

THE IMPLEMENTATION OF THE WADA CODE IN THE EUROPEAN UNION

REPORT
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THE HAGUE THE NETHERLANDS



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INTRODUCTION

The fight against doping has become an increasingly important theme on the EU agenda.

On this subject, the White Paper on Sport published by the European Commission on 11 July 2007 stated the following:

“The EU would benefit from a more coordinated approach in the fight against doping, in particular by defining common positions in relation to the Council of Europe, WADA and UNESCO, and through the exchange of information and good practices between Governments, national anti-doping organisations and laboratories. Proper implementation of the UNESCO Convention against Doping in Sport by the Member States is particularly important in this context.

The Commission will play a facilitating role, for example by supporting a network of national anti-doping organisations of Member States.”

In the past few years, activities in this field have essentially concentrated on the Code of the World Anti-Doping Agency (WADA) which is the subject of the Copenhagen Declaration and the UNESCO Convention against Doping in Sport. Naturally, the work of the informal European working party, the ‘EU Working Group on Anti-Doping’, actively contributes to this.

Despite the increased interest in this subject, in practice the central objective of the Code, i.e. to ensure harmonised, coordinated and effective anti-doping programmes at both an international and national level with regard to the detection, deterrence and prevention of doping, is still far from being realised for a variety of reasons. The necessity for a European framework for cooperation in the fight against doping, on the basis of the Code, therefore requires further study.

An initial requirement for the achievement of strict agreements on a EU level is that reliable information is available about the state of affairs in each Member State.

With a view to the Belgian Presidency of the European Union in the second half of 2010, the Flemish Minister for Sport, Philippe Muyters, has asked the T.M.C. Asser Institute of International Law in The Hague to carry out a thorough study of the application of the Code within the European Union and to catalogue its findings.

In this report, the T.M.C. Asser Instituut presents the results of its study. Its inventory was undertaken on the basis of the attached questionnaire which was distributed amongst the relevant government departments and/or agencies with primary authority in the area of sport in each Member State and amongst the National Anti-Doping Organisations (NADOs) in the European Union. Included with this study is a CD-ROM containing the text of the Code, the International Standards, the UNESCO Convention against Doping in Sport, as well as national legislation and sports rules and regulations governing anti-doping which were received and collected as supplements to the answers.

As far as Belgium is concerned, a distinction should be made between the four different authorities authorised to fight doping, namely: the Flemish Community, the French Community, the German-speaking Community and the Joint Community Commission.¹

The study was concluded on 6 August 2010.

The Hague, August 2010
Prof. Dr R.C.R. Siekmann (project manager)
Dr J.W. Soek (senior researcher)

¹ For practical reasons, in the Conclusions of the study the authorities of Belgium were counted as separate countries, whenever differences were found in the replies of those authorities.

A. RELATIONSHIP BETWEEN THE NATIONAL RULES AND REGULATIONS AND THE WADA CODE

A.1 In what way has the UNESCO Anti Doping Convention been implemented in your country?

Acceptance, accession, approval or ratification of the UNESCO Anti Doping Convention

States	Date of deposit of instrument	Type of instrument
Austria	19/07/2007	Ratification
Belgium	19/06/2008	Ratification
Bulgaria	12/01/2007	Ratification
Cyprus	08/09/2009	Ratification
Czech Republic	30/04/2007	Ratification
Denmark	15/12/2005	Ratification
Estonia	17/08/2007	Approval
Finland	22/12/2006	Acceptance
France	05/02/2007	Ratification
Germany	31/05/2007	Ratification
Greece	31/12/2006	Ratification
Hungary	29/08/2007	Approval
Ireland	18/07/2008	Ratification
Italy	27/02/2008	Ratification
Latvia	10/04/2006	Accession
Lithuania	02/08/2006	Ratification
Luxembourg	11/12/2006	Ratification
Malta	Malta is in the final stages of the ratification process. The Convention has, therefore, not yet been implemented.	
Netherlands	17/11/2006	Acceptance
Poland	17/01/2007	Accession
Portugal	30/04/2007	Ratification
Romania	23/10/2006	Acceptance
Slovakia	26/01/2007	Ratification
Slovenia	18/09/2008	Accession
Spain	25/10/2006	Ratification
Sweden	09/11/2005	Ratification
United Kingdom	25/04/2006	Ratification

1 EU country is not yet a State Party to the UNESCO Convention against Doping in Sport.

Legislative implementation of the UNESCO Anti Doping Convention

In Austria, the Flemish Community of Belgium, Denmark, Hungary, Italy, Portugal, Romania, Slovakia, Spain and Sweden a specific Doping Act is in force.

In Bulgaria, France, Latvia, Lithuania and Poland anti-doping rules are laid down in a Sports Act.

In the French and German-speaking Communities of Belgium, Cyprus, the Czech Republic, Finland, Greece, Hungary, Latvia and Slovenia anti-doping rules came into force through the adoption by Parliament of the UNESCO Anti Doping Convention.

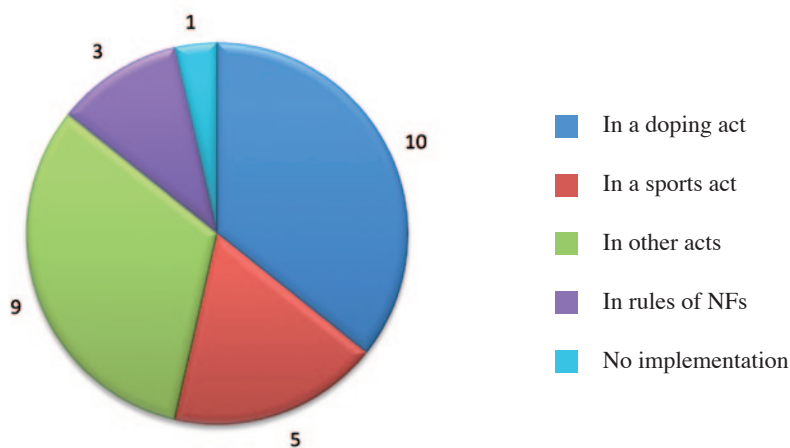
Ireland refers to its Sports Council Act, 1999.

Malta is not yet a State Party to the UNESCO Convention against Doping in Sport but is in the final stages of the ratification process. The Convention has, therefore, not yet been implemented.

In order to meet their obligations under the UNESCO Convention Germany, the Netherlands and the United Kingdom rely on anti-doping organizations as well as sports authorities and organizations.

Implementation of the WADA Code

in a Doping Act: 10 EU countries
in a Sports Act: 5 EU countries
in other Acts: 9 EU countries
Doping rules in regulations of sports authorities: 3 EU countries
No implementation: 1 EU country



A.2 On which points do the anti-doping rules and regulations in your country differ from the WADA Code?

Over half of the European Union Member States (18 countries) indicate that all mandatory provisions of the WADA Code and the international standards – without any exception – are in force on their soil. Those countries are: Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Slovenia, Slovakia and the United Kingdom. This is also true for Sweden, albeit that the implementation of the WADA Code and its binding Standards in the rules and regulations laid down by the Swedish sports movement called for some adjustments in terms of structure and language as well as to better reflect the Swedish legal tradition.

The Austrian Anti-Doping Act complies firstly with the legal situation in Austria and secondly with all possible points of the WADA Code.

The Latvian respondent pointed out that the regulations of the sports organizations do not differ from the WADA Code, but that the regulations of public authorities are currently in the process of being amended to include the athletes' whereabouts issue and new TUE standard requirements.

In Spain the General Public Anti Doping Act was approved before the adoption of the 2009 version of the WADA Code. The modifications introduced by the 2009 version have in some cases not yet been incorporated in the Spanish rules. However, the appropriate amendments are currently being prepared. On some points the Spanish rules are stricter than the rules provided by the Code, for example where the first failure to comply with the whereabouts obligations already constitutes an anti-doping rule violation.

In the Flemish Community of Belgium the law is in conformity with the WADA Code. The only point of difference is the fact that the Belgian Constitution does not allow sanctions to be published on a publicly accessible website.

The legislation of the French Community of Belgium concerning doping is currently being adapted in order to comply with the principles of the WADA Code with regard to the observance of the general principles of national and international law. This adaptation relates to the following points in particular:

- the definition of a target group of athletes regarded as elite athletes;
- the introduction of a whereabouts obligation for the elite athletes;
- the setting up of a Therapeutic Use Exemption Committee;
- the adaptation of the procedure and of the disciplinary sanctions.

In the German-speaking Community of Belgium, the existing legislation is currently being revised, in coherence with the legislation of the French Community. Just like in the Flemish Community, however, the publication of sanctions on a publicly accessible website will neither be provided for or permitted, that is because of a decision of the Belgian Constitutional Court.

The French legislator has started a procedure which must bring the law into conformity with the principles of the new version of the WADA Code. Since the ordinance of the 14 of April 2010 the following elements are now included in the French Sports Act:

- The definition of “attempted anti-doping rule violations”,
- The definition of “international competition”,
- The definition of “athlete”,
- The power of the French NADO (Agence Française de Lutte contre le Dopage - AFLD) to perform doping controls during periods of training in preparation of international competitions,
- The prescribed 8-year disciplinary sanction for doping,
- Possibility for WADA to appeal in front of French tribunals and courts, competent to judge dispute settlement after a decision of the AFLD or a sports federation.

In Bulgaria the main differences between the draft regulations (Regulations against Doping in Sport) and the World Anti-Doping Code are the following:

- Article 23.2 of the Code cannot be applied in full because of existing national legislation (Decree No. 883 to Implement the Law on Normative Acts) that regulates the structure of all types of national-level legal instruments that are adopted by the National Assembly (i.e. the Bulgarian Parliament) and/or the Council of Ministers (i.e. the Bulgarian cabinet);
- The “attempted use”, “attempted trafficking” and “attempted administration” of a prohibited substance and/or method are not considered anti-doping rule violations given that the Penal Code of the Republic of Bulgaria defines the “attempt” at committing a violation as a criminal offence while anti-doping rule violations are considered administrative violations.

Malta’s Anti-Doping rules are being based on the Model Rules for National Anti-Doping Organizations (which in turn are based on the 2009 Code recommended by WADA) and most of the mandatory provisions in these model rules have already been included, although there are some differences with respect to the whereabouts issue.

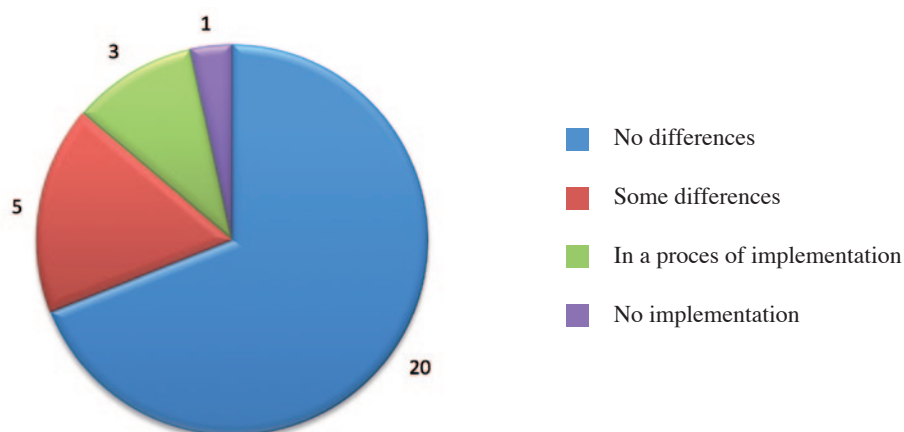
The Polish legislator is in the process of drafting a new Sports Act. An attempt has been made to implement the provisions that are connected with prohibited substances, the definition of doping and the sanctions for persons who sell prohibited substances to minors. Unfortunately, the implementation process has for many different reasons been abandoned, mainly because of collision with the general rules of the Criminal Code.

In 20 EU countries no differences exist between the WADA Code and the anti-doping rules;

In 5 EU countries the anti-doping rules differ from the WADA Code on some points;

3 EU countries are in the process of bringing the law into conformity with the principles of the new version of the WADA Code;

In 1 EU country the process of implementation has been abandoned.



