

# 2027 Code & International Standard Update Process: Stakeholder Consultation Phase - International Standard for Intelligence and Investigations (ISII)

Showing: All (64 Comments)

## Article 3 (7)

### Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)

Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

#### General Comments

Defined terms from the 2027 Code that are used in the ISII

National Anti-Doping Organization: isn't education, collecting intelligence etc. also part of a NADO's tasks which should be included in the definition?

Defined terms from the 2027 Code that are used in the ISII

Definition of CAS is missing, see Art. 5.5.1.

Defined terms specific to ISII

With reference to Art. 4.2.1 a broader definition of Raw Information could be considered to make clear that the forms by which raw information may be submitted could be extended. For example, the anonymous disclosure should be extended to non – anonymous disclosure also. Furthermore, the raw information can come in further forms as for example conversations / interviews, telephone calls, video (recordings), etc.

The comment "with reference to Art. 4.2.1" just shows the connection between Art. 3.3 and 4.2.1. Regarding Art. 4.2.1 consider adding "educators" as a source for Raw Information.

### NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)

NADO - NADO

#### General Comments

Defined terms from the 2027 Code

Definition of **CAS** is missing, see Art. 5.5.1

### NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

#### General Comments

##### 3.1

Regarding the definition of National Anti-Doping Organization:

We recommend to add education, collecting intelligence, etc. as further tasks of NADO's

### Sport Integrity Australia

SUBMITTED

Andrew McCowan, Assistant Director Project Management Office (Australia)

NADO - NADO

#### General Comments

Comment to 3.1

### 3.1 Without Prejudice Agreement

SIA has no comment on the definitions in this Article 3.

However, SIA notes our position in relation to the inclusion in the Code and ISII of 'Without Prejudice Agreements' (WPA).

SIA's preferred approach is that the Code provisions relating to WPA are removed.

Our reasoning for this position is the protection can be invoked where necessary and required as part of the results management proceedings. As such WPA can be utilised and relied upon in a way that is fit for purpose and avoids the protection hampering the future use of information as the process evolves (for example where the athlete wishes to seek the benefit of Substantial Assistance provisions but fails to withdraw a WFA).

Our experience is that the meaning and intent of WPA varies across ADOs as well as athletes and their legal counsel, and the manner in which they are invoked and relied upon is inconsistent. Athletes are seeking certainty as to the consequences of providing information at different stages of the process.

If WPA remains or is removed, we recommend WADA develops guidance material as to how WPA should be applied and managed.

#### Suggested changes to the wording of the Article

SIA suggests that WADA develops guidance material on how the WPA should be applied and managed.

#### Reasons for suggested changes

The manner in which WPA are invoked and managed should be consistent across ADOs.

#### Dopingautoriteit

Robert Ficker, Compliance Officer (Netherlands)

NADO - NADO

SUBMITTED

#### General Comments

##### General remark concerning version numbering of the standard:

This version of the standard is written as if it is 5 December 2025 and as if this is the final version.

It would be better to add version numbering with appropriate dates on at least the front page, but preferably in the footing of all pages in order to discern this version from future versions.

This will have historical benefits, will facilitate the understanding of the texts, and avoid mistakes

#### ONAD Communauté française

Julien Magotteaux, juriste (Belgique)

NADO - NADO

SUBMITTED

#### General Comments

De manière générale, par rapport à l'ensemble du processus de mise à jour du Code et des Standards, nous saluons cette première version du Code et des Standards révisés.

En particulier, nous saluons le fait qu'il s'agisse davantage d'une mise à jour plutôt que d'une révision profonde (le Code et les Standards étant arrivés à un bon niveau de maturité et aussi pour des raisons de sécurité juridique).

En revanche, nous regrettons le fait qu'aucune évaluation d'impact n'ait été réalisée, que ce soit par rapport aux règles et législations applicables ou par rapport aux ressources humaines et financières des signataires.

Aussi et comme l'AMA s'y était engagée au début du processus, nous lui redemandons à nouveau que cette évaluation d'impact soit réalisée et ce, le plus rapidement possible, afin que les différentes propositions de modifications (du Code et des Standards) puissent être examinées et évaluées de manière complète et sous tous leurs aspects.

Pour ce qui concerne la proposition d'un nouveau standard sur les renseignements et les enquêtes, une évaluation d'impact globale sur l'ensemble des propositions serait la bienvenue. De même, une explication relative à la nécessité ou non d'adopter un nouveau Standard distinct en la matière serait grandement appréciée, le système actuel fonctionnant plus bien avec l'actuel SICE.

**Chair**

Athlete Council, WADA (Canada)

Other

SUBMITTED

**General Comments****Overall Comment for ISII**

As athletes, we are the stakeholders most likely to be the subject of intelligence and investigation. For that reason, the thoughtful development and strict enforcement of this standard is of great importance to us. In the Stakeholder Engagement phase, ADOs expressed doubts about their capacity to meet the requirements set out in the ISII draft. This raises concern for us about their ability to uphold athletes' rights. While we support the use of intelligence and investigations to optimize anti-doping work, we want the drafting team to exercise caution in mandating I&I work that ADOs may not be able to properly execute. Therefore, we support the use of "should" rather than "shall" in this standard, e.g., in 5.3.2.

**Definitions NADO Operational Independence**

The current (2024) Code redline draft adds on page 112 a definition for "NADO Operational Independence". Under this definition, "a NADO shall not delegate any part of its Doping Control responsibilities to a sport organization or government including, but not limited to, Test distribution planning, Testing, Investigation, or Results Management." The drafting team should check for harmony between the ISII and this definition in the Code, and should consider whether this definition sufficiently allows for cooperation with law enforcement while protecting NADO independence. There seem to be some possible gaps; for example, what happens if a state service assumes the responsibility of an anti-doping investigation without NADO delegation?

