

### iNADO New Members

iNADO is delighted to announce its 61st and 62nd Member. Please join us welcoming:

- Anne Daloze and her team of the Directorate of the Fight Against Doping of Wallonia - Brussels (NADO French Speaking Community of Belgium). To learn more about anti-doping there visit: [www.dopage.be](http://www.dopage.be)
- Japhter K. Rugut and his team of the Anti-Doping Agency of Kenya. To learn more about anti-doping there visit: [www.adak.or.ke](http://www.adak.or.ke)



### iNADO Workshop 2017 - Save the Date - March 12

As in previous years, iNADO will host its 2017 Annual Workshop in Lausanne prior to the WADA ADO Symposium. We are very happy to inform you that next year's workshop will take place on Sunday March 12, at the [University of Lausanne \(UNIL\)](http://www.unil.ch). Non Member NADOs, RADOs and IFs will again be welcomed for a fee to help cover our costs.

The University of Lausanne is situated at the shore of the Lake Geneva not far from the city center and offers not only fantastic scenery views but also ideal facilities and amenities. The University of Lausanne

will enrich our informative and practical 2017 programme.

Also as in 2016, accomodation will be managed in connection with WADA´s ADO Symposium. Thus, booking your hotel will be done using the City of Lausanne Tourism Office platform.

[Click here to go to the registration site](#) with different hotel options. Please note that you can register to the [2017 WADA Symposium](#) now. Registration closes on Feb. 20, 2017.

---

## Outcomes of WADA ExCo and FB Meetings in Glasgow

The recent WADA ExCo and Foundation Board meetings made a number of important decisions. All NADO and RADOs should review those decisions carefully. Here is a [message from WADA](#) including links to the outcomes of those meetings. [Click here to go directly to the Outcomes](#)



## Key Findings iNADO ABP Conference

Matt Fedoruk, whom we thank once again for moderating the session, has made a summary of the most important findings of the iNADO ABP Conference:

Day 1

- Hematological and steroidal ABP programs have become a robust forensic and legal tool to assert ADRVs when implemented effectively
- Execution of an effective ABP program is dependent on specific NADO resources, with most important aspects being process, collaboration and cooperation
- WADA is continually striving to fine-tune and strengthen the ABP program with input from stakeholders – revised ISTI, BSS Score, TDSSA, Endocrine module, Biomarker discovery
- ABP is one tool and requires integration of analytical and non-analytical information to drive intelligence testing and maximizing both detection and deterrence
- Many NADOs, APMUs and IFs have experience and are willing to mentor and help others with capacity building

Day 2

- WADA-accredited laboratories and lab-associated APMUs provide blood and steroid analysis reports in accordance with WADA TDRMR and TDEAAS, respectively.
- Specific workflows are essential to effectively manage ABP results: APMU->Expert Panel->Evaluation(Normal, Suspicious, Likely Doping, Pathology)->Results Management
- Legal robustness of the hematological ABP has been upheld by CAS, even in the presence of confounding factors, with length of ineligibility based on intentional violations (4 years or greater)

---

### **European Sport Ministers Support reform Agenda for WADA and for Anti-Doping**

At the 14th Council of Europe Conference of Ministers responsible for Sport, Budapest, Hungary 29 November 2016, what follows are excerpts from the Final Resolutions. NADOs and RADOs outside of Europe should bring this information to the attention of their own governments and seek similar and supportive resolutions from the governments of their regions.

#### **Resolution No. 1.1 (Role of the governments in addressing emerging challenges in the fight against doping in sport at national and international level)**

The Ministers responsible for Sport, meeting in Budapest, Hungary, for the 14th Council of Europe Conference on 29 November 2016:

- *Recognising considerable challenges that recently threatened the integrity of the international anti-doping system;*
- *Recognising the need for the governments to assess and, where necessary, revise their policies in order to ensure the effectiveness of actions aimed at fighting doping in sport at national level;*
- *Recognising the important contribution of the Council of Europe Anti-Doping Convention to the international fight against doping in Europe and beyond;*
- *Praising the role of the Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA) in fostering effective co-operation between European countries and promoting their co-ordinated position in the World Anti-Doping Agency (WADA) statutory bodies and recognising the importance of sharing this experience beyond Europe;*
- *Acknowledging the important role performed by the European representatives in the WADA Executive Committee and Foundation Board;*
- *Re-asserting its support to WADA as the only international regulatory body in the anti-doping field;*
- *Welcoming considerable efforts made by WADA to promote compliance of the signatories with the 2015 World Anti-Doping Code and encouraging countries to support WADA's actions to ensure compliance with the Code;*

