



Snapshots of IO Practices

World Anti-Doping Code compliance program

Organisation(s): World Anti-Doping Agency (WADA)

The Snapshots of IO Practices present examples of specific efforts undertaken by an international organisation to work towards more effective international instruments. They aim to highlight examples of practices within the five focus areas of the Partnership of International Organisations for Effective International Rulemaking (IO Partnership), namely the variety and development of international instruments, their implementation, evaluation, ensuring stakeholder engagement, and co-ordination among IOs. The snapshots are submitted by the secretariats of the relevant international organisations implementing the relevant practice. The practices were compiled by the OECD Secretariat and focal points of the IO Partnership (UNCITRAL, OIE, WHO, ISO, WCO, BIPM, and SIECA), with a brief review to ensure consistency and comparability of the information provided within the snapshots. The inclusion of a practice in these snapshots implies no endorsement or assessment of that practice on the part of the OECD Secretariat or the focal points of the IO Partnership.

1	Overview of the Practice	Answers	Comments and intersections
1.1	Organisation	World Anti-Doping Agency (WADA)	
1.2	Area of relevance among the IO partnership focus themes (variety of instruments, implementation, stakeholder engagement, evaluation, co-ordination)	Implementation - Compliance mechanisms	
1.3	Name of the Practice	World Anti-Doping Code compliance program	
1.4	Name of person(s) completing the template	Florence Lefebvre-Rangeon, WADA	

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2	Description of the Practice	Answers	Comments and intersections
2.1	Please describe the practice shortly, providing information on its core features.	The World Anti-Doping Agency (WADA) is the international, independent agency tasked with co-ordinating, monitoring and promoting the fight against doping in sport. One of its core activities is to monitor the compliance of Signatories with the World Anti-Doping Code (Code) and its supporting International Standards. Signatories are defined in the Code as 'those entities signing the Code and agreeing to comply with the Code as provided in Article 23'. WADA's Signatories include International Federations (IFs), National Anti-Doping Organizations (NADOs), Major Event Organizations (MEOs) and National Olympic Committees (NOCs), among others.	
2.2	What are the objectives of the practice?	WADA's Code compliance program aims at ensuring that Signatories across the world comply with the World Anti-Doping Code and its accompanying eight International Standards. By ensuring that strong, Code-compliant anti-doping rules and programs are applied and enforced consistently and effectively across all sports and all countries, the Code compliance program allows clean athletes to have confidence that there is fair competition on a level playing field globally, and maintains public confidence in the integrity of sport.	

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2.3	What have been the key results of the practice?	<p>The adoption of the World Anti-Doping Code (Code) and the establishment of the Code compliance program has ensured that all countries and all sports are bound by a single set of anti-doping rules and held to the same level of accountability by the global regulator, WADA. If a non-conformity with the Code is identified and not corrected throughout the process set out by the International Standard for Code Compliance by Signatories (ISCCS), WADA can assert non-compliance of the relevant Anti-Doping Organization (ADO) and impose sanctions. The ADO can dispute the assertion in front of the Court of Arbitration for Sport (CAS).</p> <p>Since 2017, over 10,000 corrective actions have been identified by WADA through its compliance program and more than 6,000 of them have been implemented by ADOs to date. In 2019, 44 compliance enforcement procedures were opened. 15 Signatories were referred to the independent Compliance Review Committee (CRC), however, in 13 cases, the issues were resolved prior to the CRC meeting. Two Signatories were recommended by the CRC for an assertion of non-compliance to the WADA Executive Committee. One case has been brought to the CAS (Russian Anti-Doping Agency vs. WADA).</p>	
2.4	In what year was the practice introduced?	<p>WADA's compliance program was born from the coming into force of the World Anti-Doping Code on 1 January 2004. Article 23.4.1. stated that "Compliance with the Code shall be monitored by WADA or as otherwise agreed by WADA". Since 2004, the Code has been reviewed three times, with the latest iteration coming into force on 1 January 2021. The compliance program has evolved together with the Code but it changed scope and took its current features when the ISCCS entered into force on 1 April 2018. The ISCCS established a regulatory framework which strongly reinforced WADA's compliance program.</p>	