**Article 3.3 (1)****Sport Integrity Australia**

Andrew McCowan, Assistant Director Project Management Office (Australia)

NADO - NADO

SUBMITTED

**General Comments**

SIA agrees with the drafting of the defined terms specific to the ISII.

**Article 4 (2)****World Rugby**

David Ho, Senior Manager Anti-Doping Operations (Ireland)

Sport - IF – Summer Olympic

SUBMITTED

**General Comments**

RE 4.2.4 World Rugby are supportive of this principle, but we would ask that consideration is given to the fact that NADOs are in a much stronger position to establish relationships with national law enforcement agencies than an IF, so any mandatory requirements need to be realistic and achievable for all, or nuanced by the type of ADO.

**Chair**

Athlete Council, WADA (Canada)

Other

SUBMITTED

**General Comments****4.2.4 Secure Handling and Sharing of Information**

This article requires that ADOs handle and share raw information and anti-doping intelligence in accordance with the ISDP. What are the provisions in this standard, the ISDP, and/or the Code, which detail the consequences for leaks or other mishandling of athlete information? There should be

consequences when an ADO mismanages a single piece or collection of information, even if there is no pattern or structural problem (nonconformity) warranting a corrective action or a designation of noncompliance.

#### Article 4.1 (1)

##### CHINADA

MUQING LIU, Coordinator of Legal Affair Department (CHINA)  
NADO - NADO

SUBMITTED

##### General Comments

### Purposes of Anti-Doping Intelligence

We support this change. Anti-doping information and intelligence is increasingly applicable to areas beyond Testing and Investigations, including education, scientific research, policy development, etc., and can fully serve as a guide and reference in the entire spectrum of anti-doping activities.

#### Article 4.2.2 (6)

##### Council of Europe

Council of Europe, Sport Convention Division (France)  
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

SUBMITTED

##### General Comments

1. Art 4.2.2.

It would be good to add / highlight that the data should be shared in a secure (encrypted) manner.

2. Art 4.2.2.

The term "Athlete Support Person" should be replaced by "Athlete Support Personnel".

3. Art 4.2.2

Consider adding that the sharing of anti-doping intelligence shall also follow national (data protection) legislation.

##### Sportireland anti-doping unit

Michael Heffernan, Intelligence and Investigations Officer (Ireland)  
NADO - NADO

SUBMITTED

##### General Comments

It may be worth including some reference to the "Third Party Rule" whereby a recipient of intelligence from a trusted partner should not further share this intelligence without the express permission of the original donor.

##### NADA Austria

Dario Campara, Lawyer (Austria)  
NADO - NADO

SUBMITTED

##### General Comments

1. We recommend to add / highlight that the data should be shared in a secure (encrypted) manner

2. We recommend to include that the sharing of AD – Intelligence shall also follow national (data protection) legislation.

## CHINADA

SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)  
NADO - NADO

### General Comments

#### Sharing Anti-Doping Intelligence with Governments

We recommend including the provision for sharing intelligence and information between ADOs and governments. In practice, a significant amount of intelligence and information on anti-doping rule violations (ADRVs) can be obtained through law enforcement activities targeting illegal production, trafficking, smuggling and distribution of doping substances; and ADOs may also uncover evidence of illegal activities during their intelligence gathering and investigations into such violations. Therefore, strengthening the sharing of intelligence and information between ADOs and governments is crucial for strengthening the fight against doping-related illegal activities.

### Suggested changes to the wording of the Article

#### Sharing Anti-Doping Intelligence with Governments

We recommend including the provision for sharing intelligence and information between ADOs and governments.

### Reasons for suggested changes

#### Sharing Anti-Doping Intelligence with Governments

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## Chair

SUBMITTED

Athlete Council, WADA (Canada)  
Other

### General Comments

#### Sharing of Anti-Doping Intelligence

This article requires ADOs to share anti-doping intelligence with other ADOs where necessary. We suggest that the drafting team add requirements for intra-organization sharing as well. For example, what information should an ADO's legal or science department share with its intelligence and investigations department?

## International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)  
Other - Other (ex. Media, University, etc.)

### General Comments

4.2.2

It could be useful to add that ADO "may" also share Anti-Doping Intelligence with other ADO where such disclosure is deemed relevant by both ADOs. This would lay foundation of data sharing of A-D Intelligence for instances where it is not strictly "necessary". This would also be consistent with Article 5.3.8 ISII and its comment.

## Article 4.2.3 (9)

### International Tennis Integrity Agency

SUBMITTED

Nicole Sapstead, Senior Director, Anti-Doping (United Kingdom)

Sport - Other

#### General Comments

The ITIA note the addition to the ISII that '*in the exceptional circumstance an investigation is conducted by WADA.....the Anti-Doping Organization is required to fully cooperate, including - when relevant for the case - disclosing the identity of confidential sources to WADA.*'

The requirement to potentially disclose confidential sources to WADA appears to be a new one. Does WADA see an element of contradiction in ADOs/IFs protecting and gaining the trust of a confidential source whilst also having to inform them that the ADO/IF may also be required to disclose confidential source's identity to WADA? Does this mean a source's confidentiality cannot ultimately be guaranteed?

