# Working Group on the Cottier Report Implementation

Report

# Table of content

Executive Summary	3
1. Background	5
2. WADA Results Management Filing System	6
2.1. Cottier Report Remarks	6
2.2. Working Group Recommendation	6
2.3. Follow-up	7
3. Intelligence & Investigations Department Triage and Prioritization Framework	7
3.1. Cottier Report Remarks	7
3.2. Working Group Recommendation	7
3.3. Follow-up	9
4. Alarm setup in ADAMS and Results Management Process Review	9
4.1. Cottier Report Remarks	9
4.2. Working Group Recommendation	9
4.3. Follow-up	10
5. World Anti-Doping Code Update Process Issues	10
5.1. Cottier Report Remarks and World Aquatics Report Recommendations	10
5.2. Working Group Recommendation	11
5.3. Follow-up	13
6. Out-of-competition Testing Independent from National Anti-Doping Organizations and Local	
Laboratories	13
6.1. World Aquatics Report Recommendation	13
6.2. Working Group Recommendation	13
6.3. Follow-up	14
7. Timeline Overview	15

# **Executive Summary**

On 12 September 2024, the Independent Prosecutor, Mr Eric Cottier, presented his final report regarding his review of WADA's handling of the China Anti-Doping Agency's no-fault contamination cases involving 23 swimmers from China in 2021 to the WADA Executive Committee. Through his report, Mr Cottier provided several remarks as to how anti-doping rules and WADA's administrative processes can be further strengthened.

On this occasion, the WADA Executive Committee agreed to establish a Working Group ("WG") to focus on turning the findings of Mr Cottier's reports and those of the Anti-Doping Audit Review Committee of World Aquatics on the same topic into recommendations that can be reviewed and approved by the WADA Executive Committee.

The WG has examined the set of findings in the reports and consulted with subject matter experts and WADA management to determine effective and realistic approaches and timelines for addressing them. In this context, the WG makes the following recommendations:

#### WADA Results Management Filing System

- To formalize the handling of cases by creating files that include a structure, a nomenclature, a summary document, and a living chronology, through the development of protocols and templates. Timeline: December 2024 – March 2025
- To further enhance the automation capabilities of the internal results management database.
   Timeline: December 2024 January 2027

#### Intelligence & Investigations Department Triage and Prioritization Framework

 To implement an interim process to facilitate ad hoc consultations to ensure transmission of high-risk cases to the Intelligence & Investigations Department until the full implementation of a triage and prioritization framework.

Timeline: December 2024

 To develop and implement a triage and prioritization framework to make sure high-risk cases are appropriately identified, prioritized, and transmitted to the Intelligence & Investigations Department. Timeline: January 2025 – September 2025

#### Alarm setup in ADAMS and Results Management Process Review

- To set up an alarm system in ADAMS to facilitate the identification of cases that appear to be out of the ordinary, first as an interim solution, until a more comprehensive system is in place. Timeline: December 2024 – April 2025
- To define a standardized triage and prioritization system to support WADA's results management process ensuring that resources are focused on high-risk cases.
   Timeline: December 2024 – Implementation phase from March 2026

#### World Anti-Doping Code Update Process Issues

Specific changes in the World Anti-Doping Code ("Code") and International Standards to address a series
of recommendations in the reports that relate to anti-doping rules and policies including (subject to the
Code and Standard consultation process):

- Establishing the Independent Review Expert to address the rare situations where the Anti-Doping Organization ("ADO") with results management authority decides, or is inclined to decide, not to conduct normal results management after receiving an adverse analytical finding report which would otherwise be required by the Code, and starting work on developing a pilot project in 2025.
- Setting the deadline by which ADOs must inform athletes of an adverse analytical finding after receipt of the results from the laboratory to 21 days.
- Setting the deadline by which ADOs must impose a mandatory provisional suspension after notification to the athlete to 10 days.
- Specifying that a Signatory's failure to impose a mandatory Provisional Suspension within the time permitted may be considered a decision not to impose a mandatory Provisional Suspension appealable on an expedited basis.
- Considering further exploring the issue of Public Disclosure in cases of No Fault or Negligence, and conducting a holistic analysis of the issue of contamination.

