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INADO Update #27.2

**WADA ExCo/FB Documents May 2013
Significant matters for NADOs/RADOs (2)**

2015 World Anti-Doping Code Version 3.0

Dear Colleagues:

This is the second of what will now be four updates summarising significant matters from the documents WADA has released for its May 2013 ExCo and Foundation Board meetings. **Please take some time to assess and to discuss these matters with your government representatives.** This is critical to ensure that the Public Authorities on the WADA ExCo and Foundation Board are properly briefed to advocate for NADO interests in WADA decision-making. And so they can otherwise play the most constructive role possible around the WADA table.

This second of what will now be four updates reviews Version 3.0 of the 2015 World Anti-Doping Code. It discusses only the most significant changes, not all of them. (Because of the sheer number of changes in all of the new documents, a similar analysis for the International Standards will be set out in a fourth update.) **As you can see, many of the changes respond to proposals made by iNADO and by NADOs and RADOs. This demonstrates the influence we have and the importance of making our views known to WADA.**

The “iNADO Comments” are my own initial impressions, made without consulting iNADO’s Code experts. In the coming weeks I expect those experts to exchange views about Version 3.0. While there is no formal comment period during the coming months, WADA has indicated that it would welcome input on Version 3.0. This will assist the WADA drafting team as it completes the drafting of the document to be approved by the WADA ExCo in September for presentation at the November World Conference on Doping in South Africa. So please stay tuned for, and be ready to assist in, an iNADO submission on Version 3.0 of the draft 2015 Code. Use the “iNADO Comments” in this update to test you own thinking. If you think I am wrong, please tell me so and why. That will make for a better iNADO submission on version 3.0.

Agenda Item 7.1 Draft 2015 World Anti-Doping Code

Significant Changes from 2015 Code Version 2.0 to Version 3.0

Part I, Doping Control

- Introduction: It is no longer mandatory to incorporate the Comments to Code articles in Code-compliant rules. But there is no change to Article 24.2: “The comments annotating various provisions of the Code shall be used to interpret the Code.” And see Article 23.2.2 which requires Code-compliant rules acknowledge the status of those Comments. **[iNADO Comment: this will**

allow Code-compliant rules to be much shorter, so long as those rules include some reference to the Comments to the Code itself as a source of authoritative interpretation of those rules.]

Article 2 - Violations

- Article 2.3: This ADRV is now titled “Evading or, Refusing or Failing to Submit to Sample Collection.” According to the Comment, it now includes “deliberating avoiding” a doping control official. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 2.5: The ADRV for Tampering is expanded to include, without limitation, “intentionally interfering or attempting to interfere with a Doping Control official, providing false information to an Anti-Doping Organization or intimidating or attempting to intimidate a potential witness.” Consistent with Version 2.0, other offensive conduct toward doping a Doping Control official “shall be” addressed in the disciplinary rules of sport organizations. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 2.10: the Prohibited Association ADRV is expanded to cover all persons under the authority of an ADO, not just Athletes. Additional guidance is given as to when there may be a possible ADRV, and when there may not be (such as when the association cannot be avoided). **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**

Article 3 – Proof of Doping

- Article 3.2.1 is new: “Analytical methods or decision limits approved by WADA, after providing an opportunity for public comment and which have been the subject of peer review, may not be challenged on the basis of scientific validity.” **[iNADO Comment: this appears in part a response to the CAS decision in *Veerpalu* (on hGH testing). It would complement Article 4.3 which states that WADA’s decision on the contents of the Prohibited List is not subject to challenge.]**

Article 4 – The Prohibited List (TUEs)

- Article 4.4 (TUEs): there are major changes which are worth describing in detail:
 - Article 4.4.2 now states that a non International-Level Athlete should apply to his/her NADO for a TUE
 - Article 4.4.3 now states that an International-Level Athletes should apply to his/her IF for a TUE
 - Article 4.4.3.1 now states
 - If an Athlete has a TUE that meets ISTUE requirements, an IF must recognise it
 - If the IF refuses to recognise it, then it must notify the Athlete and the NADO of the reasons why
 - Either the Athlete or the NADO can seek WADA’s review of the IF refusal
 - The TUE remains valid (only for national competitions) during the period of that review