### UK Anti-Doping

SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

#### General Comments

In relation to the *Summary of Major Changes* document. There is no compelling reason for a signatory to disclose the identity of a confidential source and is in stark contrast to the proposed comment to the article in the ISII draft which states:

*'Where WADA receives an identity disclosure or identity confirmation of a Confidential Source, such information shall be received by WADA in the strictest of confidence and shall only be communicated within WADA on a need-to-know basis.'*

This suggests circumstances where the ADO decides to notify WADA and not an obligation.

#### Suggested changes to the wording of the Article

To be disregarded from the *Summary of Major Changes* document, and assurances must be sought that this will not be the expectation, otherwise law enforcement and other public agencies will cease to engage with UKAD if they were aware of this requirement.

#### Reasons for suggested changes

The decision to reveal the identity of the source must always be with the agreement of the ADO.

### Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)

NADO - NADO

#### General Comments

ADSE can't see the same description in the ISII standard under article 4.2.3 as the comment about the change in the document Summary of Major changes (in red below). However, ADSE support the suggestion in Article 4.2.3 in the I&I Standard (without the exception that the ADO need to disclose the identity of a confidential source to WADA).

Stakeholder Consultation Phase: Summary of Major Changes

Article 4.2.3: Disclosure of Confidential Sources

Confidential sources are essential to the fight against doping. As such, Anti-Doping Organizations have a duty to ensure that they are protected. It is only by ensuring this protection that the anti-doping community shall gain and maintain trust and encourage other sources to come forward. This article therefore expands upon current 2023 ISTI Articles 11.2.2, 11.4.2, and 11.4.3, and stipulates in its comment that in the **exceptional circumstance an investigation is conducted by WADA, pursuant to Code Article 20.7.14, the Anti-Doping Organization is required to fully cooperate, including - when relevant for the case - disclosing the identity of confidential sources to WADA.**

**General Comments**

**Clarification of Article 4.2.3**, the description of the Article in the Summary of Major Changes does not align with the wording of the Article in the ISII. The Summary of Major Changes as written indicates that ADOs could be required to provide the identity of a Confidential Source, where the Article does not clearly indicate this.

**General Comments****Guidelines for Substantial Assistance**

The Confidential Source is closely related to the policy of Substantial Assistance. However, there is a significant discrepancy in the understanding and implementation of Substantial Assistance among ADOs, resulting in not fully realizing the value of Substantial Assistance. We hope that WADA will issue clear guidelines to expand the types and applicability of Substantial Assistance, including introducing the information that reveals the doping methods and means, thereby allowing investigators to contact relevant personnel earlier (before the notification of an Adverse Analytical Finding), and clarifying the procedures of disclosure to WADA when necessary to prevent ADOs from engaging the Athletes or Other Persons who have committed ADRVs in activities without WADA's knowledge, thus abusing the provision of Substantial Assistance.

**Suggested changes to the wording of the Article****Guidelines for Substantial Assistance**

We hope that WADA will issue clear guidelines to expand the types and applicability of Substantial Assistance, including introducing the information that reveals the doping methods and means, thereby allowing investigators to contact relevant personnel earlier (before the notification of an Adverse Analytical Finding), and clarifying the procedures of disclosure to WADA when necessary to prevent ADOs from engaging the Athletes or Other Persons who have committed ADRVs in activities without WADA's knowledge, thus abusing the provision of Substantial Assistance.

**Reasons for suggested changes****Guidelines for Substantial Assistance**

The Confidential Source is closely related to the policy of Substantial Assistance. However, there is a significant discrepancy in the understanding and implementation of Substantial Assistance among ADOs, resulting in not fully realizing the value of Substantial Assistance.

**General Comments**

ADD don't support that we should disclose the identity of a source, even if WADA is doing an investigation. Unless, of course, the source himself approves. However, this is only stated in the "major changes" document. In the second document, it says almost the opposite.

### Swiss Sport Integrity

SUBMITTED

Ernst König, CEO (Switzerland)  
NADO - NADO

#### General Comments

Protect the anonymity until the very end. The source will decide whether and under what circumstances/disadvantages they will give up their anonymity towards Swiss Sport Law or WADA.

### Sport Integrity Commission Te Kahu Raunui

SUBMITTED

Jono McGlashan, GM Athlete Services (New Zealand)  
NADO - NADO

#### General Comments

– We support the changes, however on the provision that the Confidential Source agrees. We have had instances where the Confidential Source has agreed to speak with us, but not WADA.

***“This feedback was endorsed by the Athlete Commission of the Sport Integrity Commission Te Kahu Raunui.”***

### FINCIS

SUBMITTED

Ben Sjöroos, Senior Investigative Officer (Finland)  
NADO - NADO

#### General Comments

My comment concerns the wording in the summary of major changes-document, where the disclosure of confidential sources to WADA is referred to the Code article 20.7.14.

I understand that the meaning of this wording is to ensure WADA has all the information in the case where it is investigating and it is suspected that a *Signatory* to the code is non-compliant or has committed an ADRV.

Article 20.7.14 begins with WADA initiating its own investigations into anti-doping rule violations in general. In these cases, I do not think Anti-Doping Organizations should be obligated to disclose the identity of confidential sources.

If I have interpreted the articles incorrectly, my comment is to clarify this in the explanation for the ISII, because the article 4.2.3 itself is self-explanatory and states very clearly to **not** disclose confidential sources in any circumstance.