A.3 On which points does your country's practice differ from the prevention of doping envisaged in the Code?

Conformity

In Austria, Cyprus, the Czech Republic, Denmark, Estonia, Greece, Ireland, Latvia, Lithuania, Luxembourg, Portugal, Romania, Slovakia, Slovenia and the United Kingdom anti-doping practice does not substantially differ from the practice envisaged in the WADA Code.

Differences

Belgium

Flemish Community

The Flemish Community does not publish sanctions on a publicly accessible website.

German-speaking Community

The definition of target groups identified as an elite athlete is not clear. The reporting of identified elite athlete is not clear. The Commission to issue AUT is not yet established; and the procedures and sanctions must be adapted.

Bulgaria

Previously, the National Anti-Doping Commission of Bulgaria would transfer samples for analysis to a WADA-accredited laboratory only at the request and at the expense of athletes and/or national sports organizations as otherwise samples would be sent for analysis at the Sofia-based Laboratory for Doping Control. In line with the government's plan to build and equip an Anti-Doping Laboratory and apply for WADA-accreditation, the Minister of Physical Education and Sport issued an order prohibiting the Laboratory for Doping Control in Sofia from conducting anti-doping analyses. Therefore, until WADA accreditation is obtained for the new laboratory, doping control samples collected by the National Anti-Doping Commission / Anti-Doping Centre will be transferred abroad to be analyzed at a WADA-accredited laboratory.

Germany

In Germany NADA concludes contracts on doping controls with German sports organizations. Such contracts have been concluded with national sports associations, organizers, several professional leagues and the Land sports associations. These organizations have assigned to NADA the task of independently planning and conducting doping controls for their athletes and they are responsible for conducting the proceedings for the imposition of sanctions on athletes in case of a violation unless these proceedings are directly referred to the German Court of Arbitration for Sport (the German Institution of Arbitration, DIS). NADA, WADA and other organizations pursuant to Art. 13 WADC have the right to appeal against final decisions. Pursuant to

the national provisions of the NADC an appeal must be filed with a court of arbitration within the meaning of Book 10 of the Code of Civil Procedure (Zivilprozessordnung, ZPO). In addition, NADA has the right to initiate proceedings if the association fails to act.

Furthermore, by providing funding only under certain conditions, the Federal Government has been able to ensure that German sports associations include the requirements laid down in the NADC (the German implementation of the WADC) in their rules which thus become binding upon their athletes. This has helped NADA and the DOSB create a uniform German doping control system. NADA was also able to convince leagues to join the uniform system and thus follow the rules of WADA and NADA. All of these organizations apply the WADC/NADC and all international standards of WADA (in their German implementation).

Finland

The FINADA does not make use of ADAMS, but apart from that FINADA acts in complete conformity with the Code and International Standards which was also confirmed in the ISO 2008:9000 certification process.

France

Anti-doping rules are drafted by public authorities but the AFLD is systematically called upon to give opinions on any documents drafted in relation to anti-doping measures.

In France, there are sport federations which can impose sanctions to sport players. Beside them, the AFLD is competent to sanction athletes who are not license-holder in France, but also to aggravate or extend all the sanctions imposed by sport federations. Sport people use ADAMS only for whereabouts information.

Hungary

Only international-level athletes have the possibility to appeal to the Court of Arbitration for Sports.

Italy

Criminal sanctions are imposed on athletes or their supporting staff.

Malta

Malta's Anti-Doping rules are being based on the Model Rules for National Anti-Doping Organisations (which in turn are based on the 2009 Code recommended by WADA) and most of the mandatory provisions in these model rules have already been included, although there are some differences with respect to the whereabouts issue.

Netherlands

The main differences are:

- No public disclosure of the identity of athletes and others who have committed an Anti-Doping Rule Violation and/or have been sanctioned for such an ADRV;
- No use of ADAMS as a database and clearing house;
- No dissemination of sensitive, personal information to countries that do not provide adequate data protection.

Poland

The main differences are:

- The rules regarding the Registered Testing Pool are not applied as there is no possibility to monitor individual athletes.
- The ratio between in-competition and out-of-competition testing is 1:1. According to the International Standard for Testing, the number of out-of-competition tests should be greater than the number of in-competition tests. However, the ratio used by the Commission Against Doping in Sport is based on practical experience which shows that a large proportion of doping offences occur during competitions, which is probably due to a lower level of sophistication in doping practices in Poland.
- The Commission Against Doping in Sport has not implemented the International Standard for the Protection of Privacy and Personal Information due to its unclear legal status.

Sweden

Since the legal basis to systematically use ADAMS still is unclear, we do not fully use ADAMS and cannot therefore automatically inform WADA and International Federations about TUE's, potential doping rule violations and sanctions. Instead this information is given separately and based on the relevant documents, not electronic data.

Spain

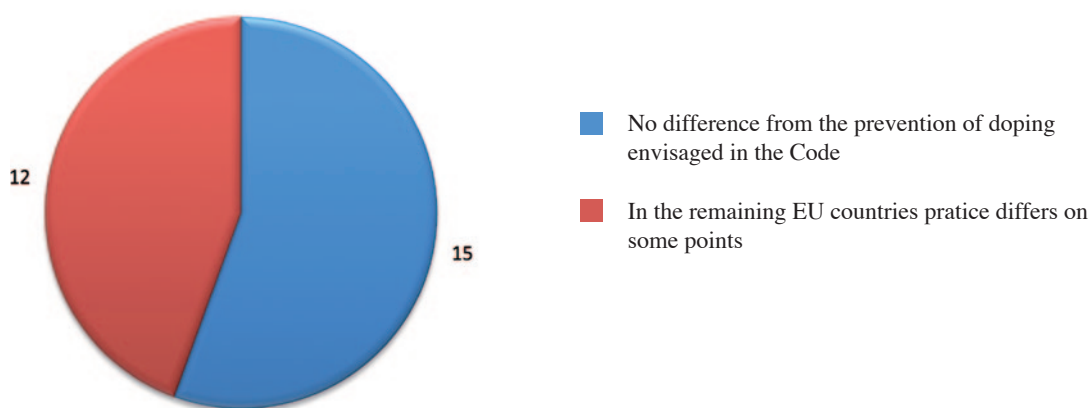
In Spain, doping control officials have to be medical or health professionals.

The Health and Doping Control and Supervision Committee (which acts as NADO) is authorized to impose sanctions on athletes, but it has delegated this power to the national federations, which must finalize any proceedings within two months. If however a federation takes longer than two months, the Committee can reclaim this authority in order to ensure a timely decision.

In 15 EU countries practice does not differ from the prevention of doping envisaged in the Code;

In the remaining EU countries practice differs on some points, namely:

- *contracts on doping controls concluded with sport organizations;*
- *the cost of transfer and analysis of doping samples;*
- *dissemination of personal information;*
- *frequency of in- and out-of-competition doping controls;*
- *the modality of doping sanctions;*
- *the publication of doping sanctions;*
- *quality of doping control officers;*
- *the right to appeal;*
- *the use of ADAMS;*
- *the whereabouts issue.*



A.4 Have your rules and regulations been declared WADA compatible with the present WADA Code, 2009 version?

The Code states that stakeholders - such as the International Olympic Committee - have the authority to impose measures in cases of declared (by the WADA Foundation Board) non-compliance. For example, in 2003 the IOC amended its Olympic Charter by making the adoption and implementation of the Code by the Olympic Movement mandatory and by including the rule that only Code-compliant sports can be part of the Olympic programme. Other measures may include the ineligibility to bid to host events, cancellation of international events, and symbolic consequences.

Rules and regulations declared WADA compatible

The rules and regulations which are in force in Austria, the Flemish Community of Belgium, Cyprus, the Czech Republic, Denmark, Estonia, France, Ireland, Italy, Lithuania, Romania, Slovakia, Slovenia and the United Kingdom are compatible with the present WADA Code. The Finnish Anti-Doping Code was translated and reported to WADA during the year 2009. All recommended changes were consequently made and in November 2009 WADA confirmed that the Finnish Anti-doping Code was in conformity with the WADA Code. Amendments were not extensive and took the shape of recommendations rather than firm rules. They were confirmed by the FINADA General Assembly at the end of November 2009.

Rules and regulations not yet declared WADA compatible

So far, the Belgian Joint Community Commission's, the Belgian German-speaking Community's, Estonian, Greek, Luxembourgian, Netherlands and Portuguese rules and regulations have not yet been declared WADA compatible. The legislation of the French Community of Belgium concerning doping is currently being adapted in order to comply with the principles of the WADA Code with regard to the respect of the general principles of national and international law. A preliminary draft decree has been developed and is currently being discussed with the WADA in the hope of seeing the French Community recognised as "WADA-compliant" in 2010.

Latvia is steadily informing WADA on the latest developments in updating its legislation and now hopes to reach WADA Code compliant status by mid-2010. However, the current critical economical and financial situation in the country is slowing down all administrative processes. The Swedish NADO recently had the rules translated into English and is in the process of having them evaluated.

Bulgaria

Bulgaria sent WADA a draft of the new anti-doping regulations for the purpose of evaluating compliance with the World Anti-Doping Code on 16 February 2010. On March 26, 2010, Bulgaria received a letter by WADA with recommendations to amend certain provisions of the draft Regulations against Doping in Sport and add specific provisions and definitions from the Code. The process of bringing the draft Regulations in compliance with WADA's recommendations is still underway and is expected to complete by the middle of August, 2010, when the draft Regulations would be sent to WADA for another review. In September, representatives of the Bulgarian NADO, the Ministry of Physical Education and Sport and the Bulgarian Olympic Committee will meet a WADA representative to discuss all outstanding issues concerning the draft Regulations.

Germany

The German NADA is currently revising the 2009 NADC on the basis of the comments and suggestions made by WADA. Following a translation of the German NADC, WADA discovered certain gaps in the implementation of the WADC. These errors are now being corrected in consultation with WADA. The comments by WADA which currently prevent Germany and NADA from obtaining "compliant" status from WADA are mainly editorial in nature; the relevant passages have therefore been revised and submitted to WADA in mid-March 2010. The revised 2009 NADC ("2.0") will be available by May 2010 at the latest. Hopefully "compliant" status will be reached as early as May 2010.

Hungary

A review of the Hungarian rules and regulations is currently underway.

Malta

The anti-doping rules (based on the 2003 WADA Code) were presented to and approved by the WADA Executive Committee. However, Malta is presently working on new rules based on the 2009 WADA Code by introducing some amendments. This means that Malta must again submit the anti-doping rules to WADA for final verification and to be declared compliant. Malta will then proceed with the anti-doping rules approval process so that the new rules can be implemented and enforced.

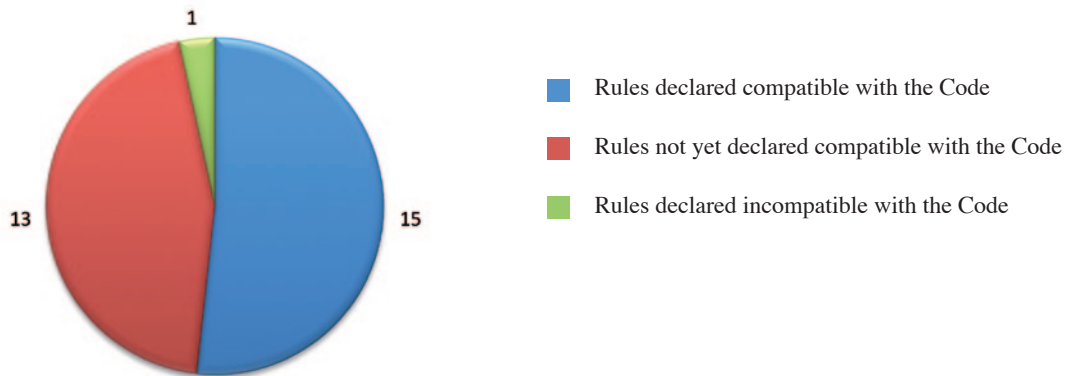
Rules and regulations not declared WADA compatible

Poland

In WADA's opinion, neither the current Polish Act on Professional Sport nor the draft Act on Sport are compatible with the WADA Code. A detailed analysis of the incompatibilities has been performed by WADA. Unfortunately, most of WADA's proposals concerning the adjustment of Polish law to the WADA Code are impractical for the following basic reasons:

- WADA is an organization governed by private law;
- the Agency requires that the provisions of the Code be literally transposed into the national legal system, disregarding the legal definitions and solutions that have been developed within that system, and ignoring EU law.