- If no review is sought, the TUE becomes invalid (for all purposes) after 21 days
- Article 4.4.3.2 now states
 - If an Athlete does not have a NADO TUE, but needs a TUE for international competition, he/she is to apply directly to the IF (and the IF may have an agreement with the relevant NADO to accept such applications)
 - If the IF refuses the TUE, it must notify the Athlete with reasons
 - If the IF grants the TUE, it must notify the Athlete's NADO
 - The NADO can seek WADA's review if it disagrees with the TUE
 - The TUE remains valid (only for international competitions) during the period of that review
 - If no review is sought, the TUE becomes valid for national competitions as well
- Article 4.4.3 Comment includes two additional important provisions:
 - If the IF refuses to recognize a NADO TUE only because tests or other information are missing that are needed to demonstrate satisfaction with the criteria in the ISTUE, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the IF.
 - If an IF chooses to test an Athlete who is not an International-Level Athlete, it must recognize a TUE granted to that Athlete by his or her NADO.
- Article 4.4.4 takes a similar approach the authority of Major Event Organizers to deal with TUEs issued by NADO
 - Article 4.4.4(b) does, however, provide that the Major Event Organization must ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. If the TUE is granted, it is effective for its Event only.
 - Article 4.4.4(c) deals with disputes: a decision by a Major Event Organization not to recognize or not to grant a TUE may be appealed by the Athlete exclusively to an independent body established or appointed by the Major Event Organization for that purpose. If the Athlete does not appeal (or the appeal is unsuccessful), he or she may not Use the substance or method in question in connection with the Event, but any TUE granted by his or her NADO or IF for that substance or method remains valid outside of that Event.
- Articles 4.4.6 – 4.4.9 set out the various TUE appeal rights and avenues. Some of this is moved from Article 13.4 (which no longer exists).

[iNADO Comment: All of this goes a great distance to responding to the iNADO submission, and those of a number of NADOs. The enhanced role of WADA is welcome. While not perfect, these provisions will encourage mutual recognition of TUEs and should limit the number of TUEs about which there are disputes between ADOs (which is very detrimental for Athlete confidence in anti-doping).]

Article 5 – Testing

- Article 5.2.6 now provides that if an IF or Major Event Organization delegates or contracts Testing to a NADO (directly or through an NF) then that NADO may collect additional samples or direct the

laboratory to perform additional types of analysis at the NADO's expense. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**

- Article 5.3.1 (Event Testing) now adds a new sub-article 5.3.1.1 that permits other ADOs to do out-of-competition testing if an international organisation's event period is longer than 35 days. **[iNADO Comment: this at least recognises an issue raised in the iNADO submission, and in those of a number of NADOs. However, since the event period for each event on a world cup circuit will be less than 35 days, but those periods may run back to back with very little opportunity for out-of-competition between each event, it is not clear this proposal is a practical advance, except with respect to the Olympic Games or other similarly lengthy multi-sport events.]**
- Article 5.4.1 (under Event Testing) is new and calls for a WADA Technical Document under the IST Testing that establishes by means of a risk assessment which Prohibited Substances and/or Prohibited Methods are most likely to be abused in particular sports and sport disciplines. This relates to Article 6.4 and sample analysis menus. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 5.6 (Whereabouts Information) requires all NADOs and IFs to make their RTPs available through ADAMS or other system approved by WADA. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 5.7 (Retired Athletes Returning to Competition) creates the possibility of a case-by-case exemption to the requirement that an International- or National-Level Athlete in an RTP not participate in International Events or National Events until the Athlete has made himself or herself available for Testing for six months prior to return to competition. WADA, in consultation with the relevant IF and NADO, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13.

Article 6 – Analysis of Samples

- Article 6.4 (Standards for Sample Analysis and Reporting) has major changes. Based on the Technical Document required by Article 5.4.1 which is to set testing menus, ADOs can always ask laboratories for more extensive analysis than specified in the Technical Document. They can also ask for less extensive analysis with WADA's approval. Finally, laboratories themselves can do more extensive analysis than specified in the Technical Document. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**

Article 7 – Results Management

- Articles 7.1.2 and 7.6 (Whereabouts Failure Results Management): Article 7.1.2 now provides that all whereabouts failures or missed tests must be made available through ADAMS or other system approved by WADA. Article 7.6 clarifies notification responsibilities where a whereabouts ADRV is to be pursued. **[iNADO Comment: This responds to the long-standing proposals of a number of**

NADOs.]

