

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

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Article 3 (3)

Council of Europe (CoE)

SUBMITTED

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

General Comments

Article 3 Defined Terms:

The broader Definition of Raw Information (Article 3) and the inclusion of both anonymous and non-anonymous disclosures is a pragmatic and forward-looking enhancement. It acknowledges the diverse nature of intelligence sources and strengthens the foundation for effective investigations. We welcome the additional examples of Raw Information.

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

Article 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

Cameron Boland, Assistant Director Anti-Doping Policy (Australia)
NADO - NADO

General Comments

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Article 3.3 (2)

NADA India

SUBMITTED

NADA India, NADO (India)
NADO - NADO

General Comments

Agreed.

International Testing Agency

SUBMITTED

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

General Comments

We would suggest redefining the order: Raw Information, Anti-Doping Intelligence, Confidential Human Source. The alphabetical order applied throughout the document does not make sense in this section as Anti-Doping Intelligence and Confidential Human Source definitions refer to Raw Intelligence.

Moreover, Intelligence can be both a process and product and needs to be incorporated both in the definition. We would suggest the following definition: "is the product of the collection, processing, analysis, and evaluation of raw information to answer an intelligence question".

Regarding the definition of "Raw Information", we believe this is too specific. Although the definition states "but not limited to", it mainly lists internal sources and disregards the area of OSINT. A reader not familiar with the concept of raw information would take this at face value and not realize social media falls under this category. We would suggest to add terminology to include something about "publicly available information".

Article 4 (2)

CHINADA

SUBMITTED

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

General Comments

Article 4.0

Reporting remains the most important source to obtain anti-doping intelligence. Although WADA does not explicitly require Signatories to operate its own or public reporting platforms, Signatories may receive reports of anti-doping rule violations from all available sources, including those shared by WADA and other Anti-Doping Organizations. To date, many Signatories (especially National Anti-Doping Organizations) have already established their own reporting platforms. Therefore, we recommend that this Article emphasize the requirements for processing the reported information.

General Comments

Article 4.3.1 comment

We would suggest replacing "information source" by "source of information" for the sake of clarity. Moreover, greater clarity regarding the "circumstances in which the information had been provided" should be provided, in guidelines at least, for guidance.

Furthermore, we would suggest to add "within a reasonable time frame upon receipt of information/intelligence" or something that relates to the expected time limit this should be completed to address the need for capacity.

Article 4.1 (1)

General Comments

N/A

Suggested changes to the wording of the Article

Recommended Change:

Add to the end of the Comment “which will include mentorship opportunities Anti-Doping Organizations can utilize to establish competency and compliance.”

Reasons for suggested changes

Reasons for Change:

Given the nascent state of many anti-doping organizations’ investigative capabilities additional opportunities must exist to build competencies.

Article 4.2.2 (4)

General Comments

Articles 4.2.2 Secure Data Sharing

Clarifying the requirement for data to be shared “in a secure manner (e.g., encryption)” aligns with best practices in data protection and reinforces the credibility and integrity of Anti-Doping investigations. The clarification is supported.

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

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

NADA India

SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

Agreed

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)

NADO - NADO

General Comments

N/A

Suggested changes to the wording of the Article

Recommended Change:

Add “health or food safety regulator” after “law enforcement” in the following sentence: Anti-Doping Organizations shall share Anti-Doping Intelligence with other relevant authorities (e.g., law enforcement, health or food safety regulator) on a need-to-know basis where appropriate and in accordance with the International Standard for Data Protection and applicable law.

Reasons for suggested changes

Reason for Change:

USADA often develops information about tainted foods, medicines, or dietary supplements that may pose a risk to public health and should be shared with health regulatory personnel.

