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The benefit of expanding operational independence for doping control activities beyond only National Anti-Doping Organisations (NADOs)

NADO operational independence is a key topic on the agenda of the stakeholder consultation process for the 2027 World Anti-Doping Code (WADC). Ever since the idea to establish the World Anti-Doping Agency (WADA) was conceived almost 30 years ago, undue influence has negatively impacted anti-doping efforts. So, when revising the World Anti-Doping Code, a key question is how to avoid real or perceived conflicts of interest in future anti-doping work.

Policies resembling a fox guarding the henhouse where sport polices itself, along with threats from lack of independence, undue state influence, and fraud, are part of the anti-doping history which has generated change. We have seen mismanagement and a lack of sufficient governance structure and implementation from both the sport and government sides, e.g., Russia, weightlifting, athletics, and biathlon. Significantly, we have also seen steps taken to rebuild and reinforce good governance principles in the wake of these events. For example, the International Testing Agency (ITA) was established to carry out the anti-doping program on behalf of sport organizations, and many NADOs have been established as separate legal entities to uphold the principle of independence.

The topic was raised again in 2024 following the publication of reports reviewing the case involving 23 Chinese swimmers who tested positive for trimetazidine (TMZ). The Report of the Anti-Doping Audit Review Committee to the World Aquatics Bureau of 13 July 2024, noted that *“athletes perceive conflicts of interest when national entities are in charge of supervising their own athletes due to take part in international competitions.”* History tells us that the same concerns exist when sporting organizations are in charge.

The idea behind independence is grounded in addressing potential conflict of interest where doping control activities are compromised by interests other than detecting doping, e.g. glory of a government, the commercial interests of sport, such as an International

Federation (IF), or the reputation of a sport/ country above the protection of athletes and fair and honest sport.

Therefore, it is imperative that independence is ensured for ALL involved in doping control activities. When applying the principle, there is no difference between the need for operational independence of NADOs and the need for operational independence of anti-doping activities in IFs or other entities involved in doping control, as has been made possible through the establishment of independent anti-doping units or outsourcing anti-doping operations to the ITA. However, the IF may control the degree of operational independence through which parts of the anti-doping program they choose to outsource.

In the current draft 2027 World Anti-Doping Code, the focus is exclusively on NADO operational independence, with a proposal to further strengthen and guide these critical independence requirements. However, while NADOs have been scrutinized for years to ensure they fulfil several independence criteria points, the same focus has not been directed at the IF anti-doping units or IF delegated entities, who are not a Signatory to the Code, undertaking the same controls.

To future proof the Code and ensure that all anti-doping processes are subject to good governance and protected from undue influence, the principle of independence should therefore apply equally to all entities, including the IFs and their respective anti-doping units, as well as the NADOs. Maintaining a transparent and consistent anti-doping program is a collective responsibility that must be shared by all ADOs.

Signed

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