WADA has declared the rules and regulations of 15 EU countries to be compatible with the present WADA Code;
The rules and regulations of 13 EU countries have not yet been declared compatible with the present WADA Code;
The rules and regulations of 1 EU country have been declared incompatible with the present WADA Code.



A.5 Does your country make use of the Anti-Doping Administration and Management System (the ADAMS database), which the WADA makes available to all stakeholders?

The WADA Code amongst other things requires ADOs to select athletes for inclusion in a Registered Testing Pool and to obtain from them their whereabouts information. To this end WADA has developed and currently controls a web-based Anti-Doping Administration and Management System (“ADAMS”), which is a database situated in Montreal, Canada. According to the WADA Code the use of ADAMS is not obligatory but only recommendable.

The EU Article 29 Data Protection Working Party adopted an opinion on WADA’s International Standard for the Protection of Privacy. The EU Commission, the Council of Europe and WADA consequently reached agreement on solutions to a number of issues identified by the Working Party. WADA’s Executive Committee adopted a revised International Standard on 9 May 2009.

Unrestricted use of ADAMS

Less than half of EU countries make unrestricted use of the ADAMS database. Those countries are: Austria, the Flemish Community of Belgium, the Czech Republic, Estonia, Greece, Latvia, Lithuania, Romania, Slovenia and the United Kingdom.

Restricted use of ADAMS

Although the NADO of Luxembourg uses ADAMS only for whereabouts, the NADO in Germany uses the information for planning and conducting out-of-competition tests and also uses it to provide information on potential exemptions for therapeutic use (TUE) of all athletes.

Some countries reported restrictions on the use of ADAMS. In Bulgaria the use of ADAMS is yet to be specifically regulated at the national level. In Denmark ADAMS is only used for whereabouts of athletes in the registered testing pool A. In addition, ADAMS is used to receive results from the Aker laboratory in Oslo. Anti Doping Denmark does not use ADAMS for doping control planning or TUEs. Finnish athletes who are part of the Registered Testing Pool of an International Federation use ADAMS. Otherwise FINADA uses its own tailor-made IT system in handling the whereabouts of athletes and other testing administration. In France the AFLD uses ADAMS only as regards the location of athletes and does not include any data on health. In Hungary use of



ADAMS is purely voluntary and not based on law as a result of Hungarian legislation on data protection. ADAMS can only be used after the athlete's written consent to upload and share his/her data via ADAMS.

The Italian Authority on Personal Data actually imposed a sanction on the Italian NADO (Controls Committee) for applying ADAMS as the system was held to go against European law.

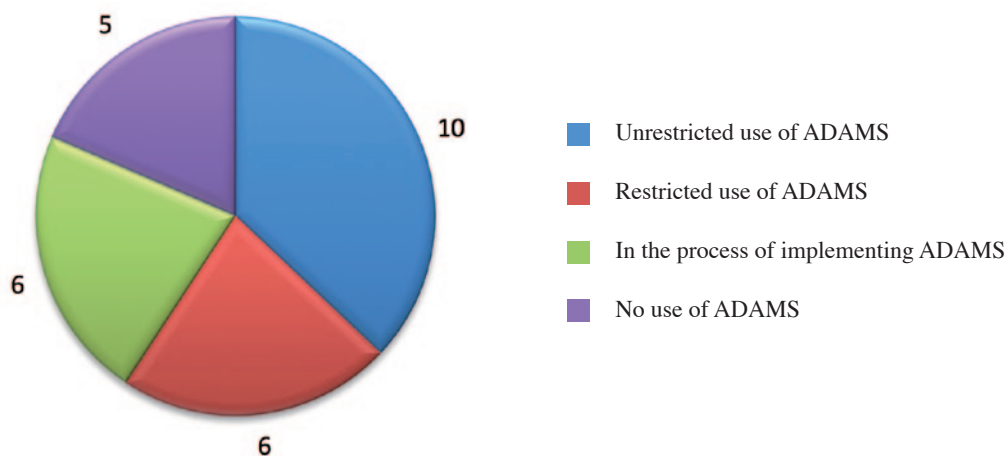
Currently in the process of implementing ADAMS

Several countries are at present in the process of implementing ADAMS for whereabouts reporting. The French Community of Belgium plans to use the ADAMS system insofar as it is compatible with the legislation on the protection of privacy. The Cypriot NADO has recently been granted permission to use ADAMS and is now in the process of negotiating its use with WADA. Sweden signed an agreement with WADA in January 2010 after it had concluded that it was legally possible to store data in Canada. For the time being, Sweden will not actively use ADAMS for any other purpose such as controls or therapeutic use exemptions, partly due to privacy issues and partly because it already has more efficient and effective options available. Spain is interested in the use of ADAMS and has requested a report on its possible use from the Spanish Data Protection Agency. It is presently awaiting the response from that Agency. In Poland the Commission Against Doping in Sport makes no use of ADAMS, but plans to implement the basic elements of the system in the very near future. In Portugal efforts to implement ADAMS are coordinated with the Portuguese Data Protection Commission. The Portuguese NADO is awaiting the opinion of the Article 29 Working Group concerning ADAMS' compliance with the European Directive.

No use of ADAMS

Respondents from the Joint Community Commission of Belgium, the German-speaking Community of Belgium, Ireland, Malta, the Netherlands and Slovakia reported without further comment that ADAMS is not used in their country.

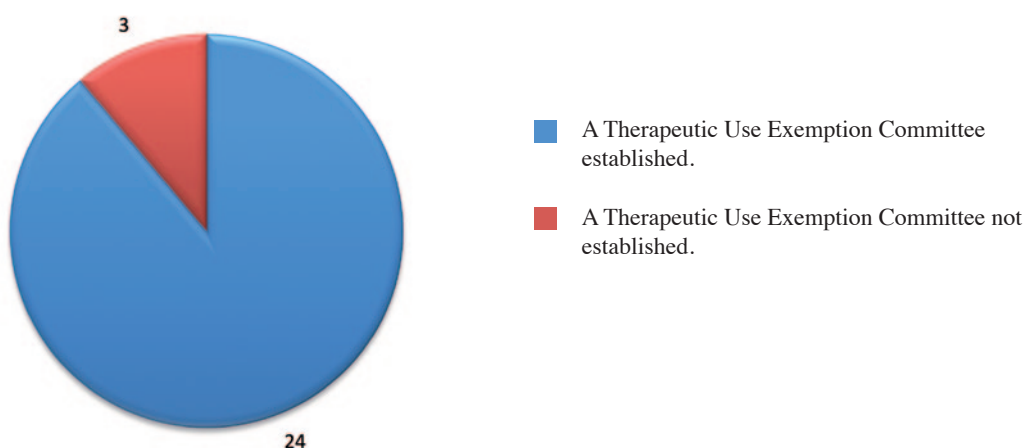
*10 EU countries make unrestricted use of ADAMS.
This means that ADAMS is used for whereabouts, Therapeutic Use Exemptions, mission orders and results management.
6 EU countries make restricted use of ADAMS.
6 EU countries are currently in the process of implementing ADAMS.
5 EU countries do not make use of ADAMS.*



A.6 Has a TUEC or Therapeutic Use Exemption Committee been established in your country?

In all countries examined, apart from the French and German-speaking Communities and the Joint Community Commission of Belgium and Malta, a Therapeutic Use Exemption Committee has been established. The legislation of the French and German-speaking Communities of Belgium is currently being adapted, to establish a Therapeutic Use Exemption Committee.

Only in 3 EU countries a Therapeutic Use Exemption Committee has not been established.



A.7 Are all five International Standards of the WADA and the 2009 Code fully applicable in your country?

The World Anti-Doping Code works in conjunction with five International Standards intended to achieve harmonization among anti-doping organizations in various technical areas, namely,

- List of Prohibited Substances and Methods,
- International Standard for Testing (IST),
- International Standard for Laboratories (ISL),
- International Standard for Therapeutic Use Exemptions (ISTUE), and
- International Standard for the Protection of Privacy and Personal Information (ISPPPI).

Applicability of all five International Standards

All five International Standards of the WADA and the 2009 Code are fully applicable in Austria, the Flemish Community of Belgium, the Czech Republic, Estonia, Italy, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Sweden and the United Kingdom. The International Standard for Protection of Privacy has been followed in Finland taking into consideration the Finnish legislation for privacy protection. The Privacy Standard is indirectly incorporated in the national legislation of Latvia. The National Data Inspectorate has approved certain rights of the Sports Medicine State Agency to handle personal information while providing protection of privacy.

Applicability of four International Standards

Standard for Laboratories not applicable

In Ireland the ISC adheres to 4 of the International Standards, but the Standard for Laboratories is not applicable because there is no WADA-accredited laboratory in Ireland. That having been said, the ISC still makes sure that any laboratory contracted to carry out analysis of its samples adheres to the International Standard for Laboratories. The situation is the same in Denmark where there is no WADA accredited laboratory. Lithuania applies all International Standards, with the exception of the International Standard for Laboratories because Lithuania does not have any certified laboratories. The Greek respondent mentions that Greece does not adhere to the Standard for Laboratories because the laboratory of Athens is independent from ESKAN and is accredited by WADA. Also in Latvia this Standard is “not fully applicable” because Latvia does not have a WADA-accredited laboratory either, but Latvia still implements Article 6.1 of the Code prescribing the use of WADA-accredited laboratories by using the accredited laboratory in Helsinki (Finland).

In France, the List of Prohibited Substances and Methods is transcribed each year in a decree. International Standard for Testing (IST) and International Standard for Laboratories (ISL), are directly applied by the AFLD and a great part of them have been introduced in our texts. At the end of 2010 the transcription of the CMA 2009 will be made and International Standard for Therapeutic Use Exemptions (ISTUE) will be almost entirely transcribed in our texts.

Privacy Standard not (yet) applicable

Work on the implementation of the International Standard for the Protection of Privacy is ongoing in the French Community of Belgium, Bulgaria, Cyprus, Finland, Germany and Luxembourg.

In France the ISPP is only applied insofar as this is allowed under Directive 95/46/EC of 24 October 1995 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The fact that French law and the Directive provide for greater protection prevents the application of certain provisions of the ISPP, most notably on issues that remain unsettled as far as the Council of Europe and the Commission of the European Union are concerned, namely the legal basis for the processing of data (consent must be free and enlightened), the proportionate nature of the data collected with regard to the aim of combating doping, and the transfer of information to third-party countries, the publication of data (exhaustive publication of sanctions or not).

In Spain the International Standard for Data protection is not applicable, because Spain applies the European Directive for Data Protection. In Hungary the Standard is not applicable either. The respondent from Poland reports that the Privacy Standard “is not fully applicable”.

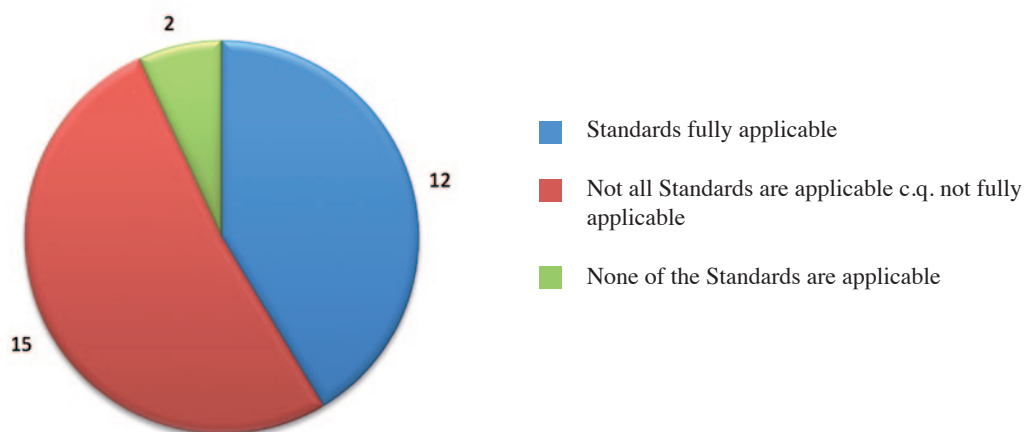
Applicability of two International Standards

Within the French and German speaking Community of Belgium two international standards are already applicable, namely: the international standard for laboratories and the international standard relating to the list of banned substances. The other International Standards are currently in the course of being implemented via the modification of the legislation.