Article 4.2.3 (2)

CHINADA	SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA) NADO - NADO	
<div>General Comments</div> <div>Article 4.2.3</div> <p>We recommend that the order of Articles 4.2.3 and 4.2.4 be reversed because Articles 4.2.4 and 4.2.5 both emphasize the policies and procedures for Confidential Sources.</p>	

NADA India	SUBMITTED
NADA India, NADO (India) NADO - NADO	
<div>General Comments</div> <p>The removal of the requirement in the first draft for ADOs to disclose the identities of their confidential sources to WADA during an investigation is a welcome change. However, it appears that the second draft does not reflect any revisions in this regard, and the language remains unchanged from the first draft</p>	

Article 4.2.5 (1)

CHINADA	SUBMITTED
MUQING LIU, Coordinator of Legal Affair Department (CHINA) NADO - NADO	
<div>General Comments</div> <div>Article 4.2.5</div> <p>According to this Article, “if an Anti-Doping Organization uses a Human Source, the Anti-Doping Organization shall have a policy and procedure in place for the handling, management, and use of Human Sources.” In fact, Anti-Doping Organizations may have potential or actual Confidential Sources at any time during its operations. At the potential stage, the appropriate policy and procedure can provide more reliable and trustworthy protection for future reporting by these Confidential Sources; for actual Confidential Sources, Anti-Doping Organizations should have a set of policies and procedures that are immediately operational at any time</p>	

to effectively protect them. Therefore, the policy and procedure for Confidential Sources should be viewed as an ongoing capability that Anti-Doping Organizations must possess and operate.

Article 4.3.2 (3)

SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (South Africa)
NADO - NADO

General Comments

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* **credible** Raw Information and/or Anti-Doping Intelligence to inform and guide its Anti-Doping Activities **based on its own evaluation of the Raw Information, Risk Assessment, capacity and resources**.”

Reasons for suggested changes

A significant number of anonymous tip-offs (therefore an example of Raw Information) are received which are vague, unreliable, not credible, and low risk to the ADO. It should be emphasised that such information is reviewed and recorded, but not necessarily used for target testing and/or actioned in other *Anti-Doping Activities*. The words “**shall use**” suggests that **all** Raw Information **must** be actioned, when practically and using intelligent evaluation, it is not possible and reasonable.

CHINA

SUBMITTED

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

General Comments

Article 4.3.1

Anti-Doping Organizations shall not only assess the Raw Information and/or Anti-Doping Intelligence, but also document the criteria and procedures used for such assessments because the existing Raw Information and Anti-Doping Intelligence may serve as a reference source at some point in the future.

USADA

SUBMITTED

Allison Wagner, Director of Athlete and International Relations (USA)
NADO - NADO

General Comments

N/A

Suggested changes to the wording of the Article

Recommended Change:

Add to the end of the Comment “Moreover, Anti-Doping Organizations should recognize that although Raw Information may not contain direct evidence of an anti-doping rule violation, investigative steps should be taken to follow up on leads that could lead to direct or indirect evidence of an anti-doping rule violation.”

Reasons for suggested changes

Reason for Change:

USADA has heard investigators expressing a view that evidence of an anti-doping rule violation must be presented *before* investigative steps are taken. USADA disagrees with this view and believes the ISII should explicitly state as clearly as possible that investigative steps should be taken to develop evidence of an anti-doping rule violation when those steps have a reasonable prospect of success.

Article 5 (3)

Agence française de lutte contre le dopage

SUBMITTED

Adeline Molina, General Secretary Deputy (France)

NADO - NADO

General Comments

Comment to Article 5.3.5 – the notification of an alleged ADRV is legally sensitive. Delivering such notification via an investigator could have negative side effects:

- the investigator might lack legal background and expertise, in terms of results management, to properly inform the athlete (about his/her rights, the next steps of the proceedings, etc.) and the information delivered might be challenged later in the process;
- it could confuse the athlete about the process, the persons involved in it and who their interlocutors are: I&I, case managers, then panel, etc.

An alternative could be to recommend, when the circumstances of a specific case requires it (not necessarily for professional or international-level athletes), to have someone from I&I involved in the notification, in coordination with someone from results management, in order to guarantee the clarity of the information delivered to the person notified in terms of defense's rights.