Timeline: As per the timelines of the 2027 Code & International Standards Update Process

#### Out-of-competition Testing Independent from National Anti-Doping Organizations and Local Laboratories

To establish a working group tasked with exploring further the issue of National Anti-Doping Organizations ("NADOs") operational independence in light of the conflict of interest perceived by athletes when NADOs are in charge of supervising their own athletes, assessing potential solutions, such as appropriate Code reforms or implementation guidance, and delivering recommendations to the WADA Executive Committee.

Timeline: The working group should deliver its recommendations to the WADA Executive Committee ahead of the World Conference in December 2025.

# 1. Background

The WADA Executive Committee created an independent Working Group on the Cottier Report Recommendations ("WG") in September 2024. The objectives and key activities of the WG are set out in its terms of reference as follows:

- Review the findings arising from the independent prosecutor Eric Cottier's interim and final reports (dated 1 July 2024 and 5 August 2024 respectively and jointly referred to as the "Cottier Report"), as well as the findings of the Anti-Doping Audit Review Committee to the World Aquatics Bureau dated 13 July 2024 ("World Aquatics Report").
- Develop specific recommendations to address the findings and suggestions identified in the above-mentioned reports including:
  - Discuss and entrust the 2027 World Anti-Doping Code ("Code") Update Drafting Team to propose and draft amendments to the Code and International Standards that could be submitted as part of the current update process, including the possible establishment of a special procedure to deal with cases of group contamination;
- Discuss potential improvements to WADA's internal processes to be implemented by WADA management to address Mr Cottier conclusions including how the WADA Executive Committee should be informed of WADA decisions not to appeal cases.
  - Discuss possible improvements to the results management procedures, including communication with the relevant Anti-Doping Organizations and athletes and ask the Code Drafting Team to propose relevant amendments to the applicable Code or Standards;
- Provide a road map of the recommendations as well as considerations related to their potential timeline of implementation.

The WG is comprised of four members from the WADA Executive Committee as follows:

- One Independent Member (Chair of the WG) Mrs Gabriella Battaini-Dragoni
- The WADA Athlete Council Chair Mr Ryan Pini
- One member from the Public Authorities Dr Rahul Gupta
- One member from the Sport Movement Mr Nenad Lalovic

The WG held three virtual meetings over the course of the last 12 weeks. Throughout its work, the WG has been supported by observers, including subject-matter experts and WADA management.

In line with its mandate, the WG proposes a series of specific actions to implement the recommendations of the Cottier Report and the World Aquatics Report. Moreover, the current report suggests an implementation timeline for each set of actions.

Finally, as a general comment, while the actions presented in following sections should be prioritized and carried out promptly and efficiently, the WG recognizes the importance of dedicating enough time to consultation between the relevant WADA teams and stakeholders in the anti-doping ecosystem. These consultations, which have already been incorporated into the presented timelines, ensure that the proposed approaches are planned, designed and implemented in a realistic and concerted manner, thereby enhancing their effectiveness and that the entire ecosystem has an opportunity to comment on those recommendations that may affect them.

# 2. WADA Results Management Filing System

#### 2.1. Cottier Report Remarks

The Cottier Report mentioned the internal process of WADA to review and handle results management cases. As such, it suggested, through its recommendation 6.2.1, that WADA formalizes the handling of cases by creating files that include a structure, a nomenclature, a summary document and a living chronology.

#### 2.2. Working Group Recommendation

The WG recommends that WADA formalizes the handling of cases by creating files that include a structure, a nomenclature, a summary document, and a chronology. This should cover everything from file opening to file closure. In particular, the latter should take the form of a formal memo for unusual cases. This would be achieved by developing protocols and templates. In addition, WADA should further enhance the automation capabilities of the internal results management database.

With this in mind, the WG acknowledges that major progress has been made in the way the Legal Department operates since the events surrounding the contamination case involving swimmers from China in 2021. In June 2023, the internal results management database used for a decade by the Legal Affairs Department was replaced by a more advanced solution – the "Results Management Center". This new database makes it easier to record and access data, while improving the traceability and archiving of files.