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2.5	Has the practice been updated/reformed since then? If yes, when and how has it evolved over time?	Yes – see response above	
2.6	What do you consider to be the primary strengths of the practice?	<p>The robustness of WADA's compliance programme relies on two key features:</p> <ol style="list-style-type: none"> 1. The International Standard for Code Compliance by Signatories (ISCCS): the ISCCS provides the regulatory framework for Code Signatories to achieve and maintain compliance and sets out the processes, timeframes and consequences associated when a non-conformity is identified and not implemented. The ISCCS has the same binding effect as the Code and must be fully implemented by all Code Signatories. 2. The establishment of two oversight bodies on compliance matters, one internal and one external: <ul style="list-style-type: none"> • Within WADA, the <u>Compliance Taskforce</u> (Taskforce) was created to monitor formal and operational compliance. The Taskforce consists of key staff from all relevant departments and offices of WADA. The secretariat of the Taskforce is the Compliance Unit, which is part of the Compliance, Rules & Standards Department. • Governance and oversight of compliance in general is provided by a second group that is external to WADA's operations, the <u>Compliance Review Committee (CRC)</u>, an independent WADA Standing Committee, which convened for the first time in early 2015. 	

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Working Towards More Effective International Instruments



		<p>The CRC is governed by specific WADA Terms of Reference and adheres to a strict conflict of interest policy. The CRC is responsible for reviewing compliance-related matters and making recommendations to the WADA Executive Committee to bring formal non-compliance cases against Signatories. The CRC is comprised of a representative from the sports movement, a government representative, an athlete representative, two compliance experts from non-sports related fields, and an independent chairperson.</p>	
2.7	<p>What do you consider to be the main challenges faced during the implementation of the practice?</p>	<p>There are several important challenges faced as Signatories progress towards a state of compliance maturity:</p> <ul style="list-style-type: none"> • Compliance activities within Signatories have not yet become routine or automatic, and there is a reliance on WADA to monitor, review and identify improvements. Signatories are being supported to take more responsibility proactively, with WADA providing the tools to enable them to become self-sufficient. • Signatories have evolved at varying paces, resulting in significant differences in compliance capabilities amongst them. WADA aims to support Signatories to increase compliance maturity across the world, whilst acknowledging the differences in resources. 	

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		<ul style="list-style-type: none"> • A general tendency worldwide towards increasing scepticism of institutions highlights the importance of transparency and outreach activities to demonstrate the value and effectiveness of WADA's compliance support program. • The communications environment has changed markedly in recent years with the widespread availability of new communications media. This calls for a corresponding evolution in WADA's communications approach with regard to compliance matters, to emphasise transparency and proactivity. • While the focus of the Code compliance program has been on Code Signatories, the most important stakeholders in the program - the clean athletes – may not be aware of how they benefit. It is therefore essential to engage with athletes through transparent communication and outreach. 	
2.8	<p>Does the practice have a formal/normative basis within the organisation or is it conducted informally? Does this basis make the practice mandatory or voluntary?</p> <p>If there is formal basis, please provide the relevant link or documentation.</p>	<p>WADA's compliance program is framed by the International Standard for Code Compliance for Signatories, (ISCCS), which came into effect on 1 April 2018. The implementation of the ISCCS is mandatory, both for WADA and for all Signatories to the World Anti-Doping Code.</p> <p>The program has been ISO9001:2015-certified since May 2016 and external auditors re-assess the compliance monitoring program's certification annually.</p>	<p>Of relevance for co-ordination among international organisations (WG5), the implementation of international instruments (WG2), and their evaluation (WG4).</p>

Compendium of International Organisations' Practices

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2.9	At what frequency is the practice applied? i.e. is it conducted once or on an iterative basis?	WADA's compliance program is conducted on an iterative basis. WADA's departments, in particular the Compliance, Rules & Standards Department and Compliance Unit, apply WADA's compliance program on a daily basis. WADA's internal compliance taskforce meets every two weeks and on an ad-hoc basis if necessary. The Compliance Review Committee meets 3-4 times per year and on an ad-hoc basis if necessary.	
2.10	Is this practice applied systematically, (e.g. with respect to every normative instrument, according to specific criteria or on an ad hoc basis)?	WADA's compliance program is applied systematically.	
2.11	Please provide specific details or examples to illustrate the practice (including supporting links and documents).	<p>The International Standard for Code Compliance for Signatories includes flow charts depicting the entire compliance process (pp. 17 and 21).</p> <p>The most illustrative example of WADA's compliance program is the case against the Russian Anti-Doping Agency. The case is to date the only one which has been brought to the Court of Arbitration for Sport, which delivered its award on 17 December 2020. WADA's press release on the case can be found.</p>	
3	Design of the Practice	Answers	Comments and intersections
3.1	Who designed the practice (e.g. Was it developed internally, in collaboration with other organisations, etc?)	Prior to 2018 and the entry into force of the ISCCS, WADA's compliance program was based on the requirements of the Code but designed mostly internally. As explained above, the ISCCS provided a new framework for the program. The ISCCS was developed in consultation with all WADA stakeholders, through two rounds of consultation that were held over 2017. The ISCCS was adopted by WADA's Executive Committee in November 2017.	

