

INSTITUTIONAL AND LEGAL FRAMEWORK OF ANTI-DOPING IN BOSNIA AND HERZEGOVINA: BALANCING SPORT INTEGRITY AND THE ATHLETE'S RIGHT TO A FAIR HEARING

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This article examines the institutional and legal framework for resolving anti-doping cases in Bosnia and Herzegovina, focusing on the balance between safeguarding the integrity of sport and protecting athlete's right to a fair hearing. Despite the country's complex constitutional structure, the primacy of international law and explicit provisions in the national Sports Law ensure full compliance with the WADA Code. Particular attention is devoted to the *de novo* review before the CAS, which guarantees a complete reassessment of facts and law in relation to the first instance bodies. The analysis highlights the role of the national Anti-Doping Agency, disciplinary panels and CAS mechanisms, emphasizing procedural safeguards. By situating Bosnia and Herzegovina within an international context, the study demonstrates how coherent governance structures can simultaneously uphold clean sport and protect fundamental rights of athletes.

DOI
[https://doi.org/
10.18690/um.pf.1.2026.20](https://doi.org/10.18690/um.pf.1.2026.20)

ISBN
978-961-299-176-0

Keywords:
sports governance,
Court of Arbitration for
Sport (CAS),
de novo review,
fair hearings,
comparative sports law



University of Maribor Press

1 Introduction

Within the broader framework of global sports law, the regulation of doping stands out as one of the significant areas of concern, underscoring the dual imperative of preserving the integrity of competition while safeguarding the fundamental rights of athletes. Anti-doping frameworks are embedded in a complex international legal order, most prominently through the World Anti-Doping Agency (hereinafter: WADA) Code, the UNESCO International Convention against Doping in Sport (hereinafter: UNESCO Convention), and the procedural guarantees of the Court of Arbitration for Sport (hereinafter: CAS). Bosnia and Herzegovina, despite its intricate constitutional system, has aligned its national legislation with these international standards, thereby ensuring compliance and harmonization.

The purpose of this paper is to examine the institutional and legal framework governing anti-doping in Bosnia and Herzegovina and to situate it within the broader international context. The central research question asks how both nationally and internationally the balance is maintained between preserving sporting integrity and safeguarding athlete's right to fair hearing.

The paper proceeds as follows. First, the institutional framework is analyzed, with attention to the roles of WADA, the Anti-Doping Agency of Bosnia and Herzegovina (hereinafter: ADA BH), and CAS. Second, the international legal framework is outlined, focusing on the WADA Code, the UNESCO Convention, and the CAS Code. Third, the national legal framework is examined, including the division of legislative competences in Bosnia and Herzegovina, the Sports Law, and national anti-doping rules, with emphasis on the primacy of international law. Fourth, the paper addresses procedural safeguards for sport integrity and athletes' fair trial rights in disciplinary proceedings, with particular reference to the jurisprudence of the CAS and the European Court of Human Rights (hereinafter: ECtHR) and the significance of CAS's *de novo* review. Finally, the conclusion situates Bosnia and Herzegovina as a case study of successful harmonization with international standards and its contribution to the broader debate in sports law.

2 Institutional Capacities in Anti-Doping Governance

The architecture of anti-doping governance, embodied in the WADA, CAS and its Anti-Doping Division (hereinafter: CAS ADD), national anti-doping agencies, and both international and national sports federations, serves as a guarantor of the fundamental values of sport. These values, conventionally articulated as the “*spirit of sport*”, comprise respect for legal norms and sporting rules, recognition of fellow competitors, the assurance of fair competition under equal conditions, and the preservation of the ideal of clean sport as a universal good.¹ By implementing programs that translate internationally recognized obligations into practice, these institutions pursue the dual objective of safeguarding athletes’ health and ensuring their participation in sport without recourse to prohibited substances or methods. At the core of this mandate lies the imperative to uphold ethics, fair play, and the integrity of competition.²

WADA, established in 1999 as an independent international agency, was entrusted with leading a coordinated global response to doping in sport.³ Its governance and financing are premised upon an equal partnership between the international sport movement and national governments, thereby ensuring legitimacy and shared responsibility.⁴ The agency’s primary function is the formulation, harmonization, and supervision of anti-doping rules and policies across all sports and jurisdictions. In discharging this function, WADA undertakes scientific and social science research, provides educational initiatives, gathers and analyzes intelligence, conducts investigations, builds institutional capacity worldwide, and monitors compliance with the WADA Code and its associated International Standards.⁵

If the WADA is the institutional pillar responsible for creating rules that safeguard the integrity of sport in the fight against doping, then the CAS is the pillar of their enforcement. Since its establishment in Lausanne in 1984,⁶ CAS has become the

¹ Doping, which may be conditionally defined as the enhancement of athletic performance through the use of prohibited substances or methods, stands in contravention of the spirit of sport and undermines the principle of equality among athletes in the context of sporting competitions. See Pivalica, 2018, pp. 519-520; Labar, 2018, pp. 527-528.

² WADA Code 2021, p. 13.

³ Labar, 2018, pp. 528-529.

⁴ WADA, *Who We Are*.

⁵ WADA, *What We Do*.

⁶ Cf. the historical emergence of CAS, see: McLaren, 2010, pp. 305-315.

central judicial authority in international sport.⁷ Although its jurisdiction spans governance, eligibility, and contractual disputes, its most consequential role lies in adjudicating doping matters. The creation of the CAS ADD in 2019 consolidated this function.⁸ CAS ADD serves as the designated first-instance tribunal to hear and decide doping cases, pursuant to powers delegated by the International Olympic Committee, international federations, and signatories to the WADA Code.⁹ Appeals from CAS ADD rulings proceed to the CAS Appeals Arbitration Division, a structural safeguard that reinforces independence and procedural fairness. Thus, CAS and CAS ADD together embody a specialized institutional mechanism that ensures anti-doping rules are applied coherently and fairly.

ADA BH was established pursuant to Articles 61 and 62 of the Law on Sport in Bosnia and Herzegovina.¹⁰ Article 61 provides the legal foundation for its creation as an autonomous administrative organization tasked with monitoring and implementing international conventions against doping in sport. Article 62 delineates its competences, including systematic monitoring and coordination of anti-doping activities, proposing and enforcing anti-doping measures, ensuring compliance with international conventions and the WADA Code, and overseeing legislative preparations in this field. ADA BH commenced operations in 2009 and remains accountable to the Council of Ministers of BH.¹¹

In accordance with Articles 8 and 13 of the WADA Code¹² and the BH Anti-Doping Rules,¹³ ADA BH has established two adjudicatory bodies: the Hearing Panel and the Appeals Board. The Hearing Panel functions as an independent and impartial tribunal adjudicating alleged anti-doping rule violations, ensuring due process and fairness. The Appeals Committee serves as a second-instance body, reviewing decisions of the Hearing Panel. Together, these institutions embody international best practices, reinforcing impartiality, accountability, and credibility in the anti-doping framework of Bosnia and Herzegovina.¹⁴

⁷ CAS, *The Court, general information*.

⁸ CAS, *ADD Procedural Rules*.

⁹ *Ibid.*

¹⁰ Law on Sport in Bosnia and Herzegovina, Articles 61 – 62.

¹¹ ADA BH, *Nadležnosti*.

¹² WADA Code 2021.

¹³ ADA BH, *Dokumenti agencije*.

¹⁴ Since the entry into force of the World Anti-Doping Code 2021 and the corresponding Anti-Doping Rules of Bosnia and Herzegovina, the ADA BH Hearing Panel has concluded twenty-one proceedings against athletes who tested positive for prohibited substances. Data acquired from ADA BH officials.