In addition, since June 2021, the number of staff assigned to results management activities has doubled in size, with two additional full-time assistants and two additional full-time lawyers. This change resulted in enabling the Legal Affairs Department to work more efficiently and to accelerate the implementation of pre-existing internal protocols (e.g., detailed case summary for external lawyers, appeal procedure).

Nevertheless, to ensure that the Legal Affairs Department remains fit for purpose, the WG considers that further improvements, particularly as regards the Results Management Center, are needed to their process.

To this end, the WG recommends the implementation of the following actions and timelines:

2.2.1 Continue drafting various protocols and templates to improve the decision-making process and filing of information in the Results Management Center (e.g., "Formal Closing Memo" template<sup>1</sup>, "Case Summary" template, "Action Taken" template, "Document Section Organization" protocol, "Labelling and Archiving documents" protocol, Index of resources, Index and compilation of WADA decisions), and implementing protocols directly in the Result Management Center<sup>2</sup>

Lead: Legal Affairs Department with the support from IT & Cybersecurity Department.

Timeline: December 2024 - March 2025

2.2.2 Continue managing and organizing records and files through the development of internal processes and protocols, verifying the quality of data entry through source documents, conducting data searches and preparing reports (e.g., audits, statistics)<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> For unusual cases.

<sup>&</sup>lt;sup>2</sup> This action has been underway since September 2024.

<sup>&</sup>lt;sup>3</sup> This action has been underway since September 2023.

Lead: Legal Affairs Department

Timeline: December 2024 - December 2026

2.2.3 Continue developing results management features and workflow in ADAMS and improving and developing the Results Management Center<sup>4</sup>

Lead: Legal Affairs Department, Digital insights Impact Area and IT & Cybersecurity Department

Timeline: December 2024 - March 2026

2.2.4 Identify and assess technological solutions to improve efficiency of legal operations, implement identified IT solutions, create and curate internal knowledge (e.g. guides, templates, precedents) (in conjunction with 4.2.4)

Lead: Legal Affairs Department

Timeline: January 2025 – January 2027

#### 2.3. Follow-up

The WADA management will update the WADA Executive Committee on progress at every meeting, until it is completed.

# 3. Intelligence & Investigations Department Triage and Prioritization Framework

#### 3.1. Cottier Report Remarks

The Cottier Report discussed WADA's approach to assess and prioritize cases for intelligence and investigations activities. More specifically, it suggested, through its recommendation 6.2.2, that WADA establishes criteria on which the Intelligence & Investigations Department bases its decision whether to involve itself in a particular case.

#### 3.2. Working Group Recommendation

The WG recommends that WADA develops and implements a triage and prioritization framework that aligns with WADA-wide strategic priorities, ensuring that higher-risk cases are appropriately identified, prioritized, and transmitted to the Intelligence & Investigations Department. Under this framework, the identification of high-risk cases would trigger the involvement of the Intelligence & Investigations Department. The implementation of the framework would ensure that the Intelligence & Investigations Department is involved much earlier in the review

<sup>&</sup>lt;sup>4</sup> This action has been underway since September 2024.

process and can serve as an additional collaborator with other WADA departments. It will also contribute to improving organizational responsiveness to emerging threats and identify opportunities for a more proactive approach to case management.

The triage and prioritization framework should allow the Intelligence & Investigations Department to concentrate resources on cases that present the most significant risks, and to act swiftly and effectively where it matters most.

In this respect, the WG recommends the implementation of the following actions and timelines:

3.2.1 Conduct internal sessions with the relevant teams to sensitize them to key risk areas and implement an interim process, until completion of the project, to facilitate ad hoc consultations to ensure transmission of high-risk cases to the Intelligence & Investigations Department

Lead: Intelligence & Investigations Department

Timeline: December 2024

3.2.2 Conduct interviews with the relevant WADA teams to identify high-risk cases and patterns, and establish criteria for when these should be communicated to the Intelligence & Investigations Department. In addition, identify a triage representative in each relevant team responsible for assessing incoming information using the prioritization matrix and documenting relevant decision paths, as well as a focal point to coordinate inter-departmental cases to ensure that one person has the responsibility to keep all relevant departments informed.