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3.2	Which stakeholders were engaged with in the design of the practice?	All WADA stakeholders (National Anti-Doping Organizations, International Federations, public authorities, WADA-accredited laboratories, among others) were invited to take part in the consultation on the ISCCCS.	
3.3	How long did it take to design the practice?	The consultation, drafting and adoption process of the ISCCS was completed over a period of 6 months , which is a record time compared to the usual process for other International Standards developed by WADA.	
3.4	What resources were needed to design the practice initially (i.e., staff, budget etc.)?	The development of the ISCCS required 2 staff members working full time for a period of 6 months with supporting operational budget.	
3.5	What challenges were encountered during the design of the practice and how were they overcome?	The set-up of an International Standard for Code Compliance by Signatories, which includes a set of graded, predictable and proportionate sanctions for cases of non-compliance, was a major step forward and required WADA to make a strong case to its stakeholders.	
3.6	Has the practice been tested before implementation (i.e. pilot phase)? If yes, please describe.	No	
4	Implementation of the Practice		Comments and intersections
4.1	Which units are responsible for implementing the practice within your IO?	WADA's Compliance Unit.	

Compendium of International Organisations' Practices

Working Towards More Effective International Instruments



4.2	Are IO members involved in implementing the practice? If so, how?	No.	
4.3	Are external actors beyond the organisation or its membership involved in implementing the practice? If so, how?	Identified organisations can take part in the compliance proceedings at the Court of Arbitration for Sport, as defined by the World Anti-Doping Code article 24.1.7.	
4.4	Which resources are needed to implement the practice (e.g., staff and budget)?	WADA's Compliance Unit is staffed with 5 employees as of June 2020. In addition, most WADA departments and regional offices are involved in compliance matters on a continuous basis.	
5	Outputs and Evaluation of the Practice	Answers	Comments and intersections
5.1	Has the practice been evaluated or reviewed?	<p>WADA publishes annually a Compliance Report, which is reviewed by the Compliance Review Committee.</p> <p>The ISCCS has been reviewed in the framework of the general two-year World Anti-Doping Code review process that took place in 2018-2019.</p> <p>As mentioned above, the program is also ISO9001:2015 certified and as such assessed by external auditors annually.</p>	
5.2	If yes, who carried out the evaluation (please specify whether it was done internally or externally)	See answer above.	

Compendium of International Organisations' Practices

Working Towards More Effective International Instruments



5.3	If yes, please describe the evaluation methodology? (e.g. were any quantitative or qualitative indicators/criteria used to measure/assess the outcomes of the practice?).	<p>The Compliance Report includes both quantitative and qualitative criteria.</p> <p>WADA's compliance program is also ISO9001:2015 certified. The scope of the certification is: "Compliance monitoring of anti-doping legislation/rules/regulations and implementation of policies and programs by Signatories to the World Anti-Doping Code".</p> <p>The ISO annual assessment requires a team of internal auditors conducting audits to ensure WADA's quality management system is fit for purpose. External auditors also conduct annual surveillance audits to verify the quality management system is effective.</p>	
5.4	If yes, what were the conclusions of the evaluation, and has the practice evolved subsequently? If possible, please attach related documents or provide a link.	Through the quality management system, an annual management review is conducted, including a review of risk and resources towards ensuring continuous improvement. This is built into the publicly available Annual Compliance Report and an internal Annual Compliance Plan to ensure that lessons are learned from the previous year and built into objectives and key performance indicators.	
6	Additional comments and information	Answers	Comments and intersections
6.1	Is there any more information or documentation that would be valuable to share in relation to the practice (e.g. links, reports, meeting minutes, supporting documents)?	<ul style="list-style-type: none"> - WADA's Compliance Strategy - 2019 Annual WADA Compliance Report - Q&A on WADA's compliance program - List of Anti-Doping Organizations declared non-compliant 	
Sources			