3 International and National Legal Framework for the Regulation of Doping Control in Sport

3.1 International Framework

UNESCO Convention¹⁵ constitutes the first universal legally binding instrument in the field of anti-doping regulation. By adopting the Convention, States acknowledged that doping is not merely an issue of sporting discipline, but also a matter concerning public health, ethics, education, and international cooperation.¹⁶ The Convention establishes a comprehensive framework obliging States Parties to adopt legislative, administrative, educational, and cooperative measures aimed at preventing and combating doping in sport.¹⁷

The importance of the Convention is particularly reflected in its relationship with the WADA Code. Although the Code itself represents an instrument of transnational sports governance rather than a treaty under public international law, the Convention effectively provides it with international legal authority. Namely, Article 4(1) expressly states that States Parties “commit themselves to the principles of the Code” as the basis for implementing anti-doping measures under the Convention. This relationship is further reinforced by Article 3(a), which requires States to adopt measures consistent with the principles of the Code, as well as Articles 11(c) and 12, both of which directly refer to anti-doping rules and testing procedures conducted in conformity with the Code. Furthermore, Article 34 establishes a mechanism through which amendments adopted by WADA, particularly regarding the Prohibited List and Therapeutic Use Exemptions, may be incorporated into the Convention framework. Accordingly, the Convention serves as the principal public international law mechanism through which the standards of the WADA Code acquire global legitimacy and harmonized implementation. Bosnia and Herzegovina became a State Party to the Convention on 22 April 2009.¹⁸ Today, the Convention has 192 States Parties, reflecting its near-universal acceptance within contemporary international sports law.

¹⁵ UNESCO Convention, 2005.

¹⁶ Preamble, point 4.

¹⁷ UNESCO Convention, Article 5.

¹⁸ UNESCO Convention, 2005.

WADA Code 2021,¹⁹ together with its International Standards,²⁰ establishes a comprehensive legal framework that integrates substantive prohibitions, procedural guarantees, sanctioning principles, and appellate safeguards. At the heart of this framework lies Article 2, which enumerates the catalogue of anti-doping rule violations. The principle of strict liability is central: athletes are held personally responsible for ensuring that no prohibited substance enters their bodies, and liability attaches irrespective of intent, fault, or negligence. The mere presence of a prohibited substance or its metabolites in a sample suffices to establish a violation (Article 2.1.). This uncompromising standard is reinforced by provisions extending responsibility to the use or attempted use of prohibited substances or methods, even where the attempt fails (Article 2.2.). Proof may be established not only through laboratory analysis but also by admissions, witness testimony, or longitudinal biological data.²¹ Beyond ingestion, Article 2 expands liability to a wide range of conduct: evading or refusing testing (Article 2.3.), repeated whereabouts failures (Article 2.4.), tampering with the doping control process (Article 2.5.), possession of prohibited substances without therapeutic justification (Article 2.6.), trafficking (Article 2.7.), administration (Article 2.8.), complicity (Article 2.9.), prohibited association with ineligible support personnel (Article 2.10), and retaliation against whistleblowers (Article 2.11.). Accordingly, these provisions establish a multi-layered regime of responsibility that extends beyond the athlete's body to their conduct, networks, and integrity within the sporting community. Procedural fairness is safeguarded by Article 8, which governs hearings. Athletes are entitled to a fair and impartial process before sanctions are imposed, including timely notification of alleged violations, the right to present evidence, and the opportunity to challenge the reliability of testing or procedural compliance. This ensures that while liability is broadly construed, sanctions are not imposed without due process. Article 10 addresses the determination of sanctions. While liability under Article 2 is strict, the degree of fault or negligence becomes relevant at the sanctioning stage. Periods of ineligibility vary depending on the nature of the violation, the substance involved, and the athlete's degree of culpability. Aggravating factors such as trafficking or administration attract more severe sanctions, while mitigating circumstances, such as no significant fault or negligence, may reduce the sanction. The jurisprudence of the CAS has played a decisive role in clarifying these sanctioning principles. The

¹⁹ WADA Code 2021.

²⁰ WADA Code 2021 *and International Standards*.

²¹ See f.n. 9, comment to Article 2.2. of the WADA Code 2021.

Marin Čilić case²² is particularly significant. In that matter, CAS was called upon to interpret the criteria for determining the length of suspension where the Code prescribed a range of possible sanctions. It articulated a tripartite structure of culpability that has since become a reference point in anti-doping adjudication:

- Significant fault: Where the athlete acted with serious negligence, gross carelessness, or conscious disregard of obligations. The sanction range is 16–24 months, with 20 months regarded as the standard benchmark for significant fault.
- Normal fault: Where the athlete displayed a moderate level of negligence, failing to exercise due diligence but without gross disregard. The sanction range is 8–16 months, with 12 months considered the standard measure.
- Light fault: Where the violation resulted from minor negligence or circumstances that were difficult to foresee, despite some degree of care exercised. The sanction range is 0–8 months, with 4 months treated as the standard sanction.

The tribunal emphasized that while strict liability establishes the violation, the sanction must be tailored to the athlete's degree of fault. CAS articulated a framework that distinguishes between “no fault or negligence” and “no significant fault or negligence,” thereby providing guidance on when a sanction may be eliminated or reduced. In Čilić's case, the tribunal scrutinized the circumstances of ingestion, the athlete's diligence, and the foreseeability of the violation, ultimately setting a precedent for how disciplinary bodies should weigh culpability. This decision has since been cited as a cornerstone in the jurisprudence of sanctioning, ensuring greater consistency and fairness in the application of Article 10.²³

Finally, Article 13 establishes the appellate framework. Athletes and anti-doping organizations may appeal decisions to CAS, which serves as the ultimate arbiter of disputes under the Code. The appellate process ensures uniformity and consistency in the interpretation of anti-doping rules, while providing athletes with an independent forum to challenge adverse decisions. Together, these provisions as well as judicial interpretations embody a comprehensive and balanced regime,

²² *International Tennis Federation (ITF) v. Marin Čilić*, 2014.

²³ See more Đurđević, 2015, p. 477.

reflecting the Code's overarching objective: to protect the integrity of sport through a system that is both uncompromising in its prohibitions and fair in its procedures.

The jurisdiction of the CAS in anti-doping disputes rests on a framework that combines the general provisions of the CAS Code in force from 1 July 2025²⁴ with the specific rules of the CAS ADD applicable as from 10 June 2024.²⁵ Article R27 of the CAS Code sets out the foundation by confirming that the Procedural Rules apply whenever parties have agreed to submit a sports-related dispute to CAS. This agreement may be embedded in contracts, federation regulations, or subsequent arbitration agreements, and it extends to appeals against decisions of sports bodies where their statutes provide for CAS review. CAS ADD functions as a specialized first-instance tribunal. Article A2 of the CAS ADD Procedural Rules makes clear that CAS ADD has jurisdiction to conduct proceedings and impose sanctions when an alleged anti-doping rule violation is filed, provided that a WADC signatory has delegated its powers. Decisions rendered by CAS ADD are recognized under the WADA Code, ensuring their enforceability across jurisdictions. As stated before, CAS ADD provides a uniform and centralized mechanism for adjudicating doping violations, while appeals against its decisions fall under the CAS Appeals Arbitration Division, thereby integrating specialized anti-doping jurisdiction into the broader CAS system.

