.

- **Non-Specified Substances and Methods (such as anabolic steroids and EPO):**
 - **Where source has been established:**
 - Four (4)-year period of ineligibility, unless the athlete can prove the use was not intentional.
 - Three (3)-year period of ineligibility for use that is not intentional but was reckless.

¹ Specified Substances are substances included on the WADA Prohibited List that are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance.

- Two (2)-year period of ineligibility for use that is neither intentional nor reckless.
- From zero (0) to two (2)-year period of ineligibility for “no significant fault or negligence.” (This approach is consistent with the current Code.)
- No ineligibility for “no fault.” (This approach is consistent with the current Code.)
- **Where source has not been established:**
 - Four (4)-year period of ineligibility is the default.
 - Three (3)-year period of ineligibility if not intentional.
 - No further reduction is available unless the athlete can establish the source of the prohibited substance.
- **Specified Substances**
 - **Where source has been established:**
 - Two (2)-year period of ineligibility if the CCES cannot establish that the use was either intentional or reckless.
 - Three (3)-year period of ineligibility if the CCES can establish the use was not intentional but was reckless.
 - Four (4)-year period of ineligibility if the CCES can prove the use was intentional.
 - From zero (0) to two (2)-year period of ineligibility for “no significant fault or negligence.” (This approach is consistent with the current Code.)
 - No ineligibility for “no fault.” (This approach is consistent with the current Code.)
 - **Where source has not been established:**
 - Two (2)-year period of ineligibility

The CCES appreciates the additional flexibility to reduce periods of ineligibility in favour of athletes, however, application globally could be a challenge. To address this concern, the CCES proposes that WADA update the relevant guidelines to provide direction on the implementation of these rules and to provide examples.

Substances of Abuse

Under the current Code, if an athlete can establish that the ingestion or use of a substance of abuse was out-of-competition and not related to sport performance, the period of ineligibility will be three (3) months. If the athlete completes a rehabilitation program approved by the CCES, the period of ineligibility is one (1) month.

The 2027 Code draft proposes the following changes:

- A flat **two (2)-month period of ineligibility** for a first violation, with no requirement for rehabilitation.
- A four (4)-month period of ineligibility for a **second violation**, which can be reduced to two (2) months if the athlete enters a substance of abuse treatment program. In cases where treatment may not be relevant or necessary, such as accidental ingestion of coca tea, the CCES may use its discretion to instead impose a two (2)-month period of ineligibility.

While the CCES supports a simplified process for dealing with cases involving substances of abuse, we feel the period of ineligibility for a first violation should be one month.

Contaminated Source Definition

As currently defined, a *Contaminated Product* is “a product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable internet search.” This definition of a *Contaminated Product* is currently quite narrow and does not consider other sources of contamination (e.g., food, environmental).

As with several other proposed changes, WADA is making efforts to increase flexibility for the CCES when determining a period of ineligibility.

The new *Contaminated Source* definition is broader and includes sources of contamination such as food or drink, environmental contamination, or exposure through contact with a third person or object touched by a third person. The broadened definition provides the CCES with the flexibility to determine a period of ineligibility.

The CCES welcomes the broadened definition, however, we would also welcome clarity on the required threshold for an athlete to establish that the prohibited substance came from the route they have identified.

Other Valuable Information and Assistance

Stakeholders, especially those with investigation units, supported expanding provisions in the Code specific to providing substantial assistance. Under the 2021 Code, there is a requirement that information provided by an individual seeking to reduce their period of ineligibility must lead to criminal or disciplinary action. This has been modified in the 2027 Code draft, and the threshold to obtain a reduction is now reduced. Providing substantial assistance allows an individual to suspend up to 75% of their period of ineligibility.

A new provision in the 2027 Code allows the CCES to reduce an athlete's period of ineligibility by up to 15% if they provide valuable information that doesn't qualify as Substantial Assistance. For example, if an athlete were to provide details on their doping process (timing, quantities, etc.) and or methods to evade detection, but isn't able to name others involved, they could still receive up to a 15% reduction in their ineligibility period.

The CCES welcomes the addition of a possible period of ineligibility reduction for providing valuable information and assistance, and also reducing the hurdles to reduce a period of ineligibility by cooperating with the process. Providing individuals with an incentive to share information that could further eliminate doping from sport is positive.

The CCES seeks clarification from WADA on the practical application of the new provision related to providing substantial assistance. In particular, the CCES is interested in understanding how this provision interacts with other methods available for reducing periods of ineligibility.

Other Amendments to the Code

Prohibition against Participation during Ineligibility or Provisional Suspension

WADA has provided further clarification regarding the activities an individual may engage in while serving a period of ineligibility or provisional suspension. The amendments include:

- Specific examples of professional leagues (e.g., NHL or NBA) that individuals ineligible for competition may not participate in or train with.
- Clarification that ineligible participants are prohibited from providing sport-related services to any individual subject to the Code.
- Restrictions on ineligible participants from serving as employees, officers, directors, officials, or volunteers for any Code signatory or signatory member organization.

The CCES supports WADA's clarification on these points. It is important for those serving a period of ineligibility to clearly understand what is prohibited during their period of ineligibility, and what the potential consequences are (since a period of ineligibility could start over if there is a breach to a period of ineligibility). However, the CCES is seeking guidance on the legality of preventing an employee of a sport organization from performing their job duties if they are serving a period of ineligibility under the Code.

National Anti-Doping Organization (NADO) Operational Independence

The 2027 Code draft places renewed emphasis on ensuring that national anti-doping organizations (NADOs) operate independently from sport organizations and government bodies. Specifically, it mandates that NADOs cannot delegate any aspect of their doping control responsibilities to sports organizations. The CCES supports this amendment, which is fully consistent with our current approach.

