

## CCES Submission to 2027 Code Review Second Consultation Phase

In response to WADA's request for comments as part of Phase 2 of the 2027 World Anti-Doping Code consultation process, the CCES submitted the following comments.

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### General Comment for the World Anti-Doping Code

Although there is no change, we are reiterating our comments from the last Code review. As a general comment for the final version of the Code, CCES recommends providing hyperlinks to references within the Code and to other International Standards within the Code.

### Article 4.2.2

With respect to comments 26, cocaine and marijuana are currently included as examples of Specified Substances. Given that both cocaine and marijuana are substances of abuse, and that cocaine is not a specified substance, consider including other examples of Specified Substances such as medications that include substances that are Specified Substances.

### Summary Document (Article 4.4)

CCES supports the option of a short fixed sanction in cases where the criteria for obtaining a TUE are met but the athlete has not applied in advance and has not met the criteria for a retroactive TUE. While the summary document suggests a 3-month period of ineligibility, we would suggest the default sanction be shortened to 1-month (rather than three).

Alternatively, the CCES would also support, in such situations, the finding of a violation, with no associated period of ineligibility. If it is accepted that the athlete was properly using the prohibited substance for medical reasons, and a full TUE is subsequently granted going forward (meaning the athlete's error was purely administrative in not filing for a TUE in advance), the fact that a violation has been determined seems a sufficient punishment (given the heightened consequences that would come from any additional violation) and should disincentivize athletes from deliberately delaying the filing of an application.

### Article 5.6.1

CCES welcomes the examples provided with regards to the conditions that WADA and ADOs may impose as a condition of an exemption to the six-month written notice rule.

WADA could consider clarifying whether the conditions for granting the exemption, if applied, have to be agreed to between WADA and the relevant ADOs or if WADA has the ultimate decision.

## **Article 6.2**

Use of sample data for other purposes: To address apparent inconsistencies between the Code and data protection laws, the 2027 Code should prohibit the use of Samples and Doping Control information for purposes unrelated to anti-doping activities (i.e., for purposes unrelated to Doping Control, WADA's Monitoring Program, Quality Assurance, and Research), similar to the restrictions placed on the use of athlete whereabouts information in Article 5.5. This comment also applies to Article 23.2.2.

## **Article 10.2**

As a concept, CCES appreciates the additional flexibility in the sanctioning regime, however thought will have to be given to how to ensure a consistent application of these provisions until adequate jurisprudence has been established.

Updating the Guidelines to provide clarity on the implementation of these rules, with the inclusion of examples, will be helpful. In particular, CCES would welcome examples that would establish the main considerations when determining whether a violation was reckless and/or intentional.

## **Article 10.2.4**

The CCES would recommend that, for a first violation, the starting sanction be a one-month period of ineligibility. The CCES agrees that the starting sanction for a second violation is a four month period if ineligibility.

## **Article 10.3.2**

The terms heightened alert and considered equally are contradictory. Consider whether one of these references should be removed or alternatively, could WADA provide examples of how this should be practically assessed.

## **Article 10.6.1.2**

The CCES welcomes the broadened definition, however, would request clarity on the required threshold that must be met for a ADO to agree with an athlete that the prohibited substance came from the contaminated route they have identified. Such a additional clarity could be outlined within the Guidelines.

## **Article 10.6.2**

In footnote 67, the Article reference is displaying an error.

## **Article 10.7.2**

The CCES welcome the addition of a possible sanction reduction for providing valuable information and assistance. The CCES would request clarification on if the 15% off from the otherwise applicable period of ineligibility would be calculated before or after a reduction is applied under 10.8.1. (i.e. for a 4-year period of ineligibility that has been reduced to 3 years under 10.8.1, would the reduction be 15% off of 4 years or 3 years). Additionally, as 15% is already a small percentage, the CCES would request WADA

considers a flat 15% rather than “up to” given in some cases less than 15% is likely to be an immaterial reduction for an athlete which may deter them from providing such information.

#### **Article 10.14.1**

Specific to the applicability of the rules to employees, consideration should be given to any employment law ramifications that may result during a period of ineligibility.

In comment to Article 10.14.1 the CCES would suggest the inclusion of provisional suspensions.

*Proposed wording:* Any performance standard accomplished during a **Provisional Suspension**, or a period of Ineligibility shall not be recognized by a Signatory or its National Federations for any purpose.

#### **Article 14.2.2**

The CCES request WADA defines what is meant by machine readable. WADA needs to ensure this terminology is used consistently between Code Article 14.2.2 and ISRM Article 9.2.4.

#### **Definitions - International-Level Athlete**

The CCES suggests WADA requires IFs to outline their definition for International-Level Athletes in ADAMS to centralize this information and assist ADOs.