- *Recognising the crucial role of National Anti-Doping Organisations (NADOs) in the implementation of the 2015 World Anti-Doping Code and the need to ensure their independence in operational decisions and activities;*
- *Recognising the necessity to improve co-ordination between public authorities worldwide and welcoming the initiative to organise regular meetings of the public authorities' representatives in the WADA statutory bodies;*
- *Welcoming increased co-operation between the Council of Europe and WADA and particularly the signing of the Memorandum of Understanding between the two organisations;*
- *Acknowledging the importance of the guidance provided by the T-DO, through its recommendations, to the state parties of the Anti-Doping Convention in amending their policy and practice with a view to supporting the implementation of the 2015 World Anti-Doping Code and encouraging countries to give practical effect to these recommendations;*
- *Supporting the principles for the improvement and strengthening of the world anti-doping system as agreed at the meeting of public authorities' representatives in the WADA Executive Committee and Foundation Board held in London on 17-18 November 2016;*
- *Recognising that all anti-doping organisations must comply with the rules of good governance and the principle of proportionality, while respecting the fundamental rights of the individuals subjected to the anti-doping regulations, particularly when it comes to data protection;*
- *Being aware that athletes must be protected from the forced or encouraged doping schemes and be subjected to a proper anti-doping education;*

- Encourage member States of the Council of Europe to assess and, where necessary, revise their national anti-doping policy and practice in such a way that would improve their effectiveness and help respond to emerging challenges as well as to ensure that the governments' actions complement those of national and international anti-doping organisations

- Call for strengthening the ability of WADA to respond to current and emerging challenges in the anti-doping field.

- Ask the European representatives in the WADA Executive Committee and the Foundation Board, in co-operation with the representatives of other continents, to continue to work towards strengthening the world anti-doping system on the basis of the core values of the Council of Europe and the principles of good governance, in particular through:
- Promoting the independence of the doping control, result management and disciplinary procedures from the sports organisations;
- Reinforcing the role played by the public authorities in the development and implementation of the world anti-doping programme;
- Safeguarding the independent role of WADA as the global anti-doping regulator responsible for standard-setting and monitoring;
- Strengthening the governance of WADA with a view to ensuring that it is operating in full conformity with the principles of good governance;
- Fully respecting the independence of the NADOs in their operational decisions and activities;

- Supporting the efforts to strengthen WADA's capabilities, including by implementing the newly adopted framework of proportionate and graded sanctions for Code non-compliance, including the adoption of strong deterrent sanctions for large scale subversions of the anti-doping system;
- Supporting WADA in the implementation of the newly adopted whistleblower program, ensuring greater protection for them.

- Support the Council of Europe in its efforts to facilitate the development and establishment of a permanently functioning and dynamic mechanism of co-ordination and information exchange between public authorities from all continents in WADA and on WADA-related issues.

- Instruct the Ad hoc European Committee to the World Anti-Doping Agency (CAHAMA) to continue providing active support to the efforts of the public authorities inside and outside Europe, for the improvement of the global anti-doping system.
  - Consider promoting further autonomy of NADOs with a view to expanding their scope of responsibilities and providing them with the resources needed to implement the Code.
  - Ask the Monitoring Group to the Anti-Doping Convention (T-DO) to explore the need and possibility of reviewing the Council of Europe Anti-Doping Convention with a view to considering making recommendations to the Committee of Ministers of the Council of Europe regarding its possible revision.
  - Encourage the Monitoring Group to the Anti-Doping Convention (T-DO) to continue its standard-setting work in order to offer practical guidance to the state parties on addressing emerging anti-doping issues in compliance with the Council of Europe Anti-Doping Convention, including on the principles of independence of NADOs.
  - Call on member States to implement the Recommendation on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping, adopted by the T-DO in May 2016.
  - Endorse the institutionalisation of the co-operation between the Council of Europe and WADA through the signing of the Memorandum of Understanding.
  - Encourage the Monitoring Group to the Anti-Doping Convention (T-DO) to continue strengthening co-operation with UNESCO, particularly in assisting to promote compliance with the UNESCO International Convention against Doping in Sport.
  - Encourage governments to continue providing their due share of their financial obligations to WADA and providing national anti-doping organisations with appropriate core funding to enable them to fulfil their agreed tasks.
-