No applicability of the International Standards

In the Belgian Joint Community Commission and in Malta none of the Standards are applicable.

- All five International Standards of the WADA and the 2009 Code are fully applicable in 12 EU countries.
- The Standard for Laboratories is not applicable in 5 EU countries.
- Work on the implementation of the International Standard for Protection of Privacy is ongoing in 5 EU countries.
- In 2 EU countries the International Standard for the Protection of Privacy is only applicable to the extent that it does not infringe Directive 95/46/EC or national legislation for privacy protection.
- In 2 EU countries the International Standard for Protection of Privacy is not applicable.
- In 1 EU country two International Standards are applicable (laboratories and the list of banned substances).
- In 2 EU countries none of the Standards are applicable.



B. SPECIFIC POINTS OF ATTENTION

B.1 With which anti-doping organisations (ADOs) – both national and international – are you currently exchanging information?

According to Articles 14.1.1 and 14.1.2. of the WADA Code an Anti-Doping Organization with results management responsibility must, in case a sample is brought forward as an adverse analytical finding, notify the Athlete's National Anti-Doping Organization, his International Federation and WADA.

Austria

NADA Austria exchanges information with national and international ADOs in the course of its everyday activities and with the NADOs of Germany, Switzerland and France in a special network.

Belgium

All Belgian NADOs exchange information with each other. The NADO of the Flemish Community of Belgium also exchanges information with other European NADOs, UCI and WADA.

Bulgaria

Bulgaria exchanges information with and provides assistance to International Federations conducting in- and out-of-competition testing on their athletes on the territory of the Republic of Bulgaria.

Cyprus

CyADA exchanges information with national sports organizations, with the international federations and with WADA on a "need to know" basis, as determined in the Code.

Czech Republic

Information is exchanged with WADA, ANADO and many IFs (for example UCI, ICF, IRB, TD-O).

Denmark

Regarding results management, information related to adverse analytical findings is exchanged with all relevant international federations and WADA. Questions have recently arisen concerning the exchange of information in the case of doping controls performed on recreational athletes. This matter is now being negotiated between the Danish Data Protection Agency and the Ministry of Culture.

Estonia

Information is exchanged with the Latvian, Lithuanian and Finnish ADOs and with IAAF, FIS and ISU.

Finland

FINADA closely cooperates with WADA (testing and education), ANADO (board member), IADA (secretariat for 2009-2010), the Council of Europe, the European Union (cooperation with the Finnish Government), international federations and the Nordic Countries (since 1984). It also cooperates to some extent with the Baltic countries.

Nationally FINADA cooperates with national federations, the National Olympic Committee and National Paralympic Committee and with the Finnish Government and the Finnish Sports Federation (umbrella to NFs).

France

The AFLD has forged a special relationship with the German, Austrian and Swiss agencies. Together, the 4 agencies have created a network for information exchange and mutual relations which has, for example, already organized a joint conference in February and September 2009 and is planning a new meeting for next April.

Furthermore, the AFLD maintains close relations with the ANADO, to whose anti-doping programmes it specifically contributed.

The AFLD has entered into agreements with the majority of international federations (with the exception of the UCI) for establishing conditions for the implementation of controls during competitions held in France.

As far as ties with WADA are concerned, the AFLD recognized the Code in 2007 and maintains regular relations with WADA decision-making bodies. Issues recently arose as a result of the time taken by the French government to adopt a decree implementing the amendments to the Code in its 2009 version in the French Sports Act, but this decree is now to be published shortly.

Germany

Information is exchanged with the Olympic and non-Olympic sports federations (organized in the German Olympic Sports Confederation (DOSB)) and all sports federations that take part in any international championship or similar competition.

Greece

Information is exchanged mainly with WADA, IAAF, FIBA, UEFA and the Cyprus Anti-Doping Agency.

Hungary

Information is exchanged between HUNADO, NDKT (the National Anti-Doping Coordination Board), ANADO, CEADO, NADOs, WADA, MOB (the National Olympic Committee), NSSZ (the National Sport

Federation) and various national and international sport federations (IWF, athletics, FIA, power-lifting – contract with HUNADO).

Ireland

Information is exchanged with many NADOs. There is regular contact with the NADOs of the UK, Canada, USA, NZ, Switzerland and Germany. The Irish NADO also has intermittent contact with NADOs of the Netherlands, Norway, Denmark, Sweden, Finland and Australia. Through the ANADO network the Irish NADO keeps in contact with all other ANADO members. Also there is regular contact (including exchange of information at varying levels) with the following IFs: IAAF, EAA, ITU, UCI, IRB, FINA, ICU.

Italy

The Italian NADO is currently exchanging information with other organizations.

Latvia

Exchange of information takes place with WADA, IOC, IPC, international federations and ANADO.

Lithuania

The NADO exchanges information with the NADOs of Latvia, Estonia and Poland, and with WADA, ANADO and international federations.

Luxembourg

Exchange of information takes place with the NADOs of France, Denmark, Germany and Switzerland.

Malta

Malta is currently not exchanging information with any country.

Netherlands

The NADO exchanges information with almost all NADOs and IFs, and with WADA, the IOC and the IPC. Sensitive personal data are however only exchanged with organizations that are based in Member States of the European Union, or in countries that guarantee an adequate level of data protection.

Poland

In 2009, the Commission Against Doping in Sport cooperated and exchanged information with many organizations, such as:

- Anti-doping organizations: exchange of information on current anti-doping issues and on the implementation of an effective and coherent anti-doping policy (WADA, ANADO, NADA, ANAD);
- International sports federations: exchange of information on the whereabouts of athletes, performance of anti-doping controls, exchange of information on laboratory test results (UEFA, IAAF, FILA, UCI, FIBA, IBF, UIM, ICF, FIVB, FISA);
- Polish sports associations: cooperation covered educational activities, doping controls at international competitions organized by the federations, information about anti-doping rule violations (in Poland, sanctions are imposed by committees that are part of the Polish sports associations);
- the Warsaw Institute of Sport (WADA-accredited laboratory): the Commission has a contract with the Institute for the analysis of samples taken by the Commission during doping controls.

Portugal

The NADO is currently exchanging information with WADA and with international federations concerning anti-doping rule violations.

Romania

At the national level, the NADO has as its partners the Romanian Olympic and Sport Committee and the Ministry of Youth and Sport, while at the international level the NADO has an agreement with ANADO-ADS and international sport federations, such as IAAF, IRB, etc.

Slovakia

The NADO is currently exchanging information with WADA, ANADO, CEADO and ADOs in Austria, the Czech Republic, Croatia, Germany, Poland, Romania, Serbia and Switzerland. There is a clear need for more exchange of information and more cooperation in legislative issues and perhaps even a need to establish an Anti-Doping Unit at the European level under the competence of and as part of the activities of the European Commission.

Slovenia

On the international federation level the NADO cooperates with FIS, IBU, FIBT and ISU (Vancouver Olympic Games) and with UCI and EAA.

Spain

The NADO exchanges information with several international federations, such as UEFA, the International Triathlon Union, UCI, FIG, FIE and FIVB.

Sweden

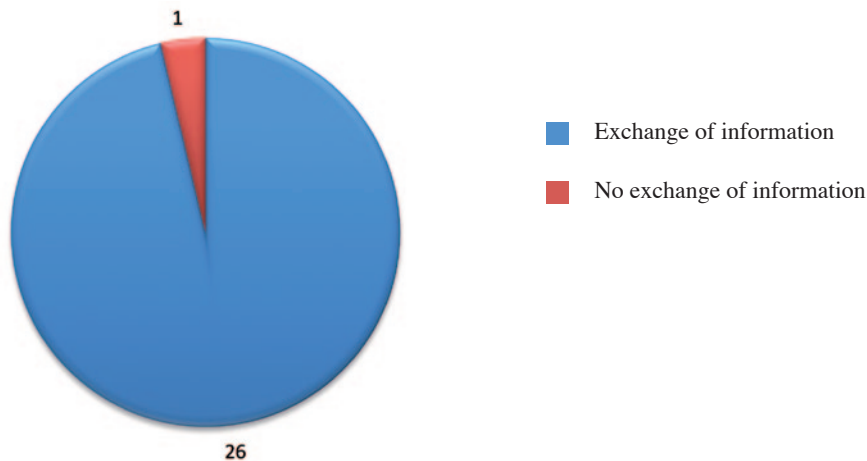
The NADO exchanges paper-based information with any ADO according to the Code and on a need to know basis concerning whereabouts, controls and TUEs. ADOs with access to ADAMS will be able to share whereabouts information according to WADA rules.

United Kingdom

Information is exchanged with WADA and the relevant international federation with respect to potential anti-doping rule violations (exchanged throughout the results management process), and with respect to the issuing of a whereabouts failure.

Apart from communicating with other NADOs and WADA, which NADOs are obliged to do in case of a positive finding, all NADOs have their own specific circles in which information is exchanged.

Only 1 EU country reports that it does not exchange information.



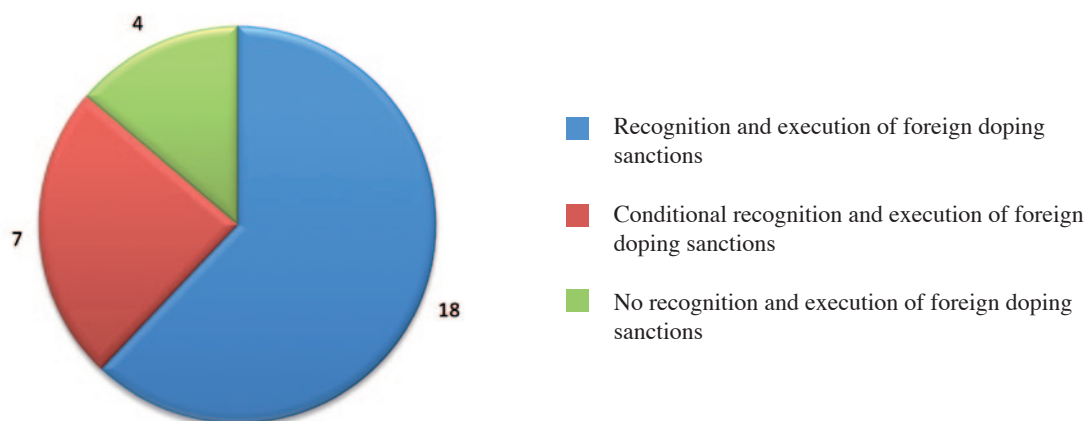
B.2 Are the doping sanctions imposed by other ADOs recognized and carried out in your country?

Countries that recognize and carry out doping sanctions imposed by foreign ADOs are: Austria, the Flemish Community of Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Sweden and the United Kingdom.

Slovenia will recognize and carry out sanctions imposed by other ADOs only in the case of international level athletes and Spain only in the case of sanctions imposed by international federations. Under Article 16.1 of the Irish Anti-Doping Rules the sanctions of other ADOs, which operate in a manner consistent with the World Anti-Doping Code, will be mutually recognized. According to the applicable German rules ADOs must mutually recognize sanctions imposed by other ADOs if these sanctions are in line with the WADC and the NADC. In Malta sanctions are applied if they have been imposed under the international federation's Anti-Doping Rules pertaining to the sport of the doping offender.

Several EU countries do not execute foreign sanctions, such as Estonia and Slovakia. In the French and German-speaking Communities of Belgium only the 'foreign' sanctions imposed by the Flemish Community of Belgium will be recognized and carried out. In Finland 'foreign' sanctions are only executed when they are imposed on Finnish athletes for doping rule violations in international events and were imposed by the international federation. Under the French legislation currently in force, sanctions imposed by foreign ADOs or international federations are not directly applicable.