Article 5.5.1 - appeals before CAS cannot be made mandatory for non-international-level athletes. In France for example, it would not be feasible due to constitutional obstacles (national sovereignty).

CHINADA

SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)

NADO - NADO

General Comments

Article 5.0

Apart from the Adverse Analytical Findings or other Anti-Doping Rule Violations that have already occurred, Anti-Doping intelligence should be the primary reason for conducting investigations. However, Articles 4.0 and 5.0 in the current ISII draft fails to demonstrate the crucial connection between intelligence and investigations, thereby weakening the intrinsic integration between the two. Therefore, we recommend that one example is added to the Comment to Article 4.3.2. An example of the use that can be made of Raw Information and/or Anti-Doping Intelligence is that outlined in Article 12 of the International Standard for Testing (i.e., to inform the development of an effective, intelligent, and proportionate Test Distribution Plan and to plan Target Testing, and another example added to illustrate how to conduct an investigation.

International Testing Agency

SUBMITTED

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

General Comments

Article 5.5.3.1

There should be an exception similar to 4.2.2 "the sharing of Anti-Doping Intelligence may be delayed in exceptional and justified circumstances". For instance, officials may be subject to an investigation, and suspicions remain even though it was inconclusive evidence-wise. In such circumstances, they should not be tipped off and the investigation outcomes should only go to WADA.

Moreover, if this is the intent, it would be useful to refer to Article 5.4 of the ISRM to clarify that a reasoned decision should be issued.

Article 5.3 (9)

World Rugby

SUBMITTED

Ross Blake, Anti-Doping Education Manager (Ireland)
Sport - IF – Summer Olympic

General Comments

Articles 5.3 and 5.5 – As per our previous submission we consider it remains unclear as to at what point a review of evidence becomes an investigation (in terms of it becoming subject to the requirements of these articles). If an ADO reviews evidence and considers an investigation is not necessary, it is not an investigation and therefore these clauses become non-applicable. Innocently or otherwise this could lead to inconsistency with one ADO choosing to investigate and one choosing not to based on the same evidence.

Council of Europe (CoE)

SUBMITTED

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

General Comments

1. Article 5.3.1

We welcome the revised threshold for the initiation of investigations, which introduces a standard of 'reasonable cause to believe'—a clear and rational benchmark that enhances both the fairness and credibility of investigative procedures by preventing arbitrary or unjustified actions.

2. Article 5.3.2 and 5.3.5

Clear and consistent use of terminology, particularly around the role and qualifications of investigators, enhances the professionalization and accountability of investigative processes. We support that additional examples of investigative experience may be included in the ISII Guidelines.

Japan Anti-Doping Agency

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

5.3.2 and its comment

We appreciate the deletion in the comment.

We support the proposal currently being made, as it may be difficult to hire experienced personnel, but it is possible to provide training.

Furthermore, in small countries, the necessity of hiring experts may be relatively low, and given that it is already difficult to hire even Testing and Education staff, hiring specialists in this field would be even more challenging and less priority. Therefore, we appreciate the deletion.

5.3.5 Comment

We understand that the use of "should" is not mandatory, but we would like to express our concern and request that it not be replaced with "shall" in the future.

NADA India

SUBMITTED

NADA India, NADO (India)

NADO - NADO

General Comments

Agreed

SA Institute for Drug-Free Sport

SUBMITTED

khalid galant, CEO (South Africa)

NADO - NADO

General Comments

Comment to Article 5.3.5: “...the letter notifying the Athlete of an Adverse Analytical Finding, or a potential anti-doping rule violation should be delivered **directly to the Athlete by an investigator.**”

Suggested changes to the wording of the Article

This comment needs to be adapted to take into consideration the stipulated Results Management proceedings of each ADO/IF, which may vary between Agencies, e.g.:

*“...the letter notifying the Athlete of an Adverse Analytical Finding, or a potential anti-doping rule violation, should be **communicated to the Athlete as stipulated in the Rules and Results Management proceedings of the Agency. Under the required circumstances, the Results Management Department may consult with the investigators before notifying the Athlete of an Adverse Analytical Finding or other potential anti-doping rule violation, should it be beneficial to the investigations’ project plan and increase the chances of gathering additional evidence.**”*