Lead: Intelligence & Investigations Department

Timeline: January 2025 – February 2025

3.2.3 Develop a master prioritization matrix that includes decision matrices and specific paths for different risk levels, incorporating both departmental and organization-wide actions as well as a briefing mechanism for the WADA Leadership and the WADA Executive Committee

Lead: WADA management and Intelligence & Investigations Department

Timeline: March 2025 – April 2025

3.2.4 Present the Triage and Prioritization Framework to the WADA Executive Committee by circulation, integrate the WADA Executive Committee feedback

Lead: WADA management and Intelligence & Investigations Department

Timeline: May 2025 - June 2025

3.2.5 Present the final document on the Triage and Prioritization Framework to the WADA Executive Committee for final approval in September 2025

Lead: WG with the support from the Intelligence & Investigations Department

Timeline: September 2025

#### 3.3. Follow-up

The Intelligence & Investigations Department will update the WADA Executive Committee at its March 2025 meeting and present the final document on the Triage and Prioritization Framework at its September 2025 meeting for final approval (in line with 3.2.4).

# 4. Alarm setup in ADAMS and Results Management Process Review

#### 4.1. Cottier Report Remarks

Referring to the particularly long delay between the test and the reporting of test results in ADAMS by the laboratory, the Cottier Report suggested enhancing WADA's ability to detect atypical situations through ADAMS. As such, it proposed, through its recommendation 6.2.3, implementing an alarm in ADAMS, which would also apply to monitor results management in terms of deadlines and help WADA to exercise its right to challenge an Anti-Doping Organization ("ADO").

#### 4.2. Working Group Recommendation

While the recommendation from the Cottier Report relates to the process of reporting test results in ADAMS by laboratories, the WG is of the view that the scope of the solution proposed should be larger and contribute to improving the capabilities of WADA, and more specifically the Legal Affairs Department, in monitoring cases. In line with the 2024-2025 ADAMS Development Roadmap currently underway, the WG recommends that WADA defines a standardized triage and prioritization system that aligns with WADA-wide strategic priorities, ensuring that resources are focused on the highest-risk cases, including automation.

Through this approach, the WG recommends that WADA creates an alarm system in ADAMS to facilitate the identification of cases that appear to be out of the ordinary. By end of January 2025, WADA should develop a plan to implement an interim solution on an accelerated timetable.

The WG suggests implementing the following actions and timelines:

4.2.1 Define the results management process, including conducting interviews with the Legal Affairs Department to understand and map out their monitoring processes<sup>5</sup>

Lead: Digital Insights Impact Area

Timeline: December 2024 – January 2025

4.2.2 In advance of the completion of the project, implement as an interim solution, an alarm system in ADAMS to identify cases where there is an unusually long delay between the notification of an adverse analytical finding by an accredited laboratory and the decision by the results management authority to notify the

<sup>&</sup>lt;sup>5</sup> This action has been underway since September 2024.

athlete of the adverse analytical finding or not to move forward with the matter as per International Standard for Results Management Article 5

Lead: Digital Insights Impact Area and Legal Affairs Department

Timeline: December 2024 – April 2025

4.2.3 Assess requirements, detail the technical specifications and perform market analysis to compare existing solutions to internal development approach

Lead: Digital Insights Impact Area Timeline: February 2025 – June 2025

4.2.4 Implement a software including integration to the digital ecosystem, or carry out internal digital development (depending on the approach selected). This phase would require conducting regular demos to assess the progress of the project (in conjunction with 2.2.5)

Lead: Digital Insights Impact Area, Legal Affairs Department and IT & Cybersecurity Department

Timeline: June 2025 - March 2026

4.2.5 Implement the enhancements in a phased approach that will be defined based on the scope of the project Lead: Digital Insights Impact Area, Legal Affairs Department and IT & Cybersecurity Department Timeline: Starting in March2026

## 4.3. Follow-up

The IT & Cybersecurity Department will update the WADA Executive Committee at its next meetings, as the timeline progresses, until it is completed.

