

2021 Code Review – Phase 2

The CCES's planned comments on the Code draft and International Standards

2021 Code Review

The CCES was encouraged to see comments from the first phase of consultation were well received and valued by WADA, and that some of our proposed changes reflected in the first draft. There are a few areas CCES will continue to highlight as areas of concern, including:

- Article 2.1 – Wording of the Presence violation: The CCES has identified an issue whereby it is currently possible for an athlete to receive an anti-doping rule violation if a prohibited substance is present in their sample despite the prohibited substance having never been in their body at a time when it was prohibited. The CCES believes that if an athlete can prove the substance was never present in their body, despite it being detected in their sample, they should not receive an anti-doping rule violation.
- Article 10.2.3 – Proving a lack of intent: In a Presence violation, proof of source of the prohibited substance should be required in every case when evaluating the athlete's intent. Without an accurate understanding of what has occurred and, critically, how the substance entered the athlete's body it is most difficult (if not impossible) to accurately evaluate the athlete's state of knowledge regarding intent.
- The CCES will continue to push to include a requirement that athletes must be subject a robust anti-doping program for 12 months prior to participating in international sport competition.
- The CCES will continue to push to include a clause that reflects the need to have all sanctions proportionate to the violation committed and not to exceed what is required to achieve a justifiable aim.

International Standards

Phase two of the Code review includes a review of the International Standards. The CCES has been generally pleased with the International Standards since they came into force in 2015 and our comments will be primarily focused on refining and strengthening the existing articles rather than introducing large-scale changes. For example:

International Standards for Testing and Investigations (ISTI)

The CCES wishes to highlight a few changes that have already been proposed in the International Standards for Testing and Investigations (ISTI) and are included in the review.

- In light of recent issues surrounding sample collection equipment, the CCES was part of a working group that proposed additional minimum requirements for the integrity of sample collection equipment. Please see the media release for more information: <https://cces.ca/news/canadian-anti-doping-program-continues-despite-loss-doping-control-kit-supplier>
- The results management procedures for the athlete biological passport also have a number of changes, of which CCES is generally supportive.

International Standard for Education (ISE)

As a recognized leader in values-based education, the CCES was a member of the working group that developed the first draft of the International Standard for Education (ISE) which was intended to “elevate the importance of values-based education within the World Anti-Doping Program and guide stakeholders in developing and carrying out effective programs”. The CCES does not have any comments regarding the ISE at this time.