Reasons for suggested changes

At SAIDS, the **Results Management Department** notifies the Athlete of the Adverse Analytical Finding and initiates the lead on pursuing the request for substantial assistance - the **investigator is not assigned** to do so. The Legal Manager is the designated person to notify the athlete of an AAF or other potential ADRV, as well as being the first point of contact for an Athlete or other Person to request substantial assistance from. Thereafter, the Intelligence & Investigations team will coordinate with the Legal Manager to conduct any review of information received, or an interview, and only if the Athlete agrees to it. The Intelligence & Investigations members will then review all relevant information, prepare a report, and determine if/how the information can be implemented to inform and guide further Anti-Doping Activities.

(not all ADRVs have a criminal/investigative component to it)

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)

NADO - NADO

General Comments

Article 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.”

Article 5.3.6 & 5.3.7

Maybe in reverse order or even to be combined?

Article 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? → define/exemplify more precisely

General Comments

It states "In an appropriate case (e.g., an Adverse Analytical Finding involving a professional or international level Athlete), the letter notifying the Athlete of an Adverse Analytical Finding, or a potential anti-doping rule violation should be delivered directly to the Athlete by an investigator." Even though the text uses "should" and not "shall" this seems to be a high bar to cross. This approach is not always practical, and sometimes simply impossible, e.g. when the athlete lives in another country or when due process requires a swift notification without an investigator being available. The added value of including an investigator's experience and opinion in this process is clear, but is already safeguarded by the last sentence in this comment ("wherever possible, Anti-Doping Organizations should consult with an investigator before notifying an Athlete of an Adverse Analytical Finding or other potential anti-doping rule violation"). We are an advanced NADO with three Intelligence Officers and an I&I-department of six people in total, yet we would struggle to comply with this comment in all cases covered with the e.g. ("an Adverse Analytical Finding involving a professional or international level Athlete").

Suggested changes to the wording of the Article

- We suggest to omit the "e.g.-remark" between brackets or add words like "with expected far-reaching consequences". To expect this to happen in each and every AAF involving a professional or international level athlete is simply too much.

CHINADA**General Comments**

1. Article 5.3.2

In addition to the investigative qualifications and experience required by this Article, it is equally important that investigators meet conflict of interest requirements. We recommend this be reflected in this Article to ensure the effectiveness of investigations.

2. Article 5.3.3

As many investigations are not conducted publicly, we recommend that, in addition to upholding the principles of impartiality, objectivity, and open-mindedness required by this Article, compliance with confidentiality requirements also be reflected in this Article when an Anti-Doping Organization conducts an investigation.

3. Article 5.3.9

In addition to written records, any evidence voluntarily submitted by relevant personnel during an investigation, such as exhibits, pictures of transfer information and chat history, etc., should be properly preserved and stored. We recommend that this requirement be included in this Article.

International Testing Agency

SUBMITTED

International Testing Agency, - (Switzerland)

Other - Other (ex. Media, University, etc.)

General Comments

Article 5.3.1

Similar to Testing or Results Management Authority responsibilities, is there a notion of jurisdiction when it comes to investigations? The current provision puts a positive obligation on an ADO to investigate when there is a “reasonable cause” to believe that a breach of the Code or IS has occurred. There is no reference to the ADO having underlying jurisdiction on the individual in the traditional sense as defined for Testing and RMA. If the intent is to put an obligation on all ADOs to investigate potential breaches, regardless of jurisdiction consideration, this combined with Article 7.1 of the Code (first one to provide notice of a non-analytical ADRV has Results Management) gives a basis to all ADO to pursue cases against individuals without any consideration for jurisdiction. Whilst we understand that this would create incentives to investigate matters and could be beneficial for the anti-doping system, we wished to flag this point to ensure that this is the drafters' intent.

Article 5.3.1 Comment

We would suggest to replace the term “unfounded” by “uncorroborated” for the sake of clarity.