- Article 7.9.1 (Mandatory Provisional Suspension after an Adverse Analytical Finding) now permits a mandatory Provisional Suspension to be eliminated if the Athlete or other Person demonstrates to the hearing panel that the violation is likely to have involved a “Contaminated Product.” **[iNADO Comment: This responds to the views of a number of NADOs that there should be more proportionality relating to imposition of sanctions according to the Code.]**

Article 8 – Right to a Fair Hearing and Notice of Hearing Decision

- The Comment to Article 8.1 (Fair Hearings) to merely make reference to the principles found in Article 6.1 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, and the principles of international law, and no longer requires hearing to be conducted according to them. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs. It eases the concern that for non-European countries, new legal norms were being introduced for hearings. It also eases the concern that substantive provisions in Article 6.1 would require a significant change the nature of hearing bodies (by requiring not just impartiality but also full independence) relied on by many ADOs.]**

Article 10 – Sanctions on Individuals

- Article 10.2 (Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method) is completely redrafted. **The emphasis on 4 year suspensions remains.**
 - Article 10.2.1.1 states that the suspension will be 4 years for Prohibited Substances that are not Specified Substances, unless use of the Prohibited Substance was not intentional.
 - Article 10.2.1.2 states that the suspension will be 4 years for intentional use of a Specified Substance.
 - Article 10.2.2 states that the suspension in all other cases of Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method is 2 years.
- Article 10.3 (Ineligibility for Other Anti-Doping Rule Violations) is rewritten. In summary:
 - Article 10.3.1 states that the suspension will be 4 years for Article 2.3 (Evading or, Refusing or Failing to Submit to Sample Collection) and 2.5 (Tampering or Attempted Tampering with any part of Doping Control) violations. There is an exception: in the case of failing to submit to Sample collection, if the Athlete can establish that the ADRV was not intentional, the suspension will be 2 years.
 - Article 10.3.2 states that the suspension will be 2 years, subject to reduction down to a minimum of 1 year, depending on the Athlete’s degree of Fault, for Article 2.5 (Whereabouts Failures). This flexibility “is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.”
 - Article 10.3.3 states that the suspension will be a minimum of 4 years up to a lifetime ban for Article 2.7 (Trafficking) and 2.8 (Administration), with violations involving Minors being particularly serious.

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- Article 10.3.4 states that the suspension will be 2 years up to 4 years for Article 2.9 (Complicity), depending on the Athlete or other Person’s degree of Fault and the seriousness of the violation.
- Article 10.3.5 states that the suspension will be 2 years, subject to reduction down to a minimum of 1 year for Article 2.10 (Prohibited Association), depending on the Athlete’s degree of Fault and other circumstances of the case. **[iNADO Comment: This generally responds to the iNADO submission, and those of a number of NADOs, which submitted that version 2.0 needed better and more simple organisation of the sanctions provisions.]**
- Article 10.4 (Elimination of Sanction where No Fault or Negligence) replaces current Article 10.5.1. (No Fault or Negligence) but is not significantly different.
- Article 10.5 (Reduction or Suspension of the Period of Ineligibility based on No Significant Fault or Negligence) replaces current Article 10.5.2 (No Significant Fault or Negligence). It is different in organisation and content. In summary:
 - Article 10.5.1 (Reduction of Sanctions for Specified Substances, Contaminated Products, or Substances of Abuse for Violations of Articles 2.1, 2.2 or 2.6) states that the sanction will be from a reprimand to 1 or 2 years suspension depending on the category of substance and the degree of fault or negligence.
 - Article 10.5.1.2 (Contaminated Products) states that the sanction will be from a reprimand to 2 years suspension. The person must establish that the detected Prohibited Substance came from a Contaminated Product, and also establish No Significant Fault or Negligence. The actual sanction will depend the person’s degree of Fault. **[iNADO Comment: It is not clear that this deals effectively with supplement cases, whether contaminated or not. It continues the existing situation where Athletes who cannot prove that their supplement product was the source of the Prohibited Substance must receive the maximum suspension. However, the new definition of “Contaminated Product,” which makes some allowance for an Athlete’s efforts to exercise due care, is progress.]**
 - Article 10.5.1.3 (Substances of Abuse) names cocaine and cannabinoids explicitly, although there may be other substances according to the Prohibited List. The sanction from a reprimand to a 1 year suspension will depend on being able to show that use was unrelated to sport performance. A rehabilitation programme may replace part of a suspension.
 - Article 10.5.2 (Application of No Significant Fault or Negligence Beyond the Application of Article 10.5.1) deals with all other ADRVs and circumstances not provided for by Article 10.5.1. The suspension will be not less than one-half of the suspension otherwise applicable. If it is a lifetime ban, the reduced period may be no less than 8 years.
- Article 10.6 (Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault) covers much of what is in current Article 10.5.3 (Substantial Assistance), 10.5.4 (Admissions) and 10.5.5 (Entitlement to Reduction on Multiple Grounds). The changes are largely organisational. But there are new provisions:
 - Article 10.6.3 (which replaces version 2.0 Article 10.8) deals with prompt admissions only for ADRVs involving presence or use of a prohibited substance or methods and subject to Article 10.2.1. In cases of a 4 year suspension, the suspension may be reduced to a minimum of 2 years with the agreement of WADA and the relevant ADO. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs, and the**

concern that prompt admissions would be used to avoid the majority of a suspension for a major doping violation.]