## Article 4.2.5 (1)

### International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)  
Other - Other (ex. Media, University, etc.)

#### General Comments

4.2.5

Unsure whether the term “uses” a Human Course is fitting: two options: “If an ADO uses Human Source(s),” or “If an ADO manages Human Source”

## Article 4.3.2 (4)

### Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)  
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)



#### General Comments

1. Art 4.3.1

In the comment, correct the repetition in the sentence "nature of the of the information".

2. Art. 4.3.2 Use of Raw Information and Anti-Doping Intelligence

Repetition of Objective.

#### NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)  
NADO - NADO

#### General Comments

Art. 4.3.2: repetition of the Objective in 4.1

#### Suggested changes to the wording of the Article

Commnet to Art. 4.3.1

delete: "nature of the of the information"

#### ONAU

SUBMITTED

JOSE VELOSO, Antidoping Medical Director (Uruguay)  
NADO - NADO

#### General Comments

This article refers to 2023 ISTI Article 11.3.2 and is complementary to the objectives stipulated at ISII Article 4.1 in so much that the information and intelligence gathered under the requirement of ISII Article 4.1 shall be subsequently used to guide the organization's anti-doping activities. The ISII Drafting Team proposes that this element be considered as a mandatory requirement for all Anti-Doping Organizations to ensure that valuable information and intelligence gathered by an organization is effectively used and not lost.

#### Suggested changes to the wording of the Article

Very importan issue to be considered and modified.

#### SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (Souoth Africa)  
NADO - NADO

#### General Comments

**4.3.2** It is important to take into consideration that **all** Raw Information/Intelligence is evaluated and reviewed, **after which** the ADO determines if action can/should be taken and/or if the information can be used to guide its Anti-Doping Activities.

If following evaluation, the information is deemed to be low risk, vague, not confirmed, not reliable, and/or not valid, the ADO should be permitted to use its own discretion and risk analysis, whether or not to follow-up on the Raw Information and/or Anti-Doping Intelligence.

#### Suggested changes to the wording of the Article

Anti-Doping Organizations shall use Raw Information and/or Anti-Doping Intelligence to inform and guide its Anti-Doping Activities based on its own evaluation of information, Risk Assessment, resources and capacity to do so.

## World Rugby

SUBMITTED

David Ho, Senior Manager Anti-Doping Operations (Ireland)  
Sport - IF – Summer Olympic

### General Comments

In Regards to Article 5.5.3 - World Rugby wonder whether this might be difficult to apply in practice given that there is not a formal recognised point at which an 'official' investigation starts. It could be that an ADO reviews data and considers an investigation but then finds there's not enough to proceed with. At what point would this become 'disclosable' as an investigation under 5.5.3 as there's no threshold set for what constitutes an investigation and what doesn't.

## Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)  
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

### General Comments

1. Art. 5.3 Conducting Investigations

Art. 5.3.4

Suggestion to rewrite this Article:

"Anti-Doping Organizations shall have policies and procedures in place for conducting investigations, especially when it comes to Protected Persons for which those policies and procedures should reflect the fact that the Code treats Protected Persons differently than other Athletes or Persons in certain circumstances."

2. Art. 5.3.5

In the comment to Art 5.3.5 the term Investigator to be more precisely defined.

3. Art. 5.3.6 & 5.3.7.

Maybe in reverse order or even to be combined?

4. Art. 5.3.9

- It could be added that the ADO could consider using a database platform for documentation purposes.

- It could be more clearly defined or illustrated what needs to be documented.

5. Art. 5.3.8

It might be helpful to add a reference to Art. 4.2.2 .

## NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)  
NADO - NADO

### General Comments

Compare with the Objective in Art. 4.1 / Wording

### Suggested changes to the wording of the Article

5.5.1, 5.5.2 & 5.5.3 The term "Athlete Support Person" should be replaced by "Athlete Support Personnel"

Art. 5.5.1: replace "Court of Arbitration for Sport" by CAS // as defined in the Code / needs also to be included in the "defined terms from the 2007 Code" in Art. 3.1

Art. 5.5.3.2 *International Federation* not defined in the Code / not italic

### Japan Anti-Doping Agency

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)  
NADO - NADO

#### General Comments

#### 5.5.3 and 5.5.3.1

We understand the background of this proposal. At the same time, it said "shall notify", so it could be read as it is mandatory to notify all investigation case with no ADRV. There could be so many levels of "investigation", and it might be difficult to decide which level of investigation should be notified.

We might need the definition of "investigation" in order to clarify what to notify and what are not necessary to notify.

Or somehow to limit the number of notification by limiting the level of athlete, such as an investigation case of international level athletes, etc.

### Agence Nationale Antidopage

SUBMITTED

Agence Nationale Antidopage Tunisie, Direction Générale (Tunisie)  
NADO - NADO

#### General Comments

A notre avis, allouer tout un standard international aux activités d'enquête et de renseignement est considéré un pas à l'avant pour le développement de ces activités antidopage surtout qu'elles se chevauchent de plus en plus avec d'autres notamment le contrôle mais aussi l'éducation et la confidentialité des données.

Toutefois, l'entrée en vigueur de ce standard doit s'accompagner par une distribution équitable en matière de formation du personnel des signataires notamment les ONAD, surtout pour un axe d'activité aussi délicat et spécifique.

### Dopingautoriteit

SUBMITTED

Robert Ficker, Compliance Officer (Netherlands)  
NADO - NADO

#### General Comments

5.5.3.1 This is unclear

#### Suggested changes to the wording of the Article

5.5.3.1 We need clarity before we can suggest changes. Code article 14.1 deals with "asserted anti-doping rule violation[s]" and ISII article 5.5.3.1 deals with decisions not to bring forward potential cases. These can never be "in accordance" with each other as they start with different premises (asserted versus potential).