The right to a hearing is a central guarantee of fairness in both CAS and CAS ADD proceedings. Article R44.2 of the CAS Code establishes that, as a general rule, there shall be one hearing during which the Panel hears the parties, witnesses, and experts, followed by final oral arguments. Hearings are conducted in camera unless the parties agree otherwise, though athletes may request public hearings in disciplinary cases. The Panel retains discretion to limit irrelevant testimony and may conduct hearings via video-conference or tele-conference, reflecting modern procedural flexibility. Witnesses and experts must solemnly declare to tell the truth, underscoring the seriousness of the process. Article A19.3 of the CAS ADD rules mirrors these guarantees, requiring hearings to be held unless the Panel deems itself sufficiently informed. Hearings are also in camera unless the parties agree otherwise, but athletes may request public hearings, subject to limitations in the interests of

²⁴ *CAS Code – Procedural Rules.*

²⁵ *CAS ADD Procedural Rules.*

morality, public order, or justice. CAS ADD further allows witnesses to be exempted from appearing if they have filed written statements, with the Panel assessing the weight of such evidence. In our opinion, these provisions ensure that hearings are accessible, fair, and efficient, while balancing transparency with the protection of sensitive information, such as for example protection of minors.

Appeals to CAS are governed by Article R47, which provides that appeals may be filed against decisions of federations, associations, or sports-related bodies, provided their statutes or regulations allow it, or if a specific arbitration agreement exists. Crucially, appellants must exhaust all available remedies before appealing. R47 also allows appeals against awards rendered by CAS acting as a first-instance tribunal, if expressly provided by the relevant rules. This provision ensures that CAS appeals are subsidiary, respecting the autonomy of sports bodies while providing a final safeguard. The most distinctive feature of CAS appeals is the *de novo* review under Article R57, which empowers Panels to reassess both facts and law in their entirety. Given its significance, the *de novo* procedure will be examined in detail in a separate chapter of this study.

3.2 National Framework

3.2.1 Division of legislative competences in Bosnia and Herzegovina in the field of sport and anti - doping regulation

Bosnia and Herzegovina is a State whose constitutional structure is marked by extraordinary complexity, a direct consequence of the Dayton Peace Agreement. It consists of three entities, the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District. The Federation is organized on federal principles, while the Republika Srpska is a unitary entity. This duality makes Bosnia and Herzegovina an asymmetrical federation, where different models of internal organization coexist under one constitutional framework.²⁶ The Constitution of BH establishes a division of competences between the State and the entities, relying on the method of enumerating state powers while presuming that all other competences belong to the entities.²⁷ In practice, this means that the regulation of sport in general falls under

²⁶ Trnka & Begić, 2025, pp. 343-344, 353-355.

²⁷ Ibid, pp. 377-378

the jurisdiction of the Republika Srpska, the Federation of BH and Brčko District with further decentralization in the Federation of BH to its cantons.²⁸

The Constitution of Republika Srpska explicitly defines the competences of the entity, including the regulation of sport. As a unitary entity, RS exercises authority in this domain, which allows for a coherent and uniform legal framework. The situation in the Federation of BH is considerably more complex. Its Constitution introduces three categories of competences: exclusive competences of the Federation, shared competences between the Federation and the cantons, and cantonal competences. While exclusive and shared competences are explicitly enumerated, cantonal competences are defined residually, with only illustrative examples provided.²⁹ This approach grants cantons broad authority, including in the regulation of sport, so that both the Federation and the cantons exercise jurisdiction in this area. The Federation of Bosnia and Herzegovina has not yet enacted a Law on Sport, although a Draft Law on Sport in the Federation of BiH was prepared in January 2024.³⁰

Such a constitutional arrangement has led to the emergence of internal conflicts of laws of a territorial character.³¹ Each canton in the Federation may adopt its own legislation on sport, which several cantons have, in fact, undertaken, while Republika Srpska maintains a separate framework. The State itself has enacted legislation in this field. This multilayered system produces overlapping and sometimes contradictory norms, a phenomenon typical of federations but particularly pronounced in Bosnia and Herzegovina due to its asymmetry and extreme decentralization. The result is a fragmented legal landscape in which athletes, clubs, and regulatory bodies face difficulties navigating different regimes.

However, the Constitution of BH provides mechanisms for transferring responsibilities to the State level. Article III/5 allows redistribution of competences in three cases: when agreed by the entities, when provided for in Annexes 5 - 8 of the Dayton Agreement, or when necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of BiH. The

²⁸ Ibid, pp. 380 – 382.

²⁹ Alihodžić, 2012, pp. 219 – 221.

³⁰ Parliament of the Federation of Bosnia and Herzegovina. *Nacrt Zakona o sportu (Draft Law on Sport)*.

³¹ Alihodžić, 2012, pp. 223-229.

constitutional text separates these conditions with semicolons, which implies that each condition independently constitutes a sufficient basis for the assumption of responsibility by State institutions. This means that the State can acquire competence in a given field without requiring explicit entity consent, provided one of the conditions is met.³²

On this constitutional basis, the Law on Sport of Bosnia and Herzegovina (hereinafter: LoS BH)³³ was adopted. Alongside this State law, the Law on Sport of Republika Srpska and several cantonal laws in the Federation remain in force. The State LoS BH addresses issues of particular importance, especially those with international implications. Articles 49 and 61 of the LoS BH prohibit doping in sport and establish ADA BH. By centralizing anti-doping regulation, Bosnia and Herzegovina ensures compliance with international standards and safeguards its participation in global sporting events.

3.2.2 Reference to International Instruments and the Primacy of International Law in Bosnia and Herzegovina

Bosnia and Herzegovina's constitutional framework places international law at the very foundation of its domestic legal order. Article III/3b of the Constitution explicitly provides that the general principles of international law are a constituent part of the legal system, which means that the principle of *pacta sunt servanda*, the obligation to respect and fulfill international agreements in good faith, has direct constitutional force.³⁴ The Constitutional Court has confirmed this interpretation, most notably in case U-5/09,³⁵ where it examined the compatibility of the Law on Protection of Domestic Production³⁶ with CEFTA obligations. The Court held that non-compliance with an international commitment simultaneously constituted a violation of Article III/3b, thereby establishing that international law prevails over conflicting national legislation. This jurisprudence underscores that Bosnia and Herzegovina's constitutional order is inseparably linked to its international

³² Alihodžić, Meškić & Duraković, 2019, pp. 157-158.

³³ Official Gazette BH, No. 27/08, 102/09, 66/16.

³⁴ Alihodžić, Meškić & Duraković, 2019, p. 155.

³⁵ U-5/09, Official Gazette, No. 18/10, from 9.3.2010.

³⁶ Official Gazette B&H, No. 49/09, the B&H Constitutional Court repealed the Law.

obligations, and that failure to comply with them is not only a breach of treaty law but also a constitutional violation.³⁷

This principle is particularly evident in the field of anti-doping regulation. Bosnia and Herzegovina has ratified the European Convention against Doping in Sport³⁸ and the UNESCO Convention, thereby assuming binding obligations to harmonize its domestic framework with the WADA Code and related international standards. Acting on these commitments, the ADA BH adopted in November 2020 the *Instruction on the Implementation and Application of the World Anti-Doping Code 2021, International Standards and Anti-Doping Rules in Bosnia and Herzegovina*.³⁹ Entering into force on 1 January 2021, this Instruction explicitly provides that the Code, international standards, and national anti-doping rules apply directly and take precedence over domestic legislative and sub-legislative acts. It further requires the Olympic Committee, the Paralympic Committee, and all sports federations to align their statutes and internal regulations with the Code and to ensure that their members are informed of the new obligations. In this way, international instruments penetrate the domestic legal order and directly shape the governance of doping in sport. The Instruction of the ADA BH illustrates how the State seeks to overcome structural challenges by mandating harmonization not only at the State level but also within the organizational frameworks of sports federations, thereby extending the reach of *lex sportiva* into civil society institutions. Thanks to this alignment, the ADA BH applies the Anti-Doping Rules of Bosnia and Herzegovina, which are fully harmonized with the 2021 WADA Model rules for National anti-doping organizations,⁴⁰ thereby guaranteeing consistency with global standards and ensuring that the State fulfills its international commitments in good faith.