# 5. World Anti-Doping Code Update Process Issues

#### 5.1. Cottier Report Remarks and World Aquatics Report Recommendations

Both the Cottier Report and World Aquatics Report made several recommendations that relate to specific antidoping rules and policies:

- Cottier Report Recommendation 6.2.4: Clarify the way in which communication between WADA and ADOs must take place during the results management process
- Cottier Report Recommendation 6.2.5: For exceptional cases such as the contamination case involving swimmers from China in 2021, consider ensuring that a genuine exchange of views between the ADO and WADA takes place before the former takes a decision on the case
- Cottier Report Recommendation 6.2.6: Consider developing a special procedure for group contamination cases

- Cottier Report Recommendation 6.2.7: Consider ensuring that WADA uses its power to challenge national agencies in certain situations (e.g., when there is a particularly long delay between the test and the reporting of test results in ADAMS)
- Cottier Report Recommendation 6.2.8: Ensure that WADA's decision to waive the filing of an appeal is communicated to all parties concerned, and clarify the notification process
- World Aquatics Report Recommendation 2: Establish time limits for National Anti-Doping Organizations ("NADOs") to impose provisional suspensions
- World Aquatics Report Recommendation 10 (I): Specify the deadline by which ADOs must inform athletes of an adverse analytical finding after receipt of the results from the laboratory
- World Aquatics Report Recommendation 10 (II): Specify the deadline by which ADOs must impose a mandatory provisional suspension after notification to the athlete
- World Aquatics Report Recommendation 10 (III): Clarify that no provisional suspension is required in case that the violation is likely due to contamination
- World Aquatics Report Recommendation 10 (IV): Prescribe the publication of provisional suspensions by ADOs with results management authority
- World Aquatics Report Recommendation 10 (V): Ensure publication of anti-doping decisions for which athletes have been found to have committed no anti-doping rule violation

#### 5.2. Working Group Recommendation

In order to address the series of recommendations listed in section 5.1, the WG has submitted the following recommendations<sup>6</sup> to the 2027 Code & International Standards Update Drafting Team for consideration.

- 5.2.1 To address the rare situations where the ADO with results management authority decides, or is inclined to decide, not to conduct normal results management after receiving an adverse analytical finding report<sup>7</sup>, the ADO should be required to refer the matter to an Independent Review Expert ("IRE") for an opinion and recommendation on whether the ADO's decision not to go forward with results management is justified based on public policy, fairness, and practical considerations. The IRE would then issue a written opinion and recommendation to the ADO, with a copy to WADA<sup>8</sup>, advising whether a decision not to follow the regular results management process is justified in the case. While the ADO would remain free to follow the IRE's recommendation or not, it would be required to set forth its decision in a written document which explains the reasoning behind it<sup>9</sup>.
- 5.2.2 The IRE and the IRE's backup should be appointed for a fixed term by the WADA Executive Committee on the basis of criteria that would have been developed by WADA in consultation with stakeholders and

<sup>&</sup>lt;sup>6</sup> The recommendations are summarized for reasons of conciseness.

<sup>&</sup>lt;sup>7</sup> Referring to cases where none of the following circumstances are present: (1) The athlete has a Therapeutic Use Exemption; (2) There is an apparent departure from the International Standard for Testing and Investigations and/or International Standard for Laboratories; or (3) There was an apparent ingestion through a permitted route.

<sup>&</sup>lt;sup>8</sup> Consideration should be given to ways of establishing effective communication between the IRE and the Intelligence & Investigations Department.

<sup>&</sup>lt;sup>9</sup> This would not preclude WADA from appealing the ADO's decision in accordance with Code Article 13. In reaching its decision on whether or not to appeal, WADA should have access to the ADO's file as well as the IRE opinion and recommendations.

approved by the WADA Executive Committee<sup>10</sup>. The IRE should provide semi-annual reports to the WADA Executive Committee giving a general overview of the cases submitted to the IRE for opinion and recommendation (in conjunction with 5.2.1).