#### Reasons for suggested changes

5.5.3.1 stipulates what should be done if an ADO decides that "proceedings should not be brought forward" and that this should be done "in accordance with Code Article 14.1.4". All of Code article 14.1, however, deals with "an asserted anti-doping rule violation" and NOT with decisions not to bring forward potential cases

### International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)  
Other - Other (ex. Media, University, etc.)

#### General Comments

5.5.2

References to the results management concepts seem off. In our experience, once an ADO concludes its investigation and finds that proceedings should be brought against an Athlete, there is no "decision" per se, rather the individual is "notified" of the potential ADRV (Article 5 ISRM) and then

charged Article 7 (ISRM). The reference to Article 8 ISRM in this ISII article seems off.

5.5.3

The wording of "asserting commission of an ADRV" should be clarified. Based on our understanding, assertion is usually assimilated to the Charge (Article 7 ISRM). That said, if an investigation is "closed", this means that there is no notification of potential ADRV (Article 5). ISII should clarify when ADOs are obliged to issue a "reasoned decision" for not going forward with their investigation, i.e. what is the threshold? What if the investigation concludes that the "reasonable cause" never even raised to the level of a potential ADRV, should this be reported as a "reasoned decision"?

5.5.3.1 and 5.5.3.2

Current draft of Article 14 Code should be reflected to allow ADOs NOT to share reasoned decision with an ADO

## Article 5.2 (2)

**CHINADA**

MUQING LIU, Coordinator of Legal Affair Department (CHINA)

NADO - NADO

SUBMITTED

### General Comments

#### Ruling out Potential ADRVs

Article 5.2 provides that the ADOs shall conduct investigations when there is justification to believe that there has been a breach of the Code or applicable International Standard. We recommend that this Article further clarify whether the ADOs may, on their own, gather evidence in favor of the Athlete or other Person during this process(e.g. to demonstrate that they have No Fault or No Significant Fault).

### Suggested changes to the wording of the Article

#### Ruling out Potential ADRVs

We recommend that this Article further clarify whether the ADOs may, on their own, gather evidence in favor of the Athlete or other Person during this process(e.g. to demonstrate that they have No Fault or No Significant Fault).

**Chair**

Athlete Council, WADA (Canada)

Other

SUBMITTED

### General Comments

#### Purpose of Investigations

This article states, "the purpose of an investigation includes, but is not limited to, gathering sufficient evidence to prove or disprove that an anti-doping rule violation has been committed." We are concerned that the unlimited scope of the purpose of investigations could lead to overreach. We suggest that the drafting team include in this article the general legal principles with which investigations shall comply in relation to their scope.

## Article 5.3 (16)

**World Rugby**

David Ho, Senior Manager Anti-Doping Operations (Ireland)

Sport - IF – Summer Olympic

SUBMITTED

### General Comments

World Rugby supports the addition of this article and the intentions behind its inclusion, however we would exercise caution when attempting to standardise/raise standards, such that this does not place unrealistic demands on ADOs to reach standards that their experience and financial resources may not permit them to attain. We recognise that this is acknowledged by WADA, but even many larger ADOs will not have in-house resources or experience and may face challenges with larger and more complex investigations.

In addition, Clause 5.3.4 states that ADOs shall have policies and procedures in place for the investigation of Protected Persons. If this is enacted, can WADA please provide a template policy for this, as it has done for other matters in this standard?

### International Olympic Committee

SUBMITTED

Legal Affairs, Project Coordinator (Switzerland)  
Sport - IOC

#### General Comments

5.3.4

Author says :

Has the Code drafting team discussed whether specific policies were required beyond the investigation? I.e. from a data protection perspective for example.

### Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)  
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

#### General Comments

1. Art. 5.3.4

Suggestion to rewrite this Article:

“Anti-Doping Organizations shall have policies and procedures in place for conducting investigations, especially when it comes to Protected Persons for which those policies and procedures should reflect the fact that the Code treats Protected Persons differently than other Athletes or Persons in certain circumstances.”

2. Art. 5.3.5

In the comment to Art 5.3.5 the term Investigator to be more precisely defined.

3. Art. 5.3.6 & 5.3.7.

Maybe in reverse order or even to be combined?

4. Art. 5.3.9

- It could be added that the ADO could consider using a database platform for documentation purposes.

- It could be more clearly defined or illustrated what needs to be documented.

5. Art. 5.3.8

It might be helpful to add a reference to Art. 4.2.2 .

### NADA

SUBMITTED

NADA Germany, National Anti Doping Organisation (Deutschland)  
NADO - NADO

#### General Comments

Art. 5.3.1: What about any information sharing / investigation regarding trafficking / production of doping substances that only indirectly refer to person which are bound to the Code (e.g. underground labs)

Art 5.3.8 It might be helpful to add a reference to Art. 4.2.2

### Suggested changes to the wording of the Article

Comment to Art.5.3.5 “Discovering” / “Establishing” = small letters. Not defined.

Comment to Art. 5.3.8 “...investigation related information and/or intelligence ...” -> [Raw Information](#) and/or [Anti-Doping Intelligence](#) (build connection to sentence 2).

Art. 5.3.9 “to cooperate involved conduct...” - Time! --> involves conduct

### Japan Anti-Doping Agency

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)  
NADO - NADO

#### General Comments

##### 5.3.2

Not all NADOs are able to hire experienced staff, so WADA need to support training the staff as it is mentioned in the comment to Article 5.3.2, and it means WADA need to maintain the capacity to conduct enough training for new I and I staff every year or so.