The 2021 Model Rules for National Anti-Doping Organizations were adopted pursuant to the WADA Code and the related International Standards that entered into force on 1 January 2021. Their primary objective is to assist National Anti-Doping Organizations in implementing the requirements of the Code within domestic legal and sporting systems and to ensure harmonization of anti-doping regulation at the international level. The Model Rules therefore represent a

³⁷ Alihodžić, Meškić & Duraković, 2019, pp. 155 – 156.

³⁸ The Convention has been in force in Bosnia and Herzegovina on the basis of succession since 1 February 1995.

³⁹ ADA BH, *Dokumenti agencije*.

⁴⁰ *Model Rules for National Anti-Doping Organizations 2021*.

standardized legal framework intended to facilitate the effective functioning of national anti-doping systems and to promote consistency in the global fight against doping in sport.

The structure of the Model Rules distinguishes between provisions that must be reproduced without substantive modification and provisions that may be adapted to domestic institutional and legal circumstances. Certain clauses identified by the Code are mandatory and must remain materially identical in all national anti-doping regulations.⁴¹ This approach reflects the need to uniformly interpret and apply anti-doping obligations across jurisdictions. At the same time, the Model Rules recognize that limited adjustments may be necessary depending on whether a National Anti-Doping Organization operates through public legislation, governmental policy, or private-law arrangements.

The commentary accompanying the Code also plays an important interpretative role. Although National Anti-Doping Organizations are not obliged to reproduce such commentary in their domestic regulations, the Code requires that the commentary be recognized as having the same interpretative value as within the Code itself.⁴² In this way, the commentary serves as an authoritative guide to apply and interpret anti-doping provisions.

WADA strongly recommended that National Anti-Doping Organizations adopt new anti-doping rules based directly on the 2021 Model Rules instead of merely amending previous regulations. Such an approach contributes to legal certainty, facilitates the correct use of cross-references, and reduces interpretative difficulties for athletes, sports organizations, and disciplinary bodies. The overall purpose of harmonization is to ensure coherent implementation of anti-doping standards throughout the international sporting system.

In Bosnia and Herzegovina, the anti-doping framework is implemented through the Anti-Doping Rules adopted by ADA BH.⁴³ These Rules are adopted in accordance with the responsibilities assigned to ADA BH under Article 20.5 of the WADA

⁴¹ Ibid, pp. 2-3.

⁴² Ibid.

⁴³ *Anti-Doping Rules BH*, pp. 4-5.

Code⁴⁴ and are intended to support the prevention of doping in sport within Bosnia and Herzegovina.

The Rules define themselves as sports regulations governing the conditions for participation in sport and expressly characterize their legal nature as *lex specialis* in relation to criminal and civil legislation. Consequently, they prevail over general national legal standards applicable in ordinary judicial proceedings, while remaining subject to the principles of proportionality and respect for human rights. Courts, arbitral tribunals, and other adjudicative bodies are required to acknowledge the specific character of anti-doping regulations and the fact that these rules implement a globally accepted framework established through the consensus of stakeholders in international sport.

The introductory provisions of the Rules emphasize the objectives of anti-doping programs. Their purpose is to preserve the “spirit of sport,” understood as the ethical pursuit of human excellence through the development of natural talent. Anti-doping measures are therefore intended not only to sanction prohibited conduct but also to protect athletes’ health and safeguard the integrity of sporting competition. Accordingly, the Rules identify values associated with the spirit of sport, including health, ethics, fair play, honesty, respect for rules, dedication, teamwork, courage, solidarity, and respect for other participants.

The institutional role of ADA BH is defined in accordance with the LoS BH, pursuant to which the Agency was established as an independent administrative organization responsible for monitoring, coordinating, proposing, and implementing anti-doping measures. Since commencing operations in 2009, ADA BH has been entrusted with implementing international anti-doping conventions, the WADA Code, International Standards, and the rules of relevant international sporting bodies, including the International Olympic Committee and international sports federations. Although accountable to the Council of Ministers of Bosnia and Herzegovina, ADA BH is required under the Code to maintain operational independence from sports organizations and governmental authorities, particularly regarding decisions and activities related to doping control.⁴⁵

⁴⁴ Article 20.5. of the WADA Code 2021, p. 129.

⁴⁵ Article 20.5.1. of the WADA Code 2021.

The Rules also provide that ADA BH is responsible for all aspects of doping control. Although certain functions may be delegated to third parties, any delegated activities must be conducted in accordance with the Code, the International Standards, and the Anti-Doping Rules. Ultimate responsibility for ensuring compliance nevertheless remains with ADA BH.

The scope of application of the Rules is broadly defined. They apply to ADA BH and its personnel, national sports federations and their affiliated entities, as well as athletes, athlete support personnel, and other persons participating in sport within Bosnia and Herzegovina, irrespective of nationality or residence. This includes athletes and support personnel who are members of national federations, participants in competitions and sporting events organized or recognized by such federations, and persons subject to anti-doping authority through licensing, accreditation, contractual relationships, or other legal connections with sports organizations.⁴⁶

The Rules further extend to recreational athletes under specified conditions, particularly where such individuals have not competed at the international or national elite level within a defined period. In addition, they apply to all athletes who are nationals or residents of Bosnia and Herzegovina, as well as athletes present within its territory for training, competition, or other sporting activities.⁴⁷

Participation in sport within Bosnia and Herzegovina is deemed to constitute acceptance of the Anti-Doping Rules and of the jurisdiction of ADA BH. Persons subject to the Rules are therefore bound by the disciplinary and appellate procedures established therein, including the jurisdiction of disciplinary panels responsible for adjudicating anti-doping matters.

Finally, the Rules determine which athletes are considered athletes of national level for the purpose of applying specific anti-doping obligations. These include athletes categorized under the national classification system, holders of licenses issued by recognized national sports federations, and participants in national championships organized by such federations. However, athletes classified by their international

⁴⁶ *Anti-Doping Rules BH*, pp. 4-5.

⁴⁷ *Ibid.*

federations as international-level athletes are treated accordingly for the purposes of the Anti-Doping Rules BH. Significantly, WADA has adopted the new *Model Rules for National Anti-Doping Organizations 2027*,⁴⁸ and in the forthcoming period national anti-doping agencies will be required to harmonize their regulations with these rules, which are scheduled to enter into force on January 1, 2027.