- 18 EU countries recognize and carry out doping sanctions imposed by foreign ADOs.
- 7 EU countries conditionally recognize and carry out doping sanctions imposed by foreign ADOs.
- 4 EU countries do not execute foreign doping sanctions.



B.3 What is your opinion concerning a mechanism for reciprocity (mutual recognition) of doping sanctions between the 27 EU Member States?

According to Article 15.4.1 of the WADA Code final adjudications of any signatory which are consistent with the Code and are within that signatory's authority, shall be recognized and respected by all other signatories.

All respondents are in principle in favour of the idea of mutual recognition of doping sanctions between the 27 EU Member States. Poland points out that the proper functioning of the Anti-Doping Programme depends on mutual recognition among anti-doping organizations worldwide rather than just among the 27 EU Member States.

For Austria, the Flemish Community of Belgium, Latvia, Italy, Portugal, Romania, Slovakia and Slovenia mutual recognition goes without saying. According to the French Community of Belgium the mutual recognition of sanctions on the territory of the 27 could greatly benefit the fight against doping as long as the rights of the defence are respected. The German-speaking Community will welcome such a mechanism. Greece considers mutual recognition absolutely necessary. A mechanism for reciprocity would be in line with the Code and for this reason would be welcomed by the Netherlands, although it considers the practical value of such a mechanism limited as there already are very few problems in this field.

Denmark would unreservedly support reciprocity within the EU as long as the sanctioning bodies operate according to the WADA Code.

Ireland takes the position that under the WADA Code and the UNESCO Convention there should already be mutual recognition. However, if the question in the questionnaire refers to the possibility of establishing a means of sharing the information regarding sanctions, etc. in an effective way then Ireland would support it so long as it is not additional to any other mechanisms already in place on a world-wide basis. Any further duplication of efforts cannot be supported as Ireland does not have the resources for providing the same information to numerous different bodies.

Many respondents are of the opinion that a mechanism of reciprocity is indeed desirable, but hardly possible due to the differences found in the national legislations with regard to the nature of anti-doping rule violations. Other than was the case under previous versions of the WADA Code, the present version offers the possibility of more flexible sanctions. It is because of this lack of harmonization of sanctions that several respondents cannot unconditionally support the idea of mutual recognition. Bulgaria, Estonia, Finland, Luxembourg and Spain, for example, would only support mutual recognition if all EU countries had harmonized rules and identical sanctions.

Some countries add certain wishes to a mechanism for reciprocity. The Czech Republic is of the opinion that the exchange of information concerning sanctions should be increased, e.g. in the shape of a European or world-wide database. Although according to Austria the principle of "mutual recognition" is already operative between NADOs, similar recognition by international federations would be an improvement. Germany would find it helpful if there were a WADA and/or IF mechanism to compare information (e.g. a database with access for NADO or automatic notification by WADA/IF). According to the United Kingdom mutual recognition is particularly vital when it comes to whereabouts failures – i.e. Missed Tests and Filing Failures. The International Standard for Testing makes it clear that ADOs must take into consideration whereabouts failures issued by other ADOs. It is clear that the sharing of this information is either not occurring or other ADOs are not undertaking testing based on whereabouts information.

Cyprus however notes that any “mechanisms” to address this issue on a geographical or other basis would add nothing and might create confusion.

The French point of view is that the Article 15.4 of the WADA Code imposes on all its signatories the obligation to mutually recognize decisions, so that recent legislation allows early consideration of the development of a mechanism of reciprocity.

In the opinion of the Maltese respondent, since doping legislation and approaches differ in Member States, reciprocity of doping sanctions would especially tackle problems with respect to existing differences in the period of ineligibility and in financial and criminal sanctions for the same offence in different Member States. However, reciprocity of financial sanctions could result in unjust situations in countries where athletes are not funded.

- *All EU countries are in principle in favour of the idea of mutual recognition of doping sanctions between the 27 EU Member States.*
- *Some EU countries are only in favour provided that, inter alia:*
 - *the sanctioning bodies operate according to the WADA Code;*
 - *the rights of the defence are respected.*
- *Other EU countries are in favour of the idea of mutual recognition only if all EU countries would have harmonized rules and identical sanctions.*

B.4 Do you ever carry out doping controls at the request of another Member State or NADO?

Article.12(b) of the UNESCO Convention provides that “States Parties shall, where appropriate: [...] encourage and facilitate the negotiation by sports organizations and anti-doping organizations of agreements permitting their members to be tested by duly authorized doping control teams from other countries”

The NADOs of all EU countries carry out doping controls at the request of other Member States or NADOs.² The German respondent adds that the German NADA also carries out doping controls in the framework of agreements with e.g. American and Australian ADOs and furthermore carries out doping controls on behalf of the Association of National Anti-Doping Organizations (ANADO). Anti Doping Denmark frequently conducts doping controls on behalf of other European NADOs. Spain carried out several doping controls at the request of the ANADO. The Greek NADO carries out doping controls mainly for one other NADO, namely the Cypriot Anti-Doping Agency. The NADOs of the French and German-speaking Communities of Belgium have as yet not received any requests from a NADO of another Member State.

Malta has so far not had any requests either and until all policies have been formulated and implemented Malta is as yet not in a position to carry out tests for another NADO.

² The French respondent points at an inconsistency between Art. L. 232-16 of the French Sports Act and Art. 15.3 of the WADA Code. Carrying out doping controls at the request of another Member State or NADO is provided for by the Sports Act under the following conditions: the French anti-doping agency may, in coordination with and with the agreement of the World Anti-Doping Agency or an international sports federation, carry out controls on the occasion of sporting competitions or events organized or authorized by a French sports federation. However, Article L. 232-16 stipulates that controls carried out under these conditions cannot give rise to the initiation of a disciplinary procedure on the part of the delegated agency or the sports federation. French legislation contains a singularity in this regard, as in spite of the provisions of the WADA Code, even if the WADA gives its approval to the AFLD against the will of an international federation, it is the latter which is responsible for instigating and conducting the procedure. This provision does not comply with Art. 15.3 of the WADA Code, which envisages that the responsibility for the management of the results lies with the anti-doping body which initiated the controls. Nevertheless, the AFLD carries out tests at the request of the ANADO each year.

- The NADOs of 26 EU countries carry out doping controls at the request of another Member State or NADO.
- 1 EU country is not in a position to carry out tests for another NADO.

B.5 Which rules and regulations apply in your country concerning trade and distribution of doping products?

In the conclusions of the EU Conference on Anti-Doping, held in Athens, 13-15 May 2009, the European Commission invited the Member States to reflect upon the possibility to criminalize the possession of doping substances for the purpose of trading. In the White Paper on Sport the EU Commission “recommends that trade in illicit doping substances be treated in the same manner as trade in illicit drugs throughout the EU”.

- The trade and distribution of doping products is a criminal offence prohibited by and sanctionable under:
 - criminal law in Cyprus, the Czech Republic, Finland, Hungary, Lithuania, the Netherlands and Slovenia. From the answer to question A.3. it can be derived that Italy has criminal sanctions on the basis of specific regulation.
 - anti-drug laws in Austria, Belgium, Denmark, Germany, Ireland, the Netherlands, Portugal, Romania, Sweden and the United Kingdom.
 - the Sports Act in France, Greece, Luxembourg and Spain.
- Bulgaria, Latvia, Malta, Poland and Slovakia have no existing laws and regulations relating to trade and distribution of doping products.
- Estonia’s answer (“Food and Veterinary Board”) and Italy’s answer (“WADA rules”) are unclear.

Austria

In Austria, the trade and distribution of doping products is prohibited and sanctionable by law. The relevant provisions can be found in:

- Anti-Doping Bundesgesetz 2007 (idF BGBl I 146/2009)
- Arzneimittelgesetz (idF BGBl I 146/2009)
- Rezeptpflichtgesetz (idF BGBl I 146/2009)
- Bundessportförderungsgesetz (idF BGBl I 146/2009)

Belgium

The trade and distribution of doping products are criminal offences.

Relevant provisions on trade and distribution of doping products can be found in:

- Loi du 24/02/1921 sur les drogues (stimulants / narcotics)
- Arrêté royal du 12/04/1974 (anabolics, beta-agonists, corticosteroids and peptide hormones)
- Arrêté royal du 14/12/2006 (diuretics / anabolics)

Bulgaria

Currently, there are no rules or regulations (other than the current national anti-doping regulations) that regulate the trade and distribution of doping products.

Cyprus

In Cyprus the production, trafficking, import, distribution, sale or supply of all doping substances or methods are criminal offences.

Czech Republic

The Criminal Code of 1 January 2010 includes a new provision in § 288 banning the possession of the most harmful doping substances and providing appropriate sanctions.

Denmark

The trade and distribution of doping substances are regulated by the Act on the Prohibition of Certain Doping Substances (Act No 916/1993 + No 232/1999).

Estonia

The trade and distribution of doping substances fall under the competence of the Food and Veterinary Board.

Finland

Doping offences were added to the Penal Code by an amendment (Act no. 400/2002 amending the Penal Code) which took effect on 1 September 2002. Under the Penal Code it is now a crime to prepare, import, distribute and possess with the intent to distribute doping substances.

France

Article L. 232-9 in conjunction with Article L. 232-10 of the Sports Act govern the use, possession, prescription and trafficking of substances and processes included in the list of banned products and processes. Article L. 232-9 specifies the conditions for the application of the WADA List of Prohibited Substances under French legislation. The administrative and criminal sanctions which may be imposed are provided for by the Sports Act. For administrative sanctions the relevant provisions is Article L. 232-21 (sports federations) and Articles L. 232-22 and L. 232-23 (administrative sanctions imposed by the AFLD). Criminal sanctions are provided by Articles L. 232-25 to L. 232-31.

Germany

Section 6a of the Arzneimittelgesetz (AMG) prohibits pharmaceutical products for doping purposes in sport and Section 95 provides criminal sanctions.

Greece

Greece is currently in the process of including the distribution of doping products in the legal rules concerning organized crime. This will give also the opportunity to have access to emails and relevant sites of the suppliers.

Hungary

The trade and distribution of doping products is not covered by the Criminal Code.

Ireland

The following regulations concern the trade and distribution of doping products:

- S.I. No. 256/1996: Medicinal Products (Prescription and Control of Supply) Regulations, 1996
- S.I. No. 188/1982: Poisons Regulations, 1982
- Misuse of Drugs Act 1977, 1984
- The principal regulations are the Misuse of Drugs Regulations 1988 (SI 328/1988) as amended by the Misuse of Drugs (Amendment) Regulations 1993 (SI 342/1993)
- Misuse of Drugs (Amendment No. 1) Regulations 1999 (SI 273/1999)
- Misuse of Drugs (Amendment) Regulations 2006 (SI 53/2006)
- Misuse of Drugs (Amendment) Regulations 2007 (SI 200/2007)
- Misuse of Drugs (Amendment) (No. 1) Regulations 2009 (SI 63/2009)
- Misuse of Drugs (Amendment) (No. 2) Regulations 2009 (SI 122/2009)

Italy

The trade and distribution of doping substances are covered by WADA rules.

Latvia

There are no specific rules and regulations for doping products. However, the standard legislation concerning pharmaceuticals, illegal trade and clandestine dealings applies.

Lithuania

The sale and distribution of products intended for medical treatment are regulated by legal regulations in force for the healthcare sector (as harmonized by EU regulations), while the sale and distribution of illegal products is subject to criminal law and criminal law enforcement mechanisms (e.g. enforcement by the police).

Luxembourg

Article 16 of the Sports Act of 3 August 2005 deals with trafficking in doping substances and the sanctions which may be imposed in case of violations of the law.

Malta

Malta has no existing laws and regulations relating to trade and distribution of doping products; hence no regulations apply so far.

Netherlands

Provisions on the trade and distribution of doping products are included in:

- WED (Economic Crimes Act)
- Opium Act 1928
- Medicine Act
- Criminal Code

Poland

The trade and distribution of doping products is not comprehensively regulated.

Portugal

The trade and distribution of doping substances is regulated by Statute Law No. 183/97 of 26 July 1997.

Romania

The trade and distribution of doping substances is regulated by Law no. 104/2008 concerning the prevention and fight against illicit trafficking in prohibited substances.