## **Ask iNADO: Can Formal Assertions or Charges of Doping be Withdrawn by an ADO?**

An iNADO Member seeking advice recently put this scenario to iNADO:

- Athletes were charged under Code 2015 Article 2.3 by their IF for refusing sample collection. However, upon further investigation, the NADO found that the essential element to article 2.3, that is notification, did not exist. The Athletes were never notified or informed that they were selected for doping control. The Athletes never signed any doping control form nor were they approached by any DCO at that time.
- The DCO actually approached the team manager to draw names by lot for testing. However, due to certain internal conflicts between the organiser and the team manager, there was a dispute and the team manager went away without addressing the request to draw lots.
- The Athletes and 3 officials (team manager, coach and assistant coach) were charged by the IF. The Athletes were charged under Code 2015 Article 2.3 while officials were charged under Code 2015 Article 2.9 complicity for not cooperating with DCO. The charges came together with notice of provisional suspension.
- In light of the facts, the IF was asked to lift provisional suspensions of the Athletes. This was done on the basis of Code 2015 Article 7.9.2 on the grounds that the imposition of the provisional suspension against the Athletes has no reasonable prospect of being upheld, and there is no case to answer due to a fundamental procedural flaw (absence of notification) which has led to the non-fulfillment of Code 2015 Article 2.3.
- The provisional suspension of the Athletes was lifted. The provisional suspension on 3 officials remains.
- The question: since the Athletes have no case to answer and that the charge against them is unreasonable, due to the failure to fulfill elements in Code 2015 Article 2.3, does the Code allow any application to set aside the charges against them at this stage? The provisions in the Code 2015 on the lifting of provisional suspensions is silent whether the charge could still be enforced even though it is flawed by mistake of fact/mistake of law. If the charge could be set aside at this stage, the Athletes will not have to go through a full hearing and this could save a lot of time and resources.

### **The Answer: Yes, Charges can be Withdrawn when the Facts Warrant.**

The Code 2015 is silent on the withdrawing of assertions of ADRVs. So is the ISTI 2015. So are the WADA Results Management, Hearings and Decisions Guidelines (2014) as far as I can see. But there are ample indications to support the withdrawal of assertions of ADRVs when the facts warrant. And that seems to be the case for these Athletes.

Articles 7.6 and 7.7 tell us that for potential non-analytical ADRVs (including whereabouts failures or other ADRVs) there must be a “review” and/or “investigation.” According to Section 12.1.2 of the ISTI (under the

heading Investigations: Objectives):

*12.1.2 In each case, the purpose of the investigation is to achieve one of the following: either (a) to rule out the possible violation/involvement in a violation; or (b) to develop evidence that supports the initiation of an Antidoping rule violation proceeding in accordance with Code Article 8.*

So it is clear that any investigation of a potential non-analytical ADRV may lead to a decision not to proceed. Not to proceed to assert an ADRV in the first place, or not to pursue an assertion already made in light of all of the relevant facts. This is of course common sense.

This is also supported by the general legal principle of prosecutorial discretion. Ultimately, it is up to the ADO with Results Management Authority to decide whether or not there are sufficient facts to proceed with an ADRV case. A responsible ADO would never proceed with a case for which there was no or a weak factual basis, either at the outset or because an investigation or review has generated additional information. Under the Code 2015 this is recognised because decisions “not to go forward with an anti-doping rule violation after an investigation under Article 7.7” are appealable under Code Article 13.2.

So while it is not explicit, the authority to withdraw an assertion of the ADRV in light of all relevant facts is implicit in the scheme of the Code and ISTI in my view. Indeed, that authority probably does not need to be explicit.

On that basis, in light of the lifting the provisional suspensions, and the reasons for it, it seems nonsensical and certainly contrary to the spirit of the Code to take the six athletes to a hearing that can only result in an acquittal. I hope that WADA would agree.