4 Athletes' Right to a Fair Trial in Anti-Doping Proceedings

4.1 Procedural Safeguards for Sport Integrity and Athletes' Fair Trial Rights in Disciplinary Proceedings

The integrity of sport, in connection with the applicable anti-doping regulations previously discussed, is safeguarded by the principle of strict liability,⁴⁹ pursuant to which an anti-doping rule violation shall be deemed to have occurred whenever a prohibited substance is detected in an athlete's sample.⁵⁰ It is the duty of every athlete to ensure and undertake all necessary measures to prevent any prohibited substance from entering their body, and this constitutes the athlete's personal responsibility.⁵¹ Accordingly, athletes and other persons are obliged to acquaint themselves with the substances and methods included on the annually published List of Prohibited Substances,⁵² from which it follows that ignorance of such regulation cannot serve as a justification. This applies equally to situations involving the use of a contaminated product recommended to the athlete by a coach or club physician.⁵³

While liability under Article 2 of WADA Code and respective Anti-doping Rules is strict, the sanctioning authority calibrates the penalty by reference to the athlete's degree of fault or negligence, which means that a sanctioning regime is both proportionate and individualized. With respect to the duration of the period of ineligibility, the regulatory framework establishes a defined range and an upper ceiling, while the precise sanction is determined in light of various factors, including the nature of the violation, whether the detected substance is specific or non-specific, and the athlete's degree of fault or negligence. Aggravating

⁴⁸ WADA *Model Rules for National Anti-Doping Organizations*, 2027.

⁴⁹ See comment no. 7 to WADA Code 2021.

⁵⁰ Article 2.1. of the WADA Code and Article 2.1. of the respective Anti-doping Rules BH.

⁵¹ Ibid.

⁵² ADA BH *List of Prohibited Substances* 2026.

⁵³ Đurđević, 2015, p. 464.

circumstances, such as trafficking or administration, justify more severe sanctions, while mitigating circumstances, such as the absence of significant fault, may reduce the penalty. In this way, the framework ensures that punishment corresponds to both the seriousness of the violation and the athlete's personal responsibility with the final goal of preserving sport integrity.

Conversely, when a prohibited substance is introduced into the athlete's body, it is essential to determine whether the existing anti-doping rules provide sufficient guarantees for a fair trial. The right to a fair trial is a cornerstone of international human rights law and is particularly relevant in the field of anti-doping regulation. Due to the civil nature of anti-doping cases,⁵⁴ it comprises four essential elements: the right to a fair hearing, the right to an independent and impartial tribunal established by law, the right to a public hearing and the public pronouncement of judgments, and the right to a fair trial within a reasonable time. These guarantees are enshrined in Article 6.1. of the European Convention on Human Rights (hereinafter: ECHR)⁵⁵ and form part of the European principle of the rule of law.⁵⁶ They are also reflected in other international instruments. The UNESCO Convention, in paragraph 2 of its preamble, explicitly refers to existing international instruments for the protection of human rights, thereby situating anti-doping regulation within the broader framework of fundamental rights. The WADA Code 2021 reinforces these principles, particularly in Comment 52, in regard to Article 8.1., which emphasizes that athletes must be afforded a timely, fair, and impartial hearing during the results management process. This provision is not intended to replace the rules of each anti-doping organization but to ensure that all organizations, including national Hearing Panels, provide a hearing process consistent with internationally accepted principles.

The wording of Article 6 of the ECHR,⁵⁷ as well as the jurisprudence of the European Court of Human Rights (hereinafter: ECtHR) confirms the applicability of Article 6.1. to sports arbitration. In *Mutu and Pechstein v. Switzerland*,⁵⁸ the ECtHR held that disputes concerning doping sanctions involve civil rights and obligations,

⁵⁴ Grabenwarter, 2014, p. 107; see also Costa, 2019, pp. 5-6.

⁵⁵ *European Convention on Human Rights*.

⁵⁶ Grabenwarter, 2014, p. 100.

⁵⁷ *Ibid*, pp. 113 – 126.

⁵⁸ *Mutu and Pechstein v. Switzerland*, 2018.

thereby falling within the scope of Article 6.1.⁵⁹ It recognized CAS as a tribunal established by law, independent and impartial,⁶⁰ while noting deficiencies such as the absence of public hearings.⁶¹ This decision, together with *FNASS v. France*⁶² in which the Court held that, although location reporting duties interfere with athletes' private life, they are justified by overriding public interest considerations in combating doping and safeguarding health, so the respondent State achieved a fair balance of interests and no violation of Article 8 was found,⁶³ confirmed the compatibility of the WADA Code, respective international standards, national Anti-doping Rules and CAS Code with human rights standards, provided that fair trial guarantees are respected.

Following the procedural public policy guarantees found in Article 190(2) of Switzerland's Federal Act on Private International Law,⁶⁴ the Swiss Federal Tribunal has repeatedly affirmed the importance of fair trial guarantees in CAS proceedings. In several cases⁶⁵ it confirmed that CAS must respect procedural fairness and that violations of commonly recognized principles create an intolerable contradiction with the sentiments of justice.⁶⁶ In this way, the Tribunal ensures that CAS proceedings remain consistent with constitutional standards. The ECtHR has also recognized that certain rights under Article 6 may be waived, though not all. In *Osmo Suovaniemi v. Finland*,⁶⁷ the ECtHR held that waivers must be unequivocal and consistent with public interest. Besides, athletes often face mandatory arbitration clauses in federation statutes or Olympic entry forms, raising questions about

⁵⁹ Paras. 56 – 59 of the *Mutu and Pechstein v. Switzerland* reads: The Court reiterates that Article 6 § 1 applies only to the determination of “civil rights and obligations or of any criminal charge. As regards application no.40575/10, the Court notes that the first applicant complained about the arbitral award of 31 July 2009, which ordered him to pay damages to Chelsea Football Club. The rights in question are clearly of a pecuniary nature and stem from a contractual relationship between private persons. They are therefore ‘civil’ rights within the meaning of Article 6 of the Convention. As regards application no.67474/10, the Court observes that it is the award of 25 November 2009, confirming the second applicant’s suspension for two years, which is at issue. Here too, as this is a disciplinary procedure before the professional bodies and in the context of which the right to carry on an occupation is at stake, there is no doubt as to the “civil” nature of the rights in question. Article 6 § 1 of the Convention is therefore applicable to the disputes, forming the subject matter of the present case, to which the applicants were parties before the CAS’.

⁶⁰ *Mutu and Pechstein v. Switzerland*, 2018, para. 149. See also: Costa, 2019, pp. 5-6.

⁶¹ *Mutu and Pechstein v. Switzerland*, 2018, para. 183.

⁶² *FNASS v. France*, 2018.

⁶³ *FNASS v. France*, 2018, para. 159 and 191.

⁶⁴ Switzerland's Federal Act on Private International Law, Article 190(2).

⁶⁵ *Guillermo Cañas v. Association of Tennis Professionals World Tour (World Tour ATP)*, 2005 and *Marc Biolley [Representative of A. Sport] v. Association Y. & TAS*, 2008, cited according to Černič, 2014, pp. 7-8.

⁶⁶ *A. and B. v. IOC and FIS (Lazutina)*, 2012; Serb, 2025, p.12.

⁶⁷ *Osmo Suovaniemi v. Finland*, 1996.

whether consent to CAS arbitration constitutes a waiver of access to ordinary courts. Scholars argue that athletes are effectively compelled to accept arbitration, limiting their freedom of choice.⁶⁸

The principle of equality of arms requires that parties have a fair opportunity to present their case without disadvantage.⁶⁹ In *Kress v. France*,⁷⁰ the ECtHR emphasized this requirement. CAS proceedings must respect adversarial principles, allowing parties to comment on evidence.⁷¹ While equality of arms can theoretically be waived through arbitration agreements, the Swiss Federal Tribunal continues to monitor compliance from a procedural standpoint.⁷² A contentious issue in CAS jurisprudence is the burden of proof in anti-doping cases. In the *Contador* case,⁷³ the CAS applied the balance of probabilities standard, requiring athletes to prove the absence of prohibited substances. Critics argue that strict liability undermines fair trial rights, as athletes bear an excessive burden. While proof beyond reasonable doubt may be impractical in doping disputes, scholars suggest adopting a standard requiring substantial grounds for believing an offence occurred. This would balance the fight against doping with procedural fairness.⁷⁴

Article 6 of the ECHR requires tribunals to be independent and impartial. In assessing compliance with this requirement, several factors must be satisfied. Foremost, the independence of a tribunal is evaluated, *inter alia*, on the basis of the manner in which its members are appointed, the duration of their term of office, the existence of safeguards against external influence and the freedom from instructions, as well as whether the body appears to be independent.⁷⁵ CAS's independence was first scrutinized in *Gundel v. FEI*,⁷⁶ where the Swiss Federal Tribunal noted its ties to the IOC and recommended greater autonomy. The creation of the International Council of Arbitration for Sport improved independence by overseeing arbitrator appointments.⁷⁷ Arbitrators serve renewable four-year terms and must declare independence. However, concerns remain about transparency in selection and

⁶⁸ Černić, 2014, p. 9; Serb, 2025, pp. 17-18.