Slovakia

Slovakia has no laws and regulations relating to the trade and distribution of doping products.

Slovenia

Relevant provisions were included in the Slovenian Criminal Code in 2007. However, the provisions concern only trafficking, not possession.

Spain

Spain has implemented a specific ban on trade in doping substances in sports. The most important measures concerning trade and distribution of doping products are:

- The introduction of an obligation to declare products which are capable of producing doping.
- Inspection of medicine chests with a view to possible sanctions, taking into account the type of medicine, the number of units present and existing TUEs.
- The possibility of confiscating doping substances.
- Specific rules for nutritional supplements, such as mechanisms of information and publicity as to their contents and systems of control and inspection.
- Specific ban on trade in doping substances in sport establishments.
- Sanctions for health workers (without a sport license) who supply doping substances.
- Monitoring of doping substances during the production, supply and trade cycle.
- Creation of an Anti-doping Alert Network in cooperation with the Spanish Medicine Agency.
- Control of the distribution of medicines (in cooperation with the Spanish Medicine Agency, the General Council of Pharmacists and medicine distribution representatives).
- The creation of an Anti-doping Intervention Group (in cooperation with the Minister for Home Affairs).
- The possible creation of a unit specialized in the persecution of doping crimes, in cooperation with the Minister of Justice.

Sweden

Provisions on trade and distribution of doping substances can be found in:

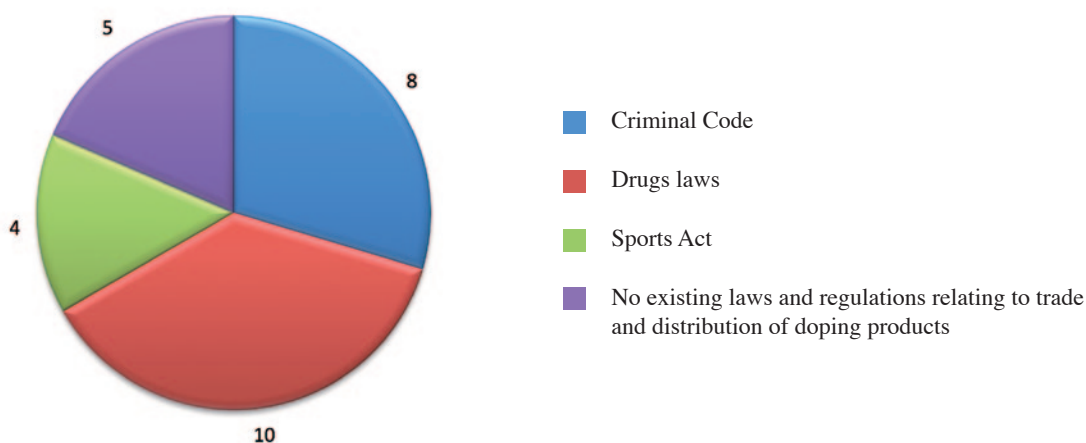
- Medicinal Products Act (SFS 1992:859)
- Act Prohibiting Certain Substances Harmful to Health (1999:42)
- Food Act (SFS 2006:804)
- Prohibition of Certain Doping Agents Act (SFS 1991:1969)
- Smuggling Sanctions Act (SFS 1960:418, 1999:44)
- Act concerning Trade in Drugs and Related Substances (SFS 1996:1152)
- Act concerning Treatment of Offenders in Institutions (SFS 1974:203)
- Social Security Act (SFS 1980:620)
- Act concerning Control of Intoxicants in Hospitals (SFS 1985:12)

United Kingdom

Trade and distribution of doping substances is regulated by:

- The Medicines Act 1968
- Misuse of Drugs Act 1971

- *The trade and distribution of doping products is a criminal offence prohibited and sanctioned by:*
 - *the Criminal Code in 8 EU countries*
 - *drugs laws in 10 EU countries*
 - *the Sports Act in 4 EU countries*
- *5 EU countries have no existing laws and regulations relating to trade and distribution of doping products.*



B.6 What are your NADO's statutes?

The greater part of the respondents have erroneously understood "statutes" in this question to mean "status"; only a few of them have submitted their NADO's statutes, which can be found in the Annex.

The status of the NADOs

Austria

NADA Austria has its own national by-laws and its daily activities are based on the Austrian Anti-Doping Act.

Belgium

All Belgian NADOs are organs of state.

Cyprus

The Cypriot Anti-Doping Authority CyADA was established by Ministerial Decree.

Czech Republic

The Czech Anti-Doping Committee was established by the Ministry of Education, Youth and Sports and has its own budget.

Denmark

Anti Doping Denmark was established as an independent self-governing institution by Act no. 1438/2004 on the Promotion of Doping-Free Sport and Executive order no. 144/2005 on the Promotion of Doping-Free Sport.

France

Under the terms of the Anti-Doping Act of 5 April 2006, the AFLD is an independent public authority possessing corporate status and financial autonomy.

Germany

The German NADO was established on the Federal Government's initiative as a foundation under private law. It is not tied to organized sport or to the state.

Hungary

The Hungarian NADO has corporate status. It was selected as NADO after a public procurement procedure for 4 years. Its functions are laid down in legislation that is in accordance with anti-doping rules and regulations.

Ireland

The Irish Sports Council Act 1999 states in Article 6 (1)(d) that the functions of the Council shall be "to take such action as it considers appropriate, including testing, to combat doping in sport".

Latvia

The Latvian NADO's legal status is determined by Cabinet Rules no. 47 of 22 January 2005 on the Sports Medicine State Agency Bylaws.

Lithuania

The NADO has the status of a public institution.

Netherlands

The NADO is a foundation established in accordance with Dutch law.

Poland

The legal basis for the functioning of the Commission Against Doping in Sport is provided by Article 51 of the Act on Professional Sport. The Commission is financed and supervised by the Minister of Sport and Tourism.

Romania

The Romanian NADO was established by the Government Decision concerning the Establishment and Tasks of the National Anti-Doping Agency.

Slovakia

The Slovak Anti-Doping Agency (SADA) is an independent public body and the national anti-doping body.

Spain

The Spanish Health and Doping Control and Supervision Committee is a body that is subordinate to the High Council for Sport and is a public authority.

Sweden

The Swedish NADO operates under the umbrella of the Swedish Sports Confederation (SSC), which is a private non-profit organization.

United Kingdom

UK Anti-Doping is a public body, set up as a Private Limited Company under the Companies Act 1985.

NADOs in EU countries can be bodies that are subordinate to a Ministry or acting independently. Besides public bodies, they can be foundations under private law or have corporate status.

B.7 How has your national registered testing pool for doping tests been defined and what does it consist of, and what is the number of sportsmen included in the registered pool on 1 February 2010?

WADA Code, definitions: "Registered Testing Pool. The pool of top level Athletes established separately by each International Federation and National Anti-Doping Organization who are subject to both In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's test distribution plan."

Definition of the national registered testing pool for doping tests and what it consist of**Austria**

The 3 testing pools are formed in accordance with the level of sport and perceived doping risks.

Belgium

The three Communities are currently holding discussions in order to arrive at a single definition of the term 'elite athlete'.

The Joint Community Commission, the French Community and the German-speaking Community

On 1 February 2010 no target Group of athletes was defined.

The Flemish Community

The national registered testing pool is made up of all national level athletes in Olympic disciplines as well as triathlon and cyclo-cross.

Bulgaria

As a general principle the registered testing pool of the National Anti-Doping Commission consists of athletes who are preparing for participation in Olympic Games and who are not included in the registered testing pool of an international federation.

Cyprus

CyADA's Registered Testing Pool (RTP) is established based on criteria reflecting CyADA's evaluation of the risk of doping and on the national anti-doping policy imperatives.

Czech Republic

The Czech national RTP is used for testing 30 individual sports and 7 team sports (on a team basis). Besides members of the international RTP, the national RTP consists mainly of members of national teams that are directly funded by the state.

Denmark

The Danish national RTP is established on the basis of a risk evaluation which also takes into account the international level of each athlete. The Danish RTP A consists of appr. 65 athletes who participate in endurance sports or compete at international level (world championships, Olympic Games).

Estonia

The RTP consist of athletes who are funded to prepare for the Olympics.

Finland

The RTP consist of those athletes who are also part of the RTP of the international federations.

France

Athletes who are selected for the RTP are, on the one hand, athletes who are included in the lists of high-level sportsmen pursuant to Article L. 221-2 and, selected by the testing director of the AFLD, among on the other hand, professional sportsmen licensed by the recognized sporting federations.

Germany

The RTP includes athletes selected by international associations and German athletes who are considered to run the highest risk (risk level I). In addition, it includes "red-flag athletes" who have given reason for special observation.

The national testing pool includes athletes of risk levels II and III which do not belong to an international testing pool.

The general testing pool includes other German athletes in national teams.

Greece

The RTP includes individual athletes, national teams, the Super League (football) and all athletes who have previously been punished for doping rule violations.

Hungary

The registered testing pool in the adult age group and the first junior below adult age group consists of members of the national team, athletes taking part in international sport events, athletes taking places 1 to 3 in the national championship and athletes who have been banned by the association.

Ireland

The following criteria are used to select athletes to be part of the Registered Testing Pool:

- Athletes on the carding scheme in the Contract, World Class and International (in certain sports) categories;
- Athletes in the developmental category from high risk sports listed in the Council's Test Distribution Plan and other sports targeted by the Council;
- Athletes who are included in an International Federation RTP;
- Olympic or Paralympic qualifiers;
- Any athlete currently serving a period of ineligibility;
- Any athlete who wishes to return from retirement and was previously in the Registered Testing Pool;
- Any other athlete that is required to be target tested under Clause 4.4.2 of the International Standard for Testing.

Italy

The CONI RTP will shortly be published on the CONI website.

Latvia

The RTP basically consists of A and B level athletes of the national Olympic team.

Lithuania

The list of registered athletes subject to testing comprises the members and reserve members (athletes) of the Lithuanian national Olympic team, the athletes of national sports teams, and junior athletes occupying positions 1 to 6 in the Lithuanian championships.

Luxembourg

The RTP includes all athletes with a competition licence. However, the RTP for whereabouts information only includes the top athletes of the National Olympic Committee and the Sport Section of the armed forces.

Malta

A Registered Testing Pool has not yet been established.

Netherlands

The RTP has been established by the Dutch NADO and consists of two categories of athletes: 1. Athletes who were given "elite athlete status" by the Dutch NOC and who compete in sports that have a relatively high doping risk, and 2. Athletes that are added because of specific doping-related information (suspicions, doping problems in the athletes' entourage, former anti-doping rule violations, sanctions based on anti-doping rule violations, etc.)

Poland

At present, the Commission Against Doping in Sport has no national RTP due to organizational and legal difficulties which make it impossible to monitor the whereabouts of individual athletes.

Currently, the Commission is using a general list of athletes who have been tested since 1 July 2004. Athletes are selected for testing taking into account the doping risks associated with their discipline, the sports competitions calendar, the proportion between in-competition and out-of-competition testing, the performance of the athlete and whether or not the athlete is returning to competitive sport following an injury or suspension due to violation of anti-doping rules.

Portugal

The ADoP is currently in the process of implementing its national registered testing pool.

Romania

The RTP was established based on the composition of international RTPs, 2009 classifications, Olympic and Paralympic pools and national pools of athletes.

Slovakia

The national RTP consists of top athletes.

Slovenia

The national RTP was established on 1 January 2010 for the Vancouver Winter Olympics. The athletes included are national-level athletes who were on the long list for the Games.

Spain

The RTP consists of athletes with Olympic Support Grants.

Sweden

The selection of athletes for the RTP and the national pool is based on detailed criteria established by the SSC Doping Commission.

United Kingdom

The national RTP consists of the top tier of athletes from the following sports: cycling, athletics, rowing, swimming, rugby union, rugby league, football, bobsleigh, amateur boxing, canoeing, triathlon and weight-lifting and disability power-lifting.

Because NADOs are free to decide which athletes will be included in its national registered testing pool the composition of these pools differs widely from country to country.