So I would suggest that the NADO consult with WADA and be prepared to write to the IF formally requesting the assertion of ADRVs against the Athletes be withdrawn.

#### **Join iNADO for Expert Advice on Anti-Doping Issues of All Types**

iNADO Members have access to the expertise of iNADO Staff and the expertise of their NADO colleagues through iNADO's Expert Networks. This provides quick problem solving when you have a pressing issue that needs resolution.

---

#### **International Ski Federation and FINCIS / FINADA produce Clean Sport Video Clips**

iNADO would like to share these videos produced by FIS in cooperation with the Finnish Centre for Integrity in Sports / Finnish Anti-Doping Agency featuring different athletes supporting clean sport. These will appear on a weekly basis towards the FIS Nordic World Ski Championships 2017. The first one went online recently on [FIS Cross-Country Website](#), [Cross-Country Facebook](#) and [Cross-Country Twitter](#). Click here to go view on [You Tube](#). Please kindly share, suggested hashtags #cleansport #cleanwin #cleanassnow

---

## **Important Media Statements supporting Clean Sport**

The list below are a few of the latests calls from athletes or anti-doping experts to strenghten WADA

- Akaash Maharaj: WADA and the IOC will save or destroy one another. [Click here.](#)
- Thorhild Widvey: WADA must be reinforced and publicly supported. [Click here.](#)
- World Olympians Association call for further measures to support individual athletes following Olympic Summit. [Click here.](#)
- Beckie Scott: Essential we support and strengthen WADA. [Click here.](#)

---

## **Anti-Doping Websites that you should know about**

The following websites gather a wide range of interesting resources and perspectives on Anti-Doping. We think you might want to explore them:

- [World Association of Anti-Doping Scientists.](#) Association of accredited and probationary anti-doping laboratories dedicted to share their knowledge and expertise with other ADOs
- [International Network of Doping Research](#) of the Department of public health of the University of Aarhus (Denmark). Founded over a decade ago to " to share and encourage research on doping practices in their broadest cultural, social and political dimensions".
- [Deportelimpio.](#) Education and prevention platform of the Spanish Agency for the Protection of Health in Sports with resources in Spanish for athletes, coaches, lawyers, DCOs, doctors and anti-doping organizations. It also offers an on-line course about the anti-doping from an historical perspective.
- [The Anti-Doping Database.](#) This website gathers information about athletes who have been sanctioned for an anti-doping rule violations based on Information made public by National Anti-Doping Agencies (NADA), International Sports Federations (ISF), National Sports Federations (NSF) and also news websites. Sign-in is required.
- [WADC Commentary.](#) Funded by the Swiss National Science Foundation and the University of Neuchatel. It contains blogs and commentaries on case decisions and publications. It is "the world's first comprehensive book on the World Anti-Doping Code!" Check for instance the significance of Maria Sharapova´s fault.
- [The Catlin Perspective Blog.](#) Prof. Don Catlin´s, founder of the UCLA Laboratory prior to the 1984 Olympic Games and director of the Laboratory for 25 years offers together with Oliver Catlin their perspective on Anti-Doping issues.



**New at the Anti-Doping Knowledge Centre**





**DOPING.nl**  
THE ANTI-DOPING KNOWLEDGE CENTER

- [IOC 2016 IOC vs Hripsime Khurshudyan \(London Olympiad\)](#)
- [IOC 2016 IOC vs Hripsime Khurshudyan \(Beijing Olympiad\)](#)
- [IOC 2016 IOC vs Iryna Kulesha \(Beijing Olympiad\)](#)
- [IOC 2016 IOC vs Nastassia Mironchyk Ivanova](#)
- [IOC 2016 IOC vs Boyanka Kostova](#)
- [IOC 2016 IOC vs Aksana Miankova \(London Olympics\)](#)

**iNADO is the Institute of National Anti-Doping Organisations. It promotes best practices by NADOs and RADOs, and is their collective voice.**

 [iNADO Website](#)

 [iNADO on Facebook](#)

 [iNADO on YouTube](#)

**iNADO Partners**



**DOPING.nl**  
THE ANTI-DOPING KNOWLEDGE CENTER



Copyright ©2016, iNADO, All rights reserved.