⁶⁹ Grabenwarter, 2014, p. 134.

⁷⁰ *Kress v. France*, 2001.

⁷¹ Černić, 2014, p. 10.

⁷² *Ibid.*

⁷³ *Contador*, 2011.

⁷⁴ Černić, 2014, pp. 10-11.

⁷⁵ Grabenwarter, 2014, pp. 116-117.

⁷⁶ *Gundel v. FEI*, 1992; *Mavromati & Reeb*, 2015, pp. 505-506.

⁷⁷ Serb, 2025, pp. 7.

potential external influence. The Tribunal has held that independence must be assessed case by case, based on objective facts. Impartiality requires absence of bias, assessed both subjectively and objectively.⁷⁸ CAS statutes mandate disclosure of circumstances affecting independence, and arbitrators may be challenged if doubts arise. Even the appearance of bias suffices for removal.⁷⁹ The Swiss Federal Tribunal reviews CAS awards to ensure impartiality, reinforcing the principle that justice must not only be done but be seen to be done.⁸⁰

The question of whether the same rigorous standards of independence and impartiality required of the CAS must also apply to internal disciplinary bodies or first-instance panels is nuanced. Article 13 of the WADA Code 2021 and respective Anti-doping Rules BH, together with the jurisprudence of the European Court of Human Rights, provides useful guidance. The ECHR has consistently held that Article 6 of the ECHR requires a fair trial before an independent and impartial tribunal. However, its case law (for example, *Mutu and Pechstein v. Switzerland*) clarifies that deficiencies at the first level of adjudication do not automatically amount to a violation, provided that the appeal lies to a body with “full jurisdiction.” Such a tribunal must be competent to review both facts and law, thereby curing any shortcomings of the initial body. In this sense, the CAS qualifies as such a tribunal, since it reassesses the merits comprehensively and offers procedural safeguards such as recusal mechanisms and conflict-of-interest rules. According to Costa,⁸¹ internal sporting bodies or disciplinary committees are often structurally embedded within federations, making complete independence difficult to achieve. Their “operational independence” may suffice at the preliminary stage, but it does not reach the same threshold as the CAS.⁸² The risk of bias is inherent in their composition, yet this is mitigated by the availability of appeal to CAS. Thus, international human rights standards do not demand that these first-instance bodies meet the same level of impartiality as CAS, so long as the appellate review is robust.⁸³ While independence and impartiality remain fundamental principles, the ECHR jurisprudence accepts a differentiated approach: internal panels, such as ADA BH Hearing Panel as well as ADA BH Appeals Board, may operate with guarantees provided for in Article 8,

⁷⁸ Grabenwarter, 2014, p. 120.

⁷⁹ See: R33 and R34 of the CAS Code – Procedural Rules.

⁸⁰ Černič, 2014, pp. 10-11.

⁸¹ Costa, 2019, p. 32.

⁸² Ibid.

⁸³ Ibid.

provided that CAS, as a tribunal of full jurisdiction, ensures compliance with the right to a fair trial.

Article 6 of the ECHR also requires tribunals to be established by law.⁸⁴ Legal courts of arbitration with compulsory jurisdiction do also fall within the scope of this article.⁸⁵ In *Zand v. Austria*,⁸⁶ the ECtHR explained that judicial organization must be regulated by law, not executive discretion. CAS, created by the IOC, is arguably not a tribunal established by law in the strict sense, as it functions primarily as an arbitral body.⁸⁷ Nonetheless, its awards carry binding force between parties, and the Swiss Federal Tribunal provides judicial oversight. The hybrid nature of CAS, part arbitral, part quasi-judicial, complicates its classification but does not exempt it from fair trial guarantees.

In terms of public hearing, Article 6 of the European Convention encompasses the right to a public trial and to a publicly pronounced judgment.⁸⁸ The ECtHR in *Martine v. France*⁸⁹ emphasized that publicity prevents secret justice, and contributes to achieving a fair trial, the guarantee of which is one of the fundamental principles of any democratic society, within the meaning of the Convention. CAS rules, however, mandate confidentiality, excluding public access unless parties consent.⁹⁰ This raises doubts about compliance with Article 6 of the ECHR. While arbitration traditionally excludes strangers, the lack of public hearings at CAS may undermine perceptions of fairness, even if confidentiality serves practical purposes in sports disputes.⁹¹

4.2 *De Novo* Review Before CAS: Guarantees of Protection against Abuse

The appellate procedure before the CAS, as determined by Article R57 of the CAS Procedural Rules, was first incorporated into these rules in 1994. Since then, the provision has evolved through several amendments, gradually strengthening CAS's

⁸⁴ Grabenwarter, 2014, pp. 115-116.

⁸⁵ Ibid.

⁸⁶ *Zand v. Austria*, 1976.

⁸⁷ Černič, 2014, p. 15.

⁸⁸ Grabenwarter, 2014, p. 145.

⁸⁹ *Martine v. France*, 2000, para. 39.

⁹⁰ R43 of the CAS Code – Procedural Rules reads: "Proceedings under these Procedural Rules are confidential. The parties, the arbitrators and CAS undertake not to disclose to any third party any facts or other information relating to the dispute or the proceedings without the permission of CAS. Awards shall not be made public unless all parties agree or the Division President so decides."

⁹¹ Černič, 2014, p. 17; Kozłowska –Rautiainen, 2020, pp. 142-144.

jurisdiction with respect to the scope of review of first-instance decisions. Beginning in 2003, CAS was granted the authority to issue a new decision replacing the contested one, or to annul the first-instance decision and remit the matter for reconsideration. Further amendments in 2013 introduced the tribunal's discretion to exclude evidence submitted by the parties if such evidence was available to them, or could reasonably have been discovered, prior to the issuance of the contested decision. The expanded scope of review and the possibility of a *de novo* hearing reflect the objective of enabling parties to present their case before an independent arbitral tribunal, given that disciplinary bodies of sports organizations are not required to meet the standards of independence applicable to arbitral tribunals.⁹² Pursuant to Article R57, CAS is empowered to re-examine both factual and legal issues, to conduct a wholly new procedure, and to render a new decision in accordance with the applicable rules. This entails that CAS may admit new claims for relief, new evidence, and new legal arguments, subject to certain limitations - most notably the exclusion of evidence that was available to the parties prior to the contested decision. CAS also possesses full authority to remedy procedural deficiencies arising from the conduct of the first-instance body.⁹³

Article R57 thus provides CAS with three distinct options: (i) to annul and replace the decision of the lower instance with a new ruling; (ii) to partially uphold the appeal and modify the contested decision; or (iii) to annul the decision and remit the matter to the same body for reconsideration.⁹⁴ In practice, the application of Article R57 involves the reassessment of new facts, evidence, legal arguments, and claims for relief.⁹⁵

The admissibility of new facts in CAS appellate proceedings raises questions of procedural economy, particularly where the first-instance decision was rendered by an arbitral body such as the Basketball Arbitral Tribunal (BAT).⁹⁶ Nonetheless, this possibility is justified in cases where a party such as WADA, which did not participate in the first-instance proceedings, seeks to intervene on appeal, especially where the initial panel may have too readily accepted the athlete's explanations.⁹⁷

⁹² Mavromati & Reeb, 2015, pp. 505-507.