The number of sportsmen included in the registered pool on 1 February 2010:

Austria	RTP: appr. 350 athletes, NTP: appr. 500 athletes
Belgium-Flemish Comm.	RTP: 682 athletes.
Czech Republic	RTP: 450 athletes.
Germany	RTP: appr. 500 athletes; NTP: appr. 1,200 athletes.
Denmark	RTP: appr. 65 athletes.
Estonia	RTP: 133 athletes.
Finland	RTP: 64 athletes.
France	RTP: 402 athletes (of which 143 professionals).
Greece	RTP: 300 athletes.
Hungary	RTP: 480 athletes.
Ireland	RTP: 230 athletes.
Italy	RTP: more than 1,500 athletes.
Latvia	RTP: 129 athletes.
Lithuania	RTP: 250 athletes.
Luxembourg	RTP: appr. 34 athletes.

Malta	RTP: has not yet been established, hence no athletes are included.
Netherlands	RTP: appr. 450 athletes.
Portugal	RTP: appr. 500 athletes.
Slovakia	RTP: appr. 870 athletes.
Slovenia	RTP: 44 athletes.
Spain	RTP: 274 athletes.
Sweden	RTP: 96 athletes; NTP: 432 athletes and 106 teams.
United Kingdom	RTP: 500 athletes.

The number of sportsmen included in the registered pool on 1 February 2010 differs widely from country to country.

B.8 What is the relationship between the sport federations, the public authorities and the NADO in your country?

Art. 13 of the UNESCO Convention prescribes that “States Parties shall encourage cooperation between anti-doping organizations, public authorities and sports organizations within their jurisdiction [...]”

Austria

NADA Austria has a very good relationship and collaboration with the Austrian sport federations and the public authorities.

Belgium

The NADOs of the Flemish, French and German-speaking Communities and the Joint Community Commission come under the control of the public authority but possess autonomy of management and organization, most notably within the framework of the planning of controls. The sports federations are independent private associations recognised and subsidised by the Communities and are responsible for announcing and applying the disciplinary sanctions.

Bulgaria

The National Anti-Doping Commission is a group of experts operating under the umbrella of the Ministry of Physical Education and Sport. The National Anti-Doping Commission is soon to be replaced by a new organization – Anti-Doping Centre – which will again be subordinate to the Ministry of Physical Education and Sport. The Anti-Doping Centre will be headed by an Executive Director and will include the Control and Medical Commission (TUE) – a group of physicians responsible for therapeutic use exemptions, results management and hearings. The sanctioning body will be the Disciplinary Commission, which will be established with the Bulgarian Olympic Committee. The appellate body will be the Bulgarian Court of Arbitration for Sports. The main instrument to regulate these three entities will be the Regulations Against Doping in Sport, which are yet to be adopted. All licensed national sports organizations will also be subject to these Regulations as soon as they enter into force. Until then the Regulations for Doping Control in Training and Competition Activities would be the normative instrument regulating doping control in Bulgaria.

Cyprus

In anti-doping matters the Cypriot sport federations all accept CyADA’s authority and rules. According to the Cypriot anti-doping law, CyADA can seek and obtain the cooperation of any public authority or service (including the police) in achieving its tasks and mission.

Czech Republic

The Czech Anti-Doping Committee is an organization which is directly controlled by the state. The Committee cooperates with national sports organizations according to a special agreement.

Germany

The Federal Government fights doping in two ways. The first way is to use funding as an instrument in the case of top-level sport: only associations which actively prevent doping and impose anti-doping obligations on their coaches, support personnel and athletes receive state funding. To this end, they must comply with the requirements set out in the relevant grant approval. The second way is through the legal framework for public health protection against harmful doping substances which the state must establish.

Denmark

Anti Doping Denmark is a self-governing organization that operates independently from the sports organizations and from the Ministry of Culture. Financially, Anti Doping is supported by the sport federations and the public authorities.

Estonia

The Estonian NADO and the sports federations are placed under the management of the Olympic Committee.

Finland

According to the statutes, the Finnish Government finances around 95% of the national anti-doping programme. Cooperation between FINADA and the Government is constructive and supportive. FINADA cooperates with the national federations on a daily basis.

France

Under the Sports Act, sports federations in France serve the public interest which means they are in charge of sports practice and competitions. These competences have been delegated to them by the French state. Relations with their members are governed by private law. Within this framework, the AFLD also has public powers which form the basis of the disciplinary powers it exercises in the field of anti-doping.

Greece

The Hellenic NADO (ESKAN) has established an excellent collaboration with the vast majority of national federations. The federations support ESKAN's priorities and mission.

Hungary

Cooperation between the sport federations, the public authorities and the NADO is based on provisions of the various relevant Acts.

Ireland

The NADO is funded by the public authorities. Out of this budget the NADO funds the sports federations who must comply with basic terms and conditions, including anti-doping provisions, in order to receive their funding.

Italy

The sport federations are governed by CONI and CONI is governed by the public authorities. The NADO is independent of CONI and the public authorities.

Latvia

Relations between the sport federations, the public authorities and the NADO are defined by the Sports Act.

Lithuania

Cooperation between the sport federations, the public authorities and the NADO is based on mutual assistance and strict controls.

Luxembourg

The ALAD was established by the National Olympic Committee and the Ministry of Sports and partly by the Ministry of Public Health. Its mission is to implement the anti-doping policy, to prevent doping, to inform and educate and to conduct controls.

Malta

Through the Minister of Education, Employment and Family the state recognizes KMS as the primary authority in sport and the entity designated as the NADO. The sports federations and the National Olympic Committee are registered with KMS and also recognize KMS as the designated NADO.

Netherlands

The NADO has concluded contracts with 59 sports federations that are obliged to adopt Code-compliant regulations drafted by NADO. The NADO offers education activities, conducts tests and issues therapeutic use exemptions based on the contracts. Around 70% of the NADO's budget is funded by the Ministry of Health, Welfare and Sport and it cooperates closely with the Ministry in matters related to national or international anti-doping policies.

Poland

The Ministry of Sport and Tourism transfers funds for doping controls and sample testing to the Commission Against Doping in Sport. The Ministry enacts the statutes of Polish sports associations at their request by means of an administrative decision. The Ministry finances/co-finances the activities of Polish sports associations through annual grants and therefore supervises the activities of Polish sports associations.

Portugal

The NADO works closely with the Portuguese Institute of Sports (IDP, IP) and both organizations work under the direct supervision of the government. The sports federations that take part in the NADO's annual anti-

doping programme all have a special statute (Public Utility Statute) that grants them government support and ensures that they comply with the national legislation in all matters related to doping.

Romania

The national sport federations, the Romanian Olympic and Sports Committee and sport clubs all have contracts with the Romanian ANAD for doping testing.

Slovakia

The relationship between the sport federations, the public authorities and the NADO is governed by Act no. 300/2008 Coll.

Slovenia

The NADO closely cooperates with the NOC and the NF. The NOC of Slovenia is also the Association of Sports Federations and functions as the umbrella organization.

Spain

The Spanish Health and Doping Control and Supervision Committee is subordinated to the High Council for Sport and is therefore part of the public administration and can be considered a public authority. In this respect, relations between parties in the field of anti-doping are thus between the sports federations on the one hand and public authorities on the other hand.

Sweden

The sports federations are member organizations of the SSC (NADO). Government funding for Swedish sports is transferred through the SSC. The SSC's tasks as NADO are also funded by Government and a working group has been established to coordinate common anti-doping issues between the government and NADO.

United Kingdom

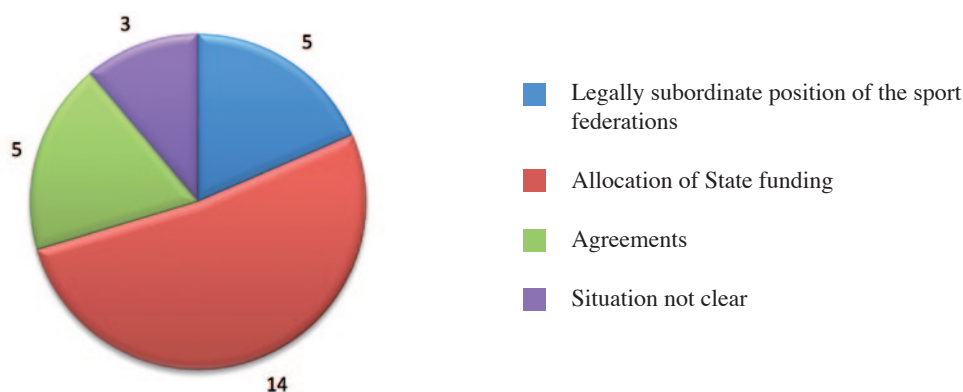
UK Anti-Doping is exchequer funded by the Department for Culture, Media and Sport. Sports federations may receive performance and/or grass roots funding from exchequer and lottery funded sports councils. Any sport federation in receipt of public funding is required to recognize and apply the UK Anti-Doping Policy which gives UK Anti-Doping its powers and responsibilities. UK Anti-Doping will only undertake testing for sports that are compliant with the National Anti-Doping Policy.

In nearly all EU countries the relationship between the NADOs, the sport federations and the public authorities has been defined in some way.

Cooperation between the sports federations and the NADOs is determined by either:

- *a legally subordinate position of the sport federations (5 EU countries);*
- *the allocation of state funding (14 EU countries);*
- *or agreements (5 EU countries).*

The situation in 3 EU countries is not clear.



B.9 Does your NADO already apply the WADA's Athlete Biological Passport programme in the fight against doping?

The NADOs of France, Italy, Portugal, Sweden and the United Kingdom apply the WADA's Athlete Biological Passport programmes. The French NADO prefers the notion of "profiling blood" over the blood passport, which seems to give carte blanche to athletes as the passport is primarily intended for targeting.

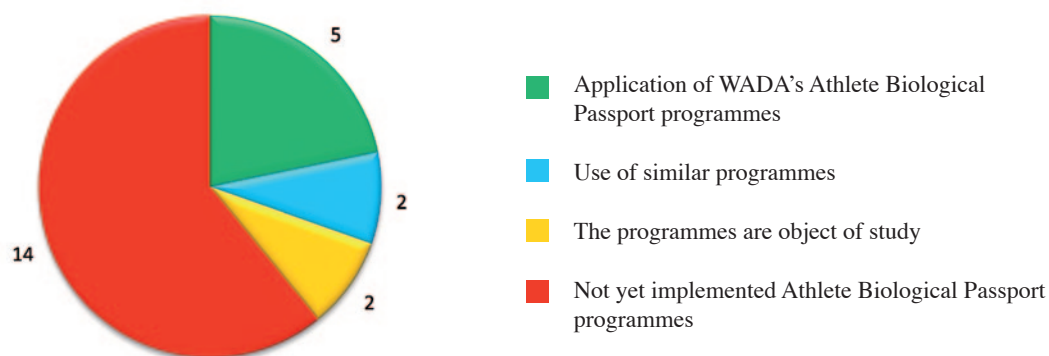
Several German anti-doping organizations are already using individual Athlete Passport systems which are comparable to the one envisaged by WADA. The harmonization of these different systems is currently being sought. However, the implementation of such a harmonized system would be the responsibility of the German sport associations.

Austria and Denmark plan to implement the programme during 2010. Biological Passports for athletes will be introduced in Lithuania in 2010. The Finnish NADO is not yet systematically applying the Athlete Biological Passport but is developing the system and aims to start a pilot in autumn.

The Irish NADO has carried out some longitudinal steroid profiling but has not implemented a full Biological Passport programme. In Hungary too the programme is still the object of study.

The NADOs of Belgium, Bulgaria, the Czech Republic, Cyprus, Estonia, Greece, Latvia, Luxembourg, Malta, the Netherlands, Poland, Romania, Slovenia and Slovakia have not yet implemented the Athlete Biological Passport programmes.

- *The NADOs in 5 EU countries apply the WADA's Athlete Biological Passport programmes.*
- *3 EU countries will introduce the programmes in 2010.*
- *The NADOs in 2 EU countries use programmes which are similar to WADA's Athlete Biological Passport programmes.*
- *In 2 EU countries the programmes are the object of study.*
- *The NADOs in 14 EU countries have not yet implemented the Athlete Biological Passport programmes.*



CONCLUSIONS

A. RELATIONSHIP BETWEEN THE NATIONAL RULES AND REGULATIONS AND THE WADA CODE

A.1 In what way has the UNESCO Anti Doping Convention been implemented in your country?