##### 5.3.4

It would be nice if you could clarify more how exactly ADOs needs to treat the protected person differently in investigation.

##### 5.3.5 Comments

We understand the background of this proposal, however, thinking about the cost and time efficiency, it might be too much depend on the case. Therefore, this should be "may" instead of "should" to keep this as one of the option to take.

It is important to tell the AAF athlete their rights and responsibilities but it does not have to be in person, could be a letter/e-mail followed by telephone.

### UK Anti-Doping

SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)  
NADO - NADO

#### General Comments

5.3.1 - ‘*Reasonable cause to suspect*’ is too broad a standard. Every piece of raw information or intelligence can, if this is followed, be deemed an investigation and does not allow Signatories the discretion to class as an Intelligence development. This could therefore lead to significant impacts on resources and capacity.

#### Suggested changes to the wording of the Article

Anti-Doping Organizations shall conduct investigations where there is reasonable cause to ~~suspect~~ **believe** that a breach of the Code (e.g., anti-doping rule violation) or applicable International Standard has occurred.

#### Reasons for suggested changes

UKAD receives a significant number of intelligence reports and under this current wording would be required to investigate all those and notify WADA and IFs of the investigative outcomes. This amended wording allows ADOs flexibility when classifying whether to conduct an investigation or not.

### NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)  
NADO - NADO

#### General Comments

##### 5.3.4

We suggest rewriting this Article as follows:

*“Anti-Doping Organizations shall have policies and procedures in place for conducting investigations, especially, when it comes to Protected Persons for which those policies and procedures should reflect the fact that the Code treats Protected Persons differently than other Athletes or Persons in certain circumstances.”*

##### 5.3.5

The term Investigator should be more precisely defined.

### **5.3.6 & 5.3.7**

Maybe in reverse order or even to be combined?

### **5.3.9**

1. It might be added that for documentation purposes the ADO might think of using a Data base platform.
2. What is necessary to be documented? Please define/exemplify more precisely

### **Additional Comments to Art. 5.5**

#### **5.5.1**

"*within a reasonable deadline*" might be a problematic term which could be clarified within an additional comment to this Article.

#### **5.5.3.1**

In which cases WADA, IF & NADO are to be notified about a decision not to move forward?

## **CHINADA**

MUQING LIU, Coordinator of Legal Affair Department (CHINA)

NADO - NADO

SUBMITTED

### **General Comments**

## **Conditions for Conducting Investigations**

We have the following recommendations for Article 5.3:

(1) The timing for an ADO to initiate an investigation should be clearly established. For example, should the ADO, upon receipt of an Adverse Analytical Finding, initiate an investigation at the initial review and notification stage of the results management process, or after notifying the Athlete or other Person?

(2) The conditions under which the ADO may initiate an investigation should be clearly defined, for example, specifying the circumstances under which an investigation must be conducted without discretion.

(3) The relationship between the investigations in the results management process and those in the ISII should be clarified. This includes whether investigators can contact and interview relevant persons prior to the initiation of the results management process, and how the investigation results will be used within the results management process.

(4) Unlike the results management process which has clear reporting requirements, the reporting process for the initiation and conclusion of an investigation should be clarified. For example, should it be reported to WADA as soon as the investigation is initiated, to which department(s) (Intelligence and Investigations Department or Legal Department?), and through which channels?

### **Suggested changes to the wording of the Article**

We have the following recommendations for Article 5.3:

(1) The timing for an ADO to initiate an investigation should be clearly established. For example, should the ADO, upon receipt of an Adverse Analytical Finding, initiate an investigation at the initial review and notification stage of the results management process, or after notifying the Athlete or other Person?

(2) The conditions under which the ADO may initiate an investigation should be clearly defined, for example, specifying the circumstances under which an investigation must be conducted without discretion.

(3) The relationship between the investigations in the results management process and those in the ISII should be clarified. This includes whether investigators can contact and interview relevant persons prior to the initiation of the results management process, and how the investigation results will be used within the results management process.

(4) Unlike the results management process which has clear reporting requirements, the reporting process for the initiation and conclusion of an investigation should be clarified. For example, should it be reported to WADA as soon as the investigation is initiated, to which department(s) (Intelligence and Investigations Department or Legal Department?), and through which channels?

#### Dopingautoriteit

SUBMITTED

Robert Ficker, Compliance Officer (Netherlands)  
NADO - NADO

#### General Comments

5.3.6 The wording is rather open, but the principle is of the utmost importance for all athletes (accused & non-accused)

#### Suggested changes to the wording of the Article

To ensure the preservation of evidence and any Raw information and/or Anti Doping Intelligence in relation to a potential breach of the Code or International Standards, Anti-Doping Organizations ~~should~~ **shall** conduct Investigations in a timely manner and without undue delay.

#### Reasons for suggested changes

This must always have our priority

#### Sport Integrity Australia

SUBMITTED

Andrew McCowan, Assistant Director Project Management Office (Australia)  
NADO - NADO

#### General Comments

SIA has no comment on this Article, except where the provision applies to a Substance of Abuse (SOA).

SIA reiterates our previous comment that where it is established that the matter involves a Substance of Abuse, an investigation is at the ADOs discretion and is not a mandatory requirement. SIA has previously asked that any provisions relating to an established SOA be dealt with under a separate regime and be proportionate to support the fact that they relate to substances that are used frequently in society for a purpose not related to sport.