⁹³ *Ibid.*, p. 508.

⁹⁴ *Ibid.*, p. 509.

⁹⁵ Rigozzi & Hasler, 2018, pp. 1569 - 1664.

⁹⁶ *Ibid.*, p. 1659.

⁹⁷ *Ibid.*

Article R57(3) expressly permits the introduction of new evidence, whether related to factual assertions made before the first-instance body or to newly raised factual allegations. However, in our view, the potential for abuse is greater in relation to new evidence than to new facts, since the factual background of the dispute, supported by evidence before the first-instance tribunal, may be radically altered or even contradicted by evidence presented before CAS, thereby undermining the first-instance proceedings.

For this reason, the discretion afforded to CAS under Article R57 (3) to exclude evidence that was available to the parties prior to the contested decision is well-founded. This discretion, however, is properly exercised only where the first-instance body constituted a genuine (independent) tribunal.⁹⁸ Given the composition, conditions of establishment, transparency, and the availability of CAS review, we submit that this provision should also apply to decisions of national hearing panels established under the WADA Code and relevant anti-doping rules.

It is important to distinguish the introduction of new evidence from the deliberate presentation of testimony before CAS that directly contradicts testimony given before the first-instance body, which may decisively affect the determination of sanctions.⁹⁹ For example, if a club physician testifies at first instance that he examined the product consumed by the athlete only after the positive test result was received, but later testifies before CAS that he had thoroughly investigated the product prior to recommending it, such conduct constitutes an abuse. In such circumstances, the exclusion of evidence must be carefully reasoned to ensure the integrity of the proceedings.

CAS is also free to decide irrespective of the legal arguments advanced by the parties. Moreover, under Article R57, parties may amend their claims for relief before CAS. However, CAS remains bound by the subject matter of the dispute as defined before the first-instance body.¹⁰⁰ This limitation does not apply in cases of appeals lodged by “third parties,” such as WADA, whose claims CAS may adjudicate even if they

⁹⁸ Ibid, p. 1660.

⁹⁹ Article R 44.2. Reads: »Before hearing any witness, expert or interpreter, the Panel shall solemnly invite such person to tell the truth, subject to the sanctions of perjury.«

¹⁰⁰ Ibid, p. 1662.

extend beyond the scope of the original dispute, particularly where the first-instance body declined to decide fully or partially on the matter.¹⁰¹

5 Conclusion

The institutional and legal framework of anti-doping regulation in Bosnia and Herzegovina illustrates how constitutional fragmentation can be reconciled with international responsibility through the primacy of international law and the central role of the national ADA BH. By embedding the WADA Code and UNESCO Convention into its domestic order, Bosnia and Herzegovina has ensured that athletes are subject to clear substantive obligations while simultaneously benefiting from procedural safeguards. The layered adjudicatory structure: national hearing panels, appellate review, and ultimately *de novo* proceedings before the CAS, provides a coherent mechanism that balances sporting integrity with the athlete's right to a fair hearing.

Although CAS jurisprudence has at times adopted nuanced positions regarding the scope of appellate review, in doping cases its approach is unequivocally *de novo*. This standard is justified by the varying diligence, consistency, and resources of first-instance panels across jurisdictions. *De novo* review protects athletes and institutions alike, enhances harmonization, corrects factual and legal errors, checks extreme outcomes, and ensures that the *lex sportiva* remains coherent and trustworthy.¹⁰² CAS's tripartite framework of culpability further reinforces proportionality and consistency in sanctioning. Bosnia and Herzegovina thus offers a compelling case study of how effective governance in anti-doping requires both robust institutional design and unwavering commitment to fundamental rights.

Legal Acts, Case-law

A. and B. v. IOC and FIS (Lazutina), Case 4A_198/2012, Judgment of the Swiss Federal Court of December 14, 2012.

ADA BH (Anti-Doping Agency of Bosnia and Herzegovina). Anti-Doping Rules of Bosnia and Herzegovina. Retrieved from: <https://ada.gov.ba/index.php/bs/dokumenti-agencije> (accessed: May 13, 2026).

¹⁰¹ Ibid, p. 1663.

¹⁰² *WADA v. IWF & Yenny Fernanda Alvarez Caicedo*, 2016.

- ADA BH (Anti-Doping Agency of Bosnia and Herzegovina). *Instruction on the Implementation and Application of the World Anti-Doping Code 2021, International Standards and Anti-Doping Rules in Bosnia and Herzegovina*. Retrieved from: <https://www.ada.gov.ba/index.php/bs/dokumenti-agencije> (accessed: May 13, 2026).
- ADA BH (Anti-Doping Agency of Bosnia and Herzegovina). *List of Prohibited Substances 2026*, Official Gazette BH, No. 75/2025, from December 16, 2025. Retrieved from: <https://ada.gov.ba/index.php/bs/antidoping/lista-zabranjenih-sredstava> (accessed: May 18, 2026).
- ADA BH (Anti-Doping Agency of Bosnia and Herzegovina). *Nadležnosti*. Retrieved from: <https://www.ada.gov.ba/index.php/bs/o-nama/nadleznosti> (accessed: May 7, 2026).
- CAS (Court of Arbitration for Sport). *ADD Procedural Rules*. Retrieved from: <https://www.tas-cas.org/en/add/procedural-rules> (accessed: May 6, 2026).
- CAS (Court of Arbitration for Sport). *CAS 2011/A/2384 UCI v. Alberto Contador Velasco & RFEC; CAS 2011/A/2386 WADA v. Alberto Contador Velasco & RFEC*. Retrieved from: <https://jurisprudence.tas-cas.org/Shared%20Documents/2384,%202386.pdf> (accessed: May 13, 2026).
- CAS (Court of Arbitration for Sport). *CAS Code – Procedural Rules*. Retrieved from: <https://www.tas-cas.org/en/arbitration/code-procedural-rules> (accessed: May 19, 2026).
- CAS (Court of Arbitration for Sport). *G. v. Fédération Equestre Internationale (FEI), CAS 1992/A/63*. Retrieved from: <https://jursmundi.com/en/document/decision/fr-g-v-federation-equestre-internationale-fei-sentence-thursday-10th-september-1992> (accessed: May 19, 2026).
- CAS 2013/A/3327 Marin Cilic v. International Tennis Federation (ITF) & CAS 2013/A/3335 International Tennis Federation (ITF) v. Marin Cilic, award of 11 April 2014 (operative part of 25 October 2013).
- CAS (Court of Arbitration for Sport). *The Court*. Retrieved from: <https://www.tas-cas.org/en/general-information/the-court> (accessed: May 6, 2026).
- Council of Europe. *European Convention against Doping in Sport*. Retrieved from: <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=135> (accessed: May 13, 2026).
- Council of Europe. *European Convention on Human Rights*. Retrieved from: https://www.echr.coe.int/documents/d/echr/convention_eng (accessed: May 18, 2026).
- ECtHR, *FNASS v. France*, app. nos. 48151/11 and 77769/13, judgment from 18.1.2018. Retrieved from: <https://hudoc.echr.coe.int/eng?i=001-180276> (accessed: May 18, 2026).
- ECtHR, *Kress v France*, Grand Chamber, app. no. 39594/98, 7.6.2001. Retrieved from: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-59511%22%5D%7D> (accessed: May 13, 2026).
- ECtHR, *Martinie v. France*, app. no. 58675/00, 12.4.2006. Retrieved from: <https://hudoc.echr.coe.int/fre?i=001-73196> (accessed: May 13, 2026).
- ECtHR, *Mutu and Pechstein v. Switzerland*, app. nos. 40575/10 and 67474/10, judgment final 4.2.2019, Retrieved from: <https://hudoc.echr.coe.int/fre?i=001-186828> (accessed: May 13, 2026).
- ECtHR, *Osmo Suovaniemi v. Finland*, app. no. 31737/96. Retrieved from: <https://hudoc.echr.coe.int/eng?i=001-4942> (accessed: May 19, 2026).
- ECtHR, *Zand v. Austria*, app. no. 7360/76, 16.5.1976. Retrieved from: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-87873&filename=ZAND%20v.%20AUSTRIA.pdf> (accessed: May 19, 2026).
- Federal Council of Switzerland. *Federal Act on Private International Law*. Retrieved from: https://www.fedlex.admin.ch/eli/cc/1988/1776_1776_1776/en (accessed: May 18, 2026).
- G. v. Fédération Equestre Internationale (FEI), CAS 1992/A/63. Retrieved from: <https://jursmundi.com/en/document/decision/fr-g-v-federation-equestre-internationale-fei-sentence-thursday-10th-september-1992> (accessed: May 19, 2026).
- Guillermo Cañas v. Association of Tennis Professionals World Tour (World Tour ATP), CAS 2005/A/951.