Article 5.4 (5)

Council of Europe (CoE)

SUBMITTED

Council of Europe, Sport Convention Division (France)

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

General Comments

Article 5.4.2 Recognition of Human Rights

The explicit reinforcement of fundamental rights such as the right against self-incrimination and access to legal representation—via the Athletes' Anti-Doping Rights Act—is a vital step in safeguarding procedural fairness and due process for all individuals subject to investigation.

Japan Anti-Doping Agency

SUBMITTED

Chika HIRAI, Director of International Relations (Japan)

NADO - NADO

General Comments

5.4.2 We appreciate for the update on comments about applicable rule.

UK Anti-Doping

SUBMITTED

UKAD Stakeholder Comments, Stakeholder Comments (United Kingdom)

NADO - NADO

General Comments

Comment to 5.4.2 - UKAD disagrees with the comment that states:

"This does not override the rights afforded to Athletes under the Athletes' Anti-Doping Rights Act."

There is some disparity with the Athlete's Anti-Doping Rights Act, which makes pains to point out the following in its pre-amble which is in conflict with the ISII:

"...this Act is not a legal document; athletes' legal rights in the context of anti-doping are only those rights that are set forth in the Code and International Standards regardless of how they are described in this Act. In case of conflicting interpretations, the provisions of the Code and International Standards shall prevail in all cases."

To remove any confusion, UKAD suggests the disparity is addressed.

Dopingautoriteit

SUBMITTED

Robert Ficker, Compliance Officer (Netherlands)

NADO - NADO

General Comments

Art. 5.4.2:

- A typo: where "Athlete Support Process" is mentioned it should (probably) read "Athlete Support Personnel".

CHINADA

SUBMITTED

MUQING LIU, Coordinator of Legal Affair Department (CHINA)

NADO - NADO

General Comments

Article 5.4.2

This Article lists circumstances of non-cooperation with an investigation. We recommend adding the act of "refusing to accept an in-person or online interview without justifications.

Other Comments / Suggestions (5)

VASANOC

SUBMITTED

Dave Lolo, CEO (Vanuatu)

NADO - NADO

General Comments

No comments/ suggestions.

Anti-Doping Sweden

SUBMITTED

Jessica Wissman, Head of legal department (Sverige)
NADO - NADO

General Comments

Anti-Doping Sweden support the proposed amendments of the ISII.

NADA Austria

SUBMITTED

Dario Campara, Lawyer (Austria)
NADO - NADO

General Comments

Article 5.5.1

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

Article 5.5.3.1

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

CHINADA

SUBMITTED

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

General Comments

Article 5.5.1

As per Article 5.5.1, “the Anti-Doping Organization shall decide without undue delay whether proceedings should be brought against the Athlete, Athlete Support Person, or other Person for any potential anti-doping rule violation,” the basis for “deciding without undue delay whether to bring proceedings” should be explicitly identified as

the International Standard for Results Management (ISRM). We recommend that this Article specify this basis to enhance its clarity.

Article 5.5.3.1

We recommend that the notifying pathway should be clarified: should the notification be submitted solely to the Results Management department, or should it also be submitted concurrently to WADA’s Intelligence and Investigations (I&I) Department?

Canadian Centre for Ethics in Sport

SUBMITTED

Bradlee Nemeth, Manager, Sport Engagement (Canada)
NADO - NADO

General Comments

Definition - Raw information

The CCES would suggest updating “Doping Control Forms” to “Doping Control paperwork.” This update would clarify that raw information does not only include DCFs, but all doping control paperwork including supplementary reports.

Suggested changes to the wording of the Article

Proposed wording: "Raw Information can come in many forms including, but not limited to, unprocessed data, information reports, Doping Control **paperwork** (including declarations made by Athletes), conversations / interviews, telephone calls, video, media reports, and anonymous or non-anonymous disclosures."

Reasons for suggested changes

This update would clarify that raw information does not only include DCFs, but all doping control paperwork including supplementary reports.