- Article 10.7.1 introduces a new verbal formula for determining the period of suspension for a second ADRV.
- Article 10.7.3 introduces a new provision: an ADRV for which a person has established no Fault or Negligence shall not be considered a prior violation for purposes of Article 10.7 (Multiple Violations). **[iNADO Comment: This responds to the views of a number of NADOs that there should be more proportionality relating to imposition of sanctions according to the Code.]**
- Article 10.9 (Repayment of CAS Cost Awards, Forfeited Prize Money, Fines and other Costs) replaces version 2.0 Article 10.12, and is completely rewritten. It permits Athletes with unpaid costs awards, fines and other amounts to return to competition. But it requires them to pay any prize money towards unpaid costs, fines and other amounts. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**

Article 13 – Appeals

- Article 13.1.2 (CAS Shall Not Defer to the Findings Being Appealed) has a small but significant change: instead of stating that CAS “shall not” give deference to the findings appealed from, CAS now “need not” give deference. This means that parties before CAS may argue that deference be given, and CAS may do so. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 13.2 (Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions) adds to the list of appealable matters a number of the new decisions relating to testing and results management authority, to dealing with retired Athletes, to substantial assistance, and other matters added to Version 3.0.

Article 14 - Confidentiality and Reporting

- Article 14.2.1 expands the list of ADRVs for which the full reasons for the decision must be given, including, when applicable, a justification for why the maximum potential sanction was not imposed.

Article 15 – Mutual Application and Recognition of Decisions

- Article 15.1.1 is amended to make clear that hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory's authority, “shall be applicable worldwide” and shall be recognized and respected by all other Signatories. **[iNADO Comment: This responds to the submissions of a number of NADOs and clarifies an issue raised by some relating to the USADA Reason Decision in the US Postal Service case involving cycling.]**

Article 20 – Additional Roles and Responsibilities of Signatories

- Article 20.3.6 is new and requires IFs to require NFs to report any information suggesting or relating to an anti-doping rule violation to their NADO and to cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 20.3.12 (formerly 20.3.11) is expanded to require IFs to require NFs to conduct anti-doping education in coordination with the applicable NADO. **[iNADO Comment: This is a useful addition.]**
- Article 20.3.15 is new and requires IFs to have disciplinary rules in place and require NFs to have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes within the IF's or NF's authority. **[iNADO Comment: This is a useful addition.]**

[iNADO Comment: In Article 20.4, there are similar new responsibilities for NOCs and NPCs.]

- Article 20.5.1 (Roles and Responsibilities of National Anti-Doping Organizations) adds a new provision: "To be independent in their governance and operations." **[iNADO Comment: This is a useful addition.]**

Article 21 – Additional Roles and Responsibilities of Athletes and Other Persons

- Article 21 adds a number of new responsibilities on Athletes and other Persons:
 - Article 21.1.6 requires Athlete cooperation with ADO investigating anti-doping rule violations. The Comment reads: "Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules."
 - Article 21.2.4 requires Athlete Support Personnel disclosure to their NADO and IF any decision by a non-Signatory finding that an Athlete Support Personnel committed an ADRV.
 - Article 21.2.5 requires Athlete Support Personnel cooperation with Anti-Doping Organizations investigating anti-doping rule violations. The Comment reads: "Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules."
 - Article 21.2.6 requires Athlete Support Personnel not Use or Possess any Prohibited Substance or Prohibited Method without valid justification. The Comment reads: "In those situations where Use or personal Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel without justification is not an anti-doping rule violation under the Code, it should be subject to other sport disciplinary rules. Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope." **[iNADO Comment: These are useful additions that will support NADO investigative activities.]**

Article 22 - Responsibilities of Governments

- Article 22.6 is new and states that each government will respect the independence of a NADO in its country in relation to governance and operations. **[iNADO Comment: Operational independence is certainly correct. But given that some NADOs are governmental or quasi-governmental agencies, complete independence of governance is not possible and not necessary. Many such well-established NADOs have an exemplary record of independent action, administration and operation.]**