Additionally, under 5.3.2, SIA acknowledges that the scope of the Guidelines for the *International Standard for Intelligence and Investigations* (ISII) could be expanded and potentially could include that ADOs should consider that sample collection personnel, educators and investigators undertake training related to basic human rights i.e. gender diversity, child safeguarding training and potentially others that could include anti-racism or anti-harassment and discrimination training. See comments to Article 13 of the ISE and Annex L of the IST.

#### Reasons for suggested changes

To ensure all personnel involved in anti-doping activities are better prepared to interact with *Athletes* who are vulnerable (i.e. minors and those with impairments) and those from different backgrounds including those who are gender diverse. Code Article 18 emphasizes the importance *Education* plays in anti-doping, aiming to preserve the spirit of sport and protect *Athlete* rights. Although SIA is not recommending a change to Code Article 18, future iterations of the Code could consider other social standards to ensure that no individual is at risk of being subjected to discrimination or harassment. The way education or sample collection is delivered and / or implemented, significantly impacts how *Athletes* perceive and trust ADOs. The respect and rights of athletes should be at the forefront when making any changes to the Code and International Standards.

#### Sport Integrity Commission Te Kahu Raunui

Jono McGlashan, GM Athlete Services (New Zealand)

NADO - NADO

SUBMITTED

#### General Comments

- We suggest that there is a minimum standard of training for investigators who do not have law enforcement or legal experience. This could include being GLDF trained. there are some NADOs who have a Science Manager that does investigations, for example.
- In reference to the comment '*The utmost care shall be taken with the confidentiality of all information obtained, and only shared on a need-to-know basis*' our suggestion is that this is amended to specify 'Where legally able to' – there may be times where partner organisations may have a need to know however may not have the legal entitlement to know.

***“This feedback was endorsed by the Athlete Commission of the Sport Integrity Commission Te Kahu Raunui.”***

#### Anti-doping Bureau of Latvia

Mārtiņš Dimants, Director (Latvia)

NADO - NADO

SUBMITTED

#### General Comments

1. **Article 5.3.5, Commentary** - LAT-NADO does not support WADA's proposal that investigators must personally deliver notification papers to athletes. While the intent is clear, the practical implementation is burdensome, time-consuming, and costly for NADOs. Given the availability of modern technologies, it is more practical to use these tools for notifications, meetings, and other interactions.

#### Agence française de lutte contre le dopage

Adeline Molina, General Secretary Deputy (France)

NADO - NADO

SUBMITTED

#### General Comments

Tant au sein du Code que du nouveau standard dédié au renseignement et aux enquêtes, la thématique des droits et libertés des personnes placées sous investigation est relativement absente. Or, l'accroissement des prérogatives d'investigation pour les organisations antidopage ne peut se concevoir qu'en accord avec un cadre légal respectueux des droits des personnes en cause. La robustesse juridique du Code et des standards gagnerait à affirmer la protection des droits fondamentaux des sportifs et des autres personnes (au-delà des personnes protégées) et à assurer une conciliation entre ces droits et les prescriptions en matière d'investigations.

Ce constat est d'autant plus vrai qu'est encouragé, à des fins d'investigation, l'usage d'informations recueillies à l'occasion de la conduite de procédures de gestion des résultats. Si cette recommandation peut se prévaloir d'une efficacité accrue en matière de renseignement, elle n'est pas sans soulever la délicate question, non appréhendée dans les textes proposés, du droit au procès équitable, à commencer par le droit de ne pas s'auto-incriminer.

## Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)  
NADO - NADO

### General Comments

#### **General Comments to article 5.3.9:**

We would welcome guidelines on what constitute sufficient documentation.

#### **General Comments and Suggested Changes to the Wording of Article 5.3.4:**

We strongly support the comments and proposals made by WADAs NADO EAG.

## Chair

SUBMITTED

Athlete Council, WADA (Canada)  
Other

### General Comments

#### **5.3.1 Reasonable Cause**

This article states, "Anti-Doping Organizations shall conduct investigations where there is reasonable cause to suspect that a breach of the Code (e.g., anti-doping rule violation) or applicable International Standard has occurred." Because of the looseness around "reasonable cause," and in order to ensure that ADOs execute the investigations they should, an ADO's decision not to investigate a matter (or its failure to investigate without an official decision) should be appealable by WADA under Article 13. (See our comment on Code Article 13.)

#### **5.3.2 Investigative Qualifications**

This article states, "Anti-Doping Organizations should ensure all investigations are conducted by individuals with investigative qualifications or experience." We strongly support the concept of this article. However, we are concerned about feasibility. The Comment to 5.3.1 says, "accessible and standardized training for a range of anti-doping roles, including investigation, to all Anti-Doping Organizations and other stakeholders worldwide." Is this comment missing words to say that WADA will provide such education? While we agree that, at a minimum, investigators should have a foundation of standardized education, we are not convinced that e-learning will suffice for this purpose.

## WADA NADO Expert Advisory Group

SUBMITTED

Martin Holmlund Lauesen, member (Norge)  
Other - Other (ex. Media, University, etc.)

### General Comments

WADAs proposal is that ADOs shall have policies and practices in place for investigating Protected Persons, other Minors should be included in this requirement, in light of their potentially lacking legal capacity as minors

#### **Suggested changes to the wording of the Article**

*Anti-Doping Organizations* shall have policies and procedures in place for the investigation of *Protected Persons and Minors* that reflect the fact that the Code treats *Protected Persons and Minors* differently than other *Athletes* or *Persons* in certain circumstances.