- 5.2.3 An IRE pilot project may be set up on a voluntary basis prior to entry into force of the 2027 Code & International Standards. WADA should start work on developing the IRE pilot project in 2025 following the third consultation phase of the 2027 Code & International Standards Update Process to ensure that stakeholder feedback is reviewed and considered before launch (in conjunction with 5.2.1).
- 5.2.4 In every case, an affected athlete should be notified in a timely manner of their adverse analytical finding and kept advised of what is happening in the process. In cases of apparent mass contamination, the athlete should be notified of the existence of other similar adverse analytical findings. The development of a special notification form could be appropriate in these situations (in conjunction with 5.2.1).
- 5.2.5 The 2027 Code & International Standards Update Drafting Team should explore how WADA management should communicate with the ADO in the situation described in 5.2.1 and how that communication relates to the Non-Compliance process provided for in the Code and International Standard for Code Compliance by Signatories (in conjunction with 5.2.1).
- 5.2.6 The deadline by which ADOs must inform athletes of an adverse analytical finding after receipt of the results from the laboratory should be set to 21 days.
- 5.2.7 The deadline by which ADOs must impose a mandatory provisional suspension after notification to the athlete should be set to 10 days.
- 5.2.8 A Signatory's failure to impose a mandatory Provisional Suspension within the time permitted may be considered a decision not to impose a mandatory Provisional Suspension appealable on an expedited basis.
- 5.2.9 The 2027 Code & International Standards Update Drafting Team should consider further exploring the issue of Public Disclosure in cases of No Fault or Negligence, and conducting a holistic analysis of the issue of contamination across the Code and standard rules.

Working Group on the Cottier Report Implementation – Report – December 2024

<sup>&</sup>lt;sup>10</sup> For instance, these criteria could include a high level of trust and credibility on the part of the global anti-doping community, as well as knowledge of anti-doping rules and policies.

#### 5.3. Follow-up

The potential implementation of the WG's recommendations will be subject to the timelines of the 2027 Code & International Standards Update Process, with final drafts to be submitted to the WADA Executive Committee in September 2025<sup>11</sup>.

# 6. Out-of-competition Testing Independent from National Anti-Doping Organizations and Local Laboratories

#### 6.1. World Aquatics Report Recommendation

The World Aquatics Report highlighted the conflict of interest perceived by athletes when NADOs are in charge of supervising their own athletes due to take part in international sports events. It recommended that the International Testing Agency ("ITA") attempt to conduct a certain number of out-of-competition tests without using local NADOs and local laboratories, especially whenever they are conducting a particularly targeted testing mission and in advance of major international events.

#### 6.2. Working Group Recommendation

Further to discussions held between the WG and a member of the 2027 Code & International Standards Update Drafting Team, it is the understanding of the WG that the next version of the Code will incorporate more robust provisions relating to NADO operational independence. Such changes will contribute to strengthening the NADOs' ability to take objective decisions in the conduct of its anti-doping activities, while preventing undue external influence or pressure. Ultimately, these should reinforce public and athlete trust in the impartiality of NADOs towards their own international-level athletes.

That said, the WG agrees with the principle that the ITA or independent third parties attempt to conduct a certain number of out-of-competition tests according to the situation described in section 6.1. To this end, the WG is of the view that the multifaceted issue of NADO operational independence requires a holistic analysis, since it encompasses a variety of aspects, on the one hand related to anti-doping, and on the other to the legal, governance and political fields. In this respect, the WG recommends that the WADA Executive Committee establishes a Working Group to explore further this issue including the structure of the various NADOs and the impact of good governance. The Working Group would assess potential solutions, such as appropriate Code reforms or implementation guidance, and deliver recommendations to the WADA Executive Committee ahead of the World Conference in December 2025.

<sup>&</sup>lt;sup>11</sup> For more information, please consult the <u>2027 Code & International Standards Update Process – Timelines & Key</u> Phases.

## 6.3. Follow-up

To ensure enough time for the proposed Working Group to complete its mandate prior to the World Conference 2025, the WG suggests that the WADA Executive Committee decides on the creation of the Working Group by its September 2025 meeting at the latest.

## 7. Timeline Overview