Public Disclosure

Under the 2021 Code, the CCES must publicly disclose the outcome of a case after the final decision. For the CCES, this typically includes issuing a media release and including the outcome on the Canadian Sport Sanction Registry. Currently, the 2021 Code outlines limited exceptions to this requirement, specifically in cases involving minors, protected persons, recreational athletes, and where no violation has been confirmed against an athlete. The first draft of the 2027 Code adds an additional exception,

which allows for the non-publication of the outcome where a violation has been determined but the athlete was found to be at No Fault or Negligence.

The CCES supports this addition, as the proposed amendment is consistent with previous feedback received from stakeholders.

International Standard for Results Management (ISRM)

Administrative Reviews for Whereabouts Failures

Under the 2021 Code, if, after review of the relevant information and explanations, the CCES determines that a whereabouts failure must be maintained, an athlete has the right to request an administrative review of that decision prior to the failure being confirmed. The administrative review must be conducted by an independent third party who had no involvement in the CCES's original determination. As a reminder, three whereabouts failures recorded against an athlete in any 12-month period could result in an anti-doping rule violation. Should an athlete receive three whereabouts failures in a 12-month period, all three whereabouts failures can be challenged by the athlete before the Doping Tribunal.

The 2027 Code draft proposes the removal of the administrative review process for individual whereabouts failures, while retaining the ability for an athlete faced with three failures in a 12-month period to challenge any of the failures before the Doping Tribunal. This deletion reflects a desire to simplify and streamline the existing process and recognizes that in the vast majority of cases the administrative review process confirms the original determination by the CCES.

Given the athlete's right to challenge any of the failures when facing a potential violation is maintained, the CCES supports the proposed change.

International Standard for Therapeutic Use Exemptions (ISTUE)

Requirements for Granting a Therapeutic Use Exemption (TUE)

The ISTUE has been updated to better align with current medical practices and to focus more on the needs of athletes. With these revisions, athletes seeking a medical exemption must still demonstrate that the conditions for a TUE are met, including that no reasonable permitted therapeutic alternatives are available. However, the amendment removes the previous requirement to first trial non-prohibited medications, which could be potentially harmful to an athlete and delay their ability to treat a medical condition appropriately. The CCES supports this change, as it upholds the integrity of the process while prioritizing the health and safety of athletes.

International Standard for Testing (IST)

As a result of the development of a new International Standard for Intelligence and Investigations (ISII), the Investigations (I) element of the IST(I) has been removed, and this International Standard shall be renamed as the International Standard for Testing (IST).

Amendments to Whereabouts Requirements

Whereabouts Filing Deadline Harmonization

Under the 2021 Code, there was some inconsistency between the CCES and other anti-doping organizations (ADOs) in establishing the deadline for athletes to file whereabouts information. Some ADOs required submissions by the 15th day of the month before the quarter (e.g., by June 15 for the quarter beginning July 1), while others, like the CCES, established a deadline of the last day prior to the start of the new quarter (e.g., June 30 for the quarter beginning July 1). This lack of standardization created confusion for athletes and inefficiencies in test coordination.

The 2027 Code draft standardizes the submission date, to be the 15th day of the month before the start of the next quarter. The CCES supports WADA's decision to clarify procedural steps for athletes in a Whereabouts Pool.

ADAMS Profile - Passport Style Photo Upload

As more ADOs integrate paperless doping control systems and provide DCOs access to ADAMS, WADA is proposing an amendment to the IST that would require athletes to include and upload a current passport-style photograph to their ADAMS profile as part of their whereabouts filing. The goal is to assist in validating athletes' identities when they are selected for testing.

The CCES supports this change in principle but seeks clarification on what penalty would apply (e.g., whether a whereabouts failure could be pursued) if the photograph is not uploaded to ADAMS. Additionally, the CCES acknowledges that not all ADOs, including the CCES, use paperless systems that enable DCOs to access ADAMS in the field and so the amendment may not fulfill the desired purpose.

Sample Collection Requirements

Collection of Venous Blood Samples

The proposed 2027 IST now incorporates guidance from the athlete biological passport (ABP) Operating Guidelines regarding wait times before blood sample collection. Under the 2021 Code, athletes can provide a serum blood sample immediately after training or competition, with no wait time required.

The 2027 IST will require a 60-minute wait before collecting a serum blood sample from athletes post-training or competition. WADA is introducing this change in an effort to limit the variability that can occur on blood samples caused by training or competition. In the current ISTI, there is a two-hour wait post-training or competition when the CCES collects whole blood samples from athletes. The CCES therefore supports the proposed 60-minute wait post-training or competition for serum samples.

Transgender and Gender-Diverse Athletes and Procedures for Sample Collection

The IST drafting team has developed a new annex focused on sample collection for transgender and gender-diverse athletes. According to the new proposed rules, the testing authority must ensure that the sample collection authority and/or doping control officer (DCO) are properly informed about the procedures for collecting samples from these athletes. For transgender and gender-diverse athletes, the assigned sample collection personnel (SCP) should align with the gender of the event in which the athlete participates. Gender-diverse athletes within the whereabouts pool can specify their gender identity and preferred SCP gender in ADAMS. If they do not provide this information in ADAMS, they will have the opportunity to declare their preferences upon arrival at the doping control station. The CCES will need to consider how to address a request from an athlete when they had not previously declared their preference in ADAMS.

The CCES supports the proposed annex in principle but encourages WADA to seek feedback from subject matter experts regarding the current draft.

Additionally, the CCES will seek guidance from WADA on several aspects of the annex, including how to address situations where there was no prior declaration by the athlete and the assigned SCP does not align with the athlete's preferred SCP gender.