#### **Reasons for suggested changes**

Some of the rules are also applied differently in cases of other Minors (in addition to Protected Persons). In any case, an ADO should consider if special considerations should be taken when investigating a Minor, including if the Minors have the legal capacity to undergo an interview without the presence of a parent or guardian and if other special measures should be considered .

## Article 5.4 (8)

## Council of Europe

SUBMITTED

Council of Europe, Sport Convention Division (France)  
Public Authorities - Intergovernmental Organization (ex. UNESCO, Council of Europe, etc.)

### General Comments

1. Art. 5.4 Cooperating with an Investigation

5.4.2 "Athlete Support Process"

In the last sentence the term "Athlete Support Person" should be replaced by "Athlete Support Personnel".

2. Art 5.5.1 The requirement "within a reasonable deadline" might be a problematic term which could be clarified in an additional comment to this Article.

3. Art. 5.5.1, 5.5.2 & 5.5.3

The term "Athlete Support Person" should be replaced by "Athlete Support Personnel".

### Japan Anti-Doping Agency

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

### General Comments

#### 5.4.2

Which applicable rule are you talking about? Applicable rule is not clear.

Also, it might be difficult to accuse "Failure to cooperate" because it is not clear what is failure to cooperate.

### SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (Souoth Africa)

NADO - NADO

### General Comments

SAIDS would support this Article, but it would not be enforceable within our Rules and South Africa does not have the legislative framework at this stage, to implement such a request:

SAIDS/The South African Law Enforcement does not have the necessary jurisdiction to force an Athlete/Athlete Support Personnel to cooperate in any way during an investigation initiated by SAIDS. Athletes and Athlete Support Personnel are therefore under no legal or criminal law obligation to be interviewed, assist, cooperate or be involved in an investigation if they do not wish to do so. In most situations, Athlete Support Personnel also has no affiliation to any formal body or National Federation, therefore there is no hold over Athlete Support Personnel to comply with specified regulations.

#### Suggested changes to the wording of the Article

The wording of this Article needs to be such that it is not compulsory for ADOs to enforce such a specific regulation, when it is not practically and officially in a position to implement it.

### UK Anti-Doping

SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

### General Comments

5.4.2 - Regarding the final sentence which states; '*Where the failure to cooperate involves conduct that does not amount to an anti-doping rule violation, disciplinary action should be taken against the Athlete or Athlete Support Person under applicable rules.*'

Clarification needs to be sought if this relates to NFs, IFs, ITA etc or does this also give the ADOs the ability to include in their Policy/Rules?

#### Reasons for suggested changes

## CHINADA

SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)  
NADO - NADO

### General Comments

#### Defining Failure to Cooperate with Investigations

We recommend that the definition of failing to cooperate with or obstructing an investigation without sufficient justification should be specified in the new Draft, e.g., to what extent an act may be treated as a Code Article 2.5 violation (Tampering or Attempting to Tamper with Any Part of Doping Control), and whether inaction by failing to participate in an investigation or an interview in a timely manner or refusing to provide records of purchases may constitute an ADRV.

### Suggested changes to the wording of the Article

#### Defining Failure to Cooperate with Investigations

We recommend that the definition of failing to cooperate with or obstructing an investigation without sufficient justification should be specified in the new Draft, e.g., to what extent an act may be treated as a Code Article 2.5 violation (Tampering or Attempting to Tamper with Any Part of Doping Control), and whether inaction by failing to participate in an investigation or an interview in a timely manner or refusing to provide records of purchases may constitute an ADRV.

## NADA India

SUBMITTED

NADA India, NADO (India)  
NADO - NADO

### General Comments

The article may benefit from a more detailed guideline on clarifying the responsibilities for different stakeholders like the athletes, ASP and even the sports federations which might help in ensuring consistent cooperation during an investigation.

Clearer consequences for failing to cooperate with investigations should be outlined, including potential penalties and what disciplinary action may be undertaken by an ADO against the athlete, athlete support personnel or the sports federation if the failure to cooperate does not lead to an anti-doping rule violation.

## Anti-Doping Norway

SUBMITTED

Martin Holmlund Lauesen, Director - International Relations and Medical (Norge)  
NADO - NADO

### General Comments

#### General Comments to article 5.4.2:

We have suggested in WADC (art. 21) the right for the athlete, ASP or other Person not to testify against themselves or their family (partner, parent or children) – this would in particular be relevant in relation to this para as well!

## Chair

SUBMITTED

Athlete Council, WADA (Canada)  
Other

## General Comments

### 5.4.2 Cooperating with an Investigation

We do not see any language in the current draft protecting an athlete's right not to participate in investigation, e.g., the right to remain silent. This was also raised in the Stakeholder Engagement phase by NADO Norway.

Code article 21.1.6 includes among the roles and responsibilities of Athletes, "to cooperate with Anti-Doping Organizations investigating anti-doping rule violations." The comment to Code 21.1.6 specifies, "Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a Signatory's rules." ISII article 5.4.3 goes slightly farther: "Where the failure to cooperate involves conduct that does not amount to an anti-doping rule violation, disciplinary action should [emphasis added] be taken."

We agree that a failure to cooperate should not amount to an ADRV, and on that premise, we do not think it should be the basis for disciplinary action. An athlete's right to remain silent, i.e., to elect not to participate in an investigation, should be explicitly protected by the Code. We propose adding this protection to the Code, as well as ISII Article 5.4.2 and the Athlete Anti-Doping Rights Act.

Of course, conduct which undermines an investigation (e.g. providing false or misleading information) should be charged as tampering, as stated in Article 5.4.2.