Article 23 – Acceptance, Compliance and Modification

- Article 23.3 has been changed so that it now requires Signatories to devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the Code and the International Standards. In addition, to assist in demonstrating its compliance with Code Article 5.4, each ADO shall provide WADA upon request with a copy of its current TDP. **[iNADO Comment: This states an important principle, and adds an important power for WADA to be able to better judge operational compliance with the Code and International Standards.]**

Definitions

- “Athlete:” There is an important addition to this definition which clarifies the authority of NADOs relating to sub National-Level Athletes. An ADO has discretion to apply anti-doping rules to non-International- or non-National-Level Athletes, and thus to bring them within the definition of “Athlete.” The new wording continues: “In relation to non-International- or non-National-Level Athletes, an ADO may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; or grant retroactive therapeutic use exemptions, must be applied to International- and National-Level Athletes. Some NADOs may elect to test and apply anti-doping rules to competitors who are not National-Level Athletes (e.g., recreational-level or masters competitors), but they are not required to do so. However, if an Article 2.1 or Article 2.5 anti-doping rule violation is committed by any Athlete over whom an ADO has authority, then the Consequences set forth in the Code must be applied.” **[iNADO Comment: This does respond to the iNADO submission, and those of a number of NADOs, but not in an entirely helpful way. iNADO sought acknowledgement that NADOs should have the flexibility to adjust anti-doping requirements (including sanctions) to local and recreational sport. Having to apply full Code sanctions to competitors who are below National-Level Athletes (and who have not received anti-doping education and who only compete at a local or recreational level) is not appropriate within local and recreational sport. Unless those sanctions are limited to national-level or international-level competition, they would hardly be proportionate. The addition of the last sentence adds a risk of exclusion to those who wish to participate in organized sport simply for fun, but may have no idea, for example, of the risks of supplements.]**

- “Consequences of Anti-Doping Rule Violations:” two additional consequences are added to the definition: “(d) Financial Consequences means a CAS cost award or a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Reporting means the disclosure of information related to anti-doping rule violations as provided in Article 14.”
- “No Significant Fault or Negligence” adds a new sentence giving limited special treatment for Minors: “Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.” **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs, in a limited way. It seems to be the only new provision relating to treatment of minors who may have committed an ADRV. Query whether it goes far enough to ensure proportionate treatment of Minors who may have committed ADRVs under the influence of a person of authority over them.]**

Appendix 2 – Examples of Application of Article 10

- The Appendix has been removed.

Significant Proposals from Version 2.0 that remain in Version 3.0

- Articles 2 and 7 keep the requirement for the B sample remains. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 4.3 keeps the proposal that the fundamental Prohibited List criteria be performance enhancement, plus either health risk or violation of the spirit of sport.
- Article 7: The introductory comment of Article 7 keeps the new language that makes it clear that not all anti-doping rule violations require a hearing, for example where there is agreement for the Athlete or other person to accept the consequences set out in the Code. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 7.1 keeps the proposal that WADA will decide on disputes between ADOs over results management authority, although the proposal is clarified. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 18 keeps the additional language linking education and prevention. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 18.2: keeps the addition to Article 18.2 requiring education relating to whereabouts requirements. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 20.5.8: keeps the requirement that NADOs should always and automatically investigate the Athlete’s entourage whenever the Athlete commits an ADRV. **[iNADO Comment: This responds to**

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the iNADO submission, and those of a number of NADOs.]

- Articles 20.3.10, 20.4.10 and 20.6.5 keep the requirements that IFs, NOCs/NPCs and Major Event Organizers, respectively, do investigations into the role of Athlete Support Personnel or other Persons in cases of Athlete ADRVs. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 20.7.9 keeps the authority of WADA to conduct its own investigations. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 21.1.5 keeps the requirement that Athletes to disclose a decision by a non-Signatory finding that they had committed an ADRV. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- Article 21.3 keeps the proposed new article outlining the roles and responsibilities of RADOs. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**
- The new Definition of “Fault” is maintained, which will respond to the recent CAS decision in *Armstrong* (CAS 2012/A/2756, September 21, 2012) that suggested that “fault” has different content for different Code Articles. **[iNADO Comment: This responds to the iNADO submission, and those of a number of NADOs.]**

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iNADO is the Institute of National Anti-Doping Organisations. It promotes best practices by NADOs and RADOs, and is their collective voice.