- Instruction on the Implementation and Application of the World Anti-Doping Code 2021, International Standards and Anti-Doping Rules in Bosnia and Herzegovina*. Retrieved from: <https://www.ada.gov.ba/index.php/bs/dokumenti-agencije> (accessed: May 13, 2026).
- Law on Sport in Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, no. 27/08, 102/09, 66/16.
- List of Prohibited Substances 2026, Official Gazette BH, No. 75/2025, from 16.12.2025. Retrieved from: <https://ada.gov.ba/index.php/bs/antidoping/lista-zabranjenih-sredstava> (accessed: May 18, 2026).
- Marc Biolley* [Representative of A. Sport] *v. Association Y. & TAS*, 4A_506/2007 (2008).
- Switzerland's Federal Act on Private International Law. Retrieved from: https://www.fedlex.admin.ch/eli/cc/1988/1776_1776_1776/en (accessed: May 18, 2026).
- U-5/09, BH Constitutional Court, Official Gazette, No. 18/10, from 9.3.2010.
- UNESCO (2005). *International Convention against Doping in Sport*. Retrieved from: <https://www.unesco.org/en/legal-affairs/international-convention-against-doping-sport> (accessed: May 13, 2026).
- WADA (2021). *2021 Model Rules for National Anti-Doping Organizations*. Retrieved from: https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_nado_model_rules_-_v.2.doc.docx (accessed: May 15, 2026).
- WADA (World Anti-Doping Agency) (2021). *The World Anti-Doping Code 2021*. Retrieved from: https://www.wada-ama.org/sites/default/files/resources/files/2021_wada_code.pdf (accessed: May 8, 2026).
- WADA (World Anti-Doping Agency) (2027). *Model Rules for National Anti-Doping Organizations*. Retrieved from: <https://www.wada-ama.org/en/resources/model-rules-ados/2027-model-rules-national-anti-doping-organizations> (accessed: May 15, 2026).
- WADA (World Anti-Doping Agency). *What We Do*. Retrieved from: <https://www.wada-ama.org/en/what-we-do> (accessed: May 2, 2026).
- WADA (World Anti-Doping Agency). *Who We Are*. Retrieved from: <https://www.wada-ama.org/en/who-we-are> (accessed: May 2, 2026).

References

- Alihodžić, J. (2012) Razvoj evropskog međunarodnog privatnog prava: pravci reforme zakonodavstva u Bosni i Hercegovini. Tuzla: OFF-SET Štamparija Tuzla.
- Alihodžić, J., Meškić, Z. & Duraković, A. (2019). Accepting EU Private International Law Standards into the Legal System of Bosnia and Herzegovina: What Can be Done While Waiting for Godot? *Lexonomica*, 11(2), 151-174.
- Costa, J. P. (2019). Legal opinion 2019 (expert opinion) on the World Anti-Doping Code from 26 September 2019. Retrieved from: https://www.wada-ama.org/sites/default/files/resources/files/avis_2019_code_mondial_en.pdf (accessed: May 18, 2026).
- Černić, J. L. (2014). Emerging Fair Trial Guarantees Before the Court of Arbitration for Sport. IN: Binder, C., Pazartsis, P. & Prost, M. (eds.), *European Society of International Law*. Vienna: ESIL Conference Paper Series, no. 9/14.
- Đurđević, N. (2015). Odmeravanje kazne zabrane učešća sportista na takmičenjima zbog upotrebe dopinga – pravni značaj u slučaju Marina Čilića. *Zbornik radova Pravnog fakulteta u Splitu*, year 52, 2/2015, 461–480.
- Grabewarter, C. (2014). *European Convention on Human Rights - Commentary*. München, Oxford, Baden-Baden, Basel, Portland: Verlag C. H. Beck, Hart Publishing, Nomos, Helbing Lichtenhahn Verlag.
- Kozłowska-Rautiainen, D. (2020). Chapter 9: The Right to a Public Hearing in Arbitration in Light of ECtHR Judgments. IN: Axel Calissendorff, A. & Schödlström, P. (eds), *Stockholm*

- Arbitration Yearbook, Stockholm Arbitration Yearbook Series*, Vol. 2, Kluwer Law International, 137–166.
- Labar, B. (2018). Doping i sport in: Kačer, H. (ed.), *Sportsko pravo*. Split: Sveučilište u Splitu, 527-538.
- Mavromati, D. & Reeb, M. (2015). Commentary on the CAS Procedural Rules, Article 57 (Scope of Panel's Review Hearing). IN: Mavromati, D. & Reeb, M. (eds.), *The Code of the Court of Arbitration for Sport: Commentary, Cases and Materials*. Kluwer Law International, 503–534.
- McLaren, R. H. (2010). Twenty-Five Years of the Court of Arbitration for Sport: A Look in the Rear-View Mirror. *Marquette Sports Law Review*, 20(2), 305-333.
- Pivalica, D. (2018). Doping in sport. IN: Kačer, H. (ed.), *Sportsko pravo*. Split: Sveučilište u Splitu, 519-526.
- Rigozzi, A. & Hasler, E. (2018). Chapter 15, Part II: Commentary on the CAS Procedural Rules, Article 57 (Scope of Panel's Review/Hearing). IN: Arroyo, M. (ed.), *Arbitration in Switzerland: The Practitioner's Guide* (Second Edition), Kluwer Law International, 1569 – 1664.
- Serb, B. (2025). Due Process in Sports Arbitration: the Applicability of Article 6 ECHR to CAS Proceedings. *International Journal of Professional Business Review*, 10(5), 1-20.
- Trnka, K. & Begić, Z. (2025). *Ustavno pravo*. Sarajevo-Tuzla: Pravni fakultet Univerziteta u Tuzli.