*1 EU country is not yet a State Party to the UNESCO Convention against Doping in Sport.
Implementation of the WADA Code*

- | | |
|--|-----------------|
| • in a Doping Act: | 10 EU countries |
| • in a Sports Act: | 5 EU countries |
| • in other Acts: | 9 EU countries |
| Doping rules in regulations of sports authorities: | 3 EU countries |
| No implementation: | 1 EU country |

A.2 On which points do the anti-doping rules and regulations in your country differ from the WADA Code?

- In 20 EU countries no differences exist between the WADA Code and the anti-doping rules;
- In 5 EU countries the anti-doping rules differ from the WADA Code on some points;
- 3 EU countries are in the process of bringing the law into conformity with the principles of the new version of the WADA Code;
- In 1 EU country the process of implementation has been abandoned.

A.3 On which points does your country's practice differ from the prevention of doping envisaged in the Code?

*In 15 EU countries practice does not differ from the prevention of doping envisaged in the Code;
In the remaining EU countries practice differs on some points, namely:*

- contracts on doping controls concluded with sport organizations;
- the cost of transfer and analysis of doping samples;
- dissemination of personal information;
- frequency of in- and out-of-competition doping controls;
- the modality of doping sanctions;
- the publication of doping sanctions;
- quality of doping control officers;
- the right to appeal;
- the use of ADAMS;
- the whereabouts issue.

A.4 Have your rules and regulations been declared WADA compatible with the present WADA Code, 2009 version?

- *WADA has declared the rules and regulations of 15 EU countries to be compatible with the present WADA Code;*
- *The rules and regulations of 13 EU countries have not yet been declared compatible with the present WADA Code;*
- *The rules and regulations of 1 EU country have been declared incompatible with the present WADA Code.*

A.5 Does your country make use of the Anti-Doping Administration and Management System (the ADAMS database), which the WADA makes available to all stakeholders?

- *10 EU countries make unrestricted use of ADAMS. This means that ADAMS is used for whereabouts, Therapeutic Use Exemptions, mission orders and results management.*
- *6 EU countries make restricted use of ADAMS.*
- *6 EU countries are currently in the process of implementing ADAMS.*
- *5 EU countries do not make use of ADAMS.*

A.6 Has a TUEC or Therapeutic Use Exemption Committee been established in your country?

Only in 3 EU countries a Therapeutic Use Exemption Committee has not been established.

A.7 Are all five International Standards of the WADA and the 2009 Code fully applicable in your country?

All five International Standards of the WADA and the 2009 Code are fully applicable in 13 EU countries.

- *The Standard for Laboratories is not applicable in 5 EU countries.*
- *Work on the implementation of the International Standard for Protection of Privacy is ongoing in 5 EU countries.*
- *In 2 EU countries the International Standard for the Protection of Privacy is only applicable to the extent that it does not infringe Directive 95/46/EC or national legislation for privacy protection.*
- *In 2 EU countries the International Standard for Protection of Privacy is not applicable.*
- *In 1 EU country two International Standards are applicable (laboratories and the list of banned substances).*
- *In 2 EU countries none of the Standards are applicable.*

B. SPECIFIC POINTS OF ATTENTION

B.1 With which anti-doping organisations (ADOs) – both national and international – are you currently exchanging information?

- *Apart from communicating with other NADOs and WADA, which NADOs are obliged to do in case of a positive finding, all NADOs have their own specific circles in which information is exchanged.*
- *Only 1 EU country reports that it does not exchange information.*

B.2 Are the doping sanctions imposed by other ADOs recognized and fulfilled in your country?

- *18 EU countries recognize and carry out doping sanctions imposed by foreign ADOs.*
- *7 EU countries conditionally recognize and carry out doping sanctions imposed by foreign ADOs.*
- *4 EU countries do not execute foreign doping sanctions.*

B.3 What is your opinion concerning a mechanism for reciprocity (mutual recognition) of doping sanctions between the 27 EU Member States?

All EU countries are in principle in favour of the idea of mutual recognition of doping sanctions between the 27 EU Member States. Some EU countries are only in favour provided that, inter alia:

- *the sanctioning bodies operate according to the WADA Code;*
- *the rights of the defence are respected.*

Other EU countries are in favour of the idea of mutual recognition only if all EU countries would have harmonized rules and identical sanctions.

B.4 Do you ever carry out doping controls at the request of another Member State or NADO?

- *The NADOs of 26 EU countries carry out doping controls at the request of another Member State or NADO.*
- *1 EU country is not in a position to carry out tests for another NADO.*

B.5 Which rules and regulations apply in your country concerning trade and distribution of doping products?

The trade and distribution of doping products is a criminal offence prohibited and sanctioned by:

- *the Criminal Code in 8 EU countries*
- *drugs laws in 10 EU countries*
- *the Sports Act in 4 EU countries*

5 EU countries have no existing laws and regulations relating to trade and distribution of doping products.

B.6 What are your NADO's statutes?

NADOs in EU countries can be bodies that are subordinate to a Ministry or acting independently. Besides public bodies, they can be foundations under private law or have corporate status.

B.7 How has your national registered testing pool for doping tests been defined and what does it consist of, and what is the number of sportsmen assembled in the registered pool on 1 February 2010?

Because NADOs are free to decide which athletes will be included in its national registered testing pool the composition of these pools differs widely from country to country. The number of sportsmen included in the registered pool on 1 February 2010 differs widely from country to country.

B.8 Does your NADO already apply the WADA's Athlete Biological Passport programme in the fight against doping?

In nearly all EU countries the relationship between the NADOs, the sport federations and the public authorities has been defined in some way. Cooperation between the sports federations and the NADOs is determined by either:

- a legally subordinate position of the sport federations (5 EU countries);*
- the allocation of state funding (14 EU countries); or*
- agreements (5 EU countries).*

The situation in 3 EU countries is not clear.

B.9 Does your NADO already apply the WADA's Athlete Biological Passport programme in the fight against doping?

- The NADOs in 5 EU countries apply the WADA's Athlete Biological Passport programmes.*
- 3 EU countries will introduce the programmes in 2010.*
- The NADOs in 2 EU countries use programmes which are similar to WADA's Athlete Biological Passport programmes.*
- In 2 EU countries the programmes are the object of study.*
- The NADOs in 14 EU countries have not yet implemented the Athlete Biological Passport programmes.*

ENGLISH VERSION OF THE QUESTIONNAIRE

A. Relationship between the national rules and regulations and the WADA Code

- 1 In what way has the UNESCO Anti Doping Convention been implemented in your country?
- 2 On which points do the anti-doping rules and regulations in your country differ from the WADA Code?
(the term “rules and regulations” is used here to include both the regulations set by sports organisations and those set by public authorities).
- 3 On which points does your country’s practice differ from the prevention of doping envisaged in the Code?
- 4 Have your rules and regulations been declared WADA compatible with the present WADA Code, 2009 version?
- 5 Does your country make use of the Anti-Doping Administration and Management System (the ADAMS database), which the WADA makes available to all stakeholders?
- 6 Has a TUEC or Therapeutic Use Exemption Committee been established in your country?
- 7 Are all five International Standards of the WADA and the 2009 Code fully applicable in your country?

If possible, please send us the applicable national anti-doping rules and regulations or any pertaining documentation.

B. Specific points of attention

- 1 With which anti-doping organisations (ADOs) - both national and international - are you currently exchanging information?
- 2 Are the doping sanctions imposed by other ADOs observed and fulfilled in your country?
- 3 What is your opinion concerning a mechanism for reciprocity (mutual recognition) of doping sanctions between the 27 EU Member States?
- 4 Do you ever carry out doping controls at the request of another Member State or NADO?
- 5 Which rules and regulations apply in your country concerning trade and distribution of doping products?
- 6 What are your NADO’s statutes?
- 7 How has your national registered testing pool for doping tests been defined and what does it consist of, and what is the number of sportsmen assembled in the registered pool on 1 February 2010?
- 8 What is the relationship between the sport federations, the public authorities and the NADO in your country?
- 9 Does your NADO already apply the WADA’s Athlete Biological Passport programme in the fight against doping?

If possible, please send us the rules and regulations applicable to the NADO or any pertaining documentation.

C. Addenda

1. Which points of attention do you consider should be added to the questions asked above?

FRENCH VERSION OF THE QUESTIONNAIRE

A. Relation entre les règles et réglementations nationales et le Code de l'AMA

- 1 De quelle manière la Convention antidopage de l'UNESCO a-t-elle été appliquée dans votre pays?
- 2 Sur quels points les règles et réglementations antidopage de votre pays diffèrent-elles du Code de l'AMA? (l'expression "règles et réglementations" désigne ici à la fois les réglementations imposées par les organisations sportives et celles définies par les autorités publiques).
- 3 Sur quels points la pratique dans votre pays diffère-t-elle de la lutte antidopage envisagée dans le Code?
- 4 Disposez-vous de règles et réglementations déclarées comme étant compatibles AMA avec le Code actuel de l'AMA, version 2009?
- 5 Votre pays utilise-t-il le Système d'administration et de gestion antidopage (la base de données ADAMS) mis à disposition de toutes les parties prenantes par l'AMA?
- 6 Un CAUT ou Comité d'autorisation d'usage à des fins thérapeutiques a-t-il été mis en place dans votre pays?
- 7 Les cinq Normes internationales de l'AMA et le Code 2009 sont-ils entièrement applicables dans votre pays?

Dans la mesure du possible, veuillez nous envoyer les règles et réglementations nationales antidopage applicables ou toute documentation associée.

B. Points spécifiques d'intérêt

- 1 Avec quelles organisations antidopage (NADO), nationales et internationales, échangez-vous actuellement des informations?
- 2 Les sanctions contre le dopage imposées par d'autres ADO sont-elles appliquées dans votre pays?
- 3 Que pensez-vous d'un mécanisme de réciprocité (reconnaissance mutuelle) des sanctions de dopage entre les 27 Etats membres de l'UE?
- 4 Effectuez-vous des contrôles antidopage à la demande d'un autre Etat membre ou d'une NADO?
- 5 Quelles règles et réglementations s'appliquent dans votre pays en matière de commerce et de distribution de produits dopants?
- 6 Quels sont les statuts de votre NADO?
- 7 De quelle manière votre pôle de test national pour les tests de dopage a-t-il été établi, quels athlètes le composent et quel est le nombre d'athlètes figurant dans le pôle enregistré au 1er février 2010?
- 8 Quelles sont les relations entre les fédérations sportives, les autorités publiques et la NADO dans votre pays?
- 9 Votre NADO applique-t-elle déjà le programme Passeport biologique de l'athlète de l'AMA dans le cadre de la lutte antidopage?

Dans la mesure du possible, veuillez nous envoyer les règles et réglementations applicables à la NADO ou toute documentation associée.

C. Addenda

1. Selon vous, quels points d'intérêt doivent être ajoutés aux questions posées ci-dessus?

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LIST OF ACRONYMS

ADAMS	WADA Anti-Doping Administration and Management System
ADO	Anti-Doping Organisation
ANADO	Association of National Anti-Doping Organisations
ANADO-ADS	ANADO Anti-Doping Services
CEADO	Central-European Anti-Doping Organisation
CODE	WADA Anti-Doping Code
EAA	European Athletic Association
EU	European Union
FIBA	International Basketball Federation
FIE	International Fencing Federation
FIG	International Gymnastics Federation
FIS	International Ski federation
FIVB	International Volleyball Federation
IAAF	International Athletics Federation
IADA	International Anti-doping Arrangement
IBU	International Biathlon Union
ICF	International Canoe Federation
IOC	International Olympic Committee
IPC	International Paralympic Committee
IRB	International Rugby Board
ISU	International Skating Union
NADO	Nationale Anti-Doping Organisation
NTP	National Testing Pool
RTP	Registered Testing Pool
TUE	Therapeutic Use Exemption
UCI	International Cycling Union
UEFA	European Football Federation
UNESCO	United Nations Educational Scientific and Cultural Organisation
WADA	World Anti-Doping Agency

COLOPHON

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