

2013 May 4

INADO Update #27.3

WADA ExCo/FB Documents May 2013 Significant matters for NADOs/RADOs (3)

Important Meeting Documents

Dear Colleagues:

This is the third of what will now be four updates summarising significant matters from the documents WADA has released for its May 2013 ExCo and Foundation Board meetings. **Please take some time to assess and to discuss these matters with your government representatives.** This is critical to ensure that the Public Authorities on the WADA ExCo and Foundation Board are properly briefed to advocate for NADO interests in WADA decision-making. And so they can otherwise play the most constructive role possible around the WADA table.

This third update reviews the meeting documents in addition to the Director General's Report and related documents covered in iNADO Update #27.1. The final update in this series will examine the proposed changes in version 2.0 of the International Standards.

Agenda Item 5.1 Legal Update

EU Data Protection Regulation: Recent Developments and WADA Activities

- The issue here is that in January 2012, the European Commission proposed a new Data Protection Regulation (the "Proposal"), which it intended to overhaul the data protection regime in the EU. While the Proposal has several positive features, certain provisions of the Proposal could have an adverse impact on sport and anti-doping practices in particular. The EU's existing data protection regime – and more particularly how certain EU data protection authorities understand and apply that regime – has proven a hindrance to the effective administration of anti-doping programs. The new Proposal unfortunately has the potential to create additional legal hurdles for ADOs, especially with respect to what is required to be valid legal consent to be bound by anti-doping rules. The Proposal is currently under first reading discussion in both the European Parliament and in the Council of Ministers (representing the EU Member States). The Proposal could be adopted as early as mid-2014.
- The update describes WADA's efforts to work with certain European parliamentarians and states to secure amendments to the Proposal. The update seems cautiously optimistic. **[iNADO Comment: the Proposal would make the work of NADOs more difficult, both in Europe and outside (because of data-sharing implications). It is important that all NADOs and their governments support WADA's efforts to secure changes to the Proposal so that it does not hinder anti-doping efforts.]**

Operation Puerto

- The legal update was drafted before the decision convicting Dr. Fuentes to violating Spanish health law. And before Judge Santamarie's ruling that the blood bags should be destroyed and not turned

over the ADOs for further investigation into ADRVs. The AEA (Spanish NADO) has stated it will appeal that aspect of the ruling. WADA is likely to support it.

Ongoing Cases

- WADA is involved in about two dozen ongoing cases, the majority involving national decisions. In most cases WADA is appealing decisions to impose very light sanctions in cases involving Specified Substances. **[iNADO Comment: the failure of national or NADO (as well as IF) anti-doping tribunals to properly apply the Specified Substances rule of WADC 2009 Article 10.4 continues to undermine the rights of cleans athletes to fair competition. NADOs are urged to work within their national sport systems to ensure that tribunal members are properly trained on the requirements of the Code-compliant rules so that proper sanctions are imposed. NADOs prosecuting cases should ensure the appropriate sanctions are sought in such cases. Moreover, many of these cases, and recently completed cases, involve the stimulant methylhexanamine. It is often found in supplements. NADOs need to continue their efforts to warn their athletes of the danger that supplement use will lead to AAFs for this prohibited substance in particular.]**

Agenda Item 7.2.2 Table Summarising the Sports Achievements of the World's Top 50 Countries

- This table was assembled by SportAccord based on national performance in the last 4 Olympic Games (summer and winter). The NADOs of 22 of those countries are already iNADO Members. The NADOs of the other 28 (including major sporting countries such as China, Russia, Brazil, Ukraine, Italy, Jamaica and Kenya) are should be priorities for iNADO membership. **[iNADO Comment: iNADO has already engaged many of these NADOs and will work with WADA and other partners to seek the membership of the others. Governments around the WADA table should be asked to encourage their NADOs to join iNADO.]**

Agenda Item 7.2.2 Monitoring Compliance with the 2015 World Anti-Doping Code

- WADA will enhance its Code compliance monitoring strategy to move from assessing the compliance of ADO rules to assessing the compliance of ADO programmes. In particular, WADA has to find ways to render the compliance exercise a more useful tool to measure quality and judge the effectiveness of anti-doping programs. Quality programs are needed to ensure, among other objectives, that testing is effective and that sophisticated cheaters are found. This will ultimately advance the fight against doping. Four areas are identified as priorities: TUEs, education, testing and results management. As one next step, a paper outlining the criteria to be applied to both NADOs and IFs to evaluate the effectiveness of testing programs will be presented to the Executive Committee at the September 2013 meeting. **[iNADO Comment: iNADO welcomes this. Members of the WADA ExCo and Foundation Board should strongly support this initiative. Raising the quality of NADO programmes is at the heart of iNADO's purpose. iNADO will work with WADA, and other partners, to find ways to assess programme quality and effectiveness, and to support improvement where it is needed.]**

Agenda Item 8.0 Athlete Biological Passport (ABP)

- This document reviews the status of roll-out of the ABP. There are now 35 ADOs utilizing the ABP, with 19 NADOs and 16 IFs having reported ABP tests in ADAMS. The ABP has resulted in 28 anti-

doping rule violations (ADRVs) since 2010. These are in the sports of Cycling, Athletics and Triathlon and have been brought forward by two IFs and two NADOs. 25 WADA-accredited labs now have the capacity to provide ABP blood analysis.

- There will soon be five operational Athlete passport Management Units (APMUs) associated with laboratories: Lausanne, Montreal, Salt Lake City, Ghent and a Nordic APMU operating out of Oslo (expected to be fully functional by September 2013). It is expected that there will also be an APMU operating out of the Tokyo laboratory in 2013.
- The ABP adaptive model (ABP software) has been integrated into ADAMS since September 2012 which greatly simplifies operations. Blood passport results from the laboratories automatically populate and update individual profiles as soon as they are matched with an ABP Doping Control Form. This has been a significant time saver for ADOs and allows all communication to occur within a secure environment. The goal is to incorporate the steroid module into ADAMS in the latter part of 2013.
- The importance of the ABP is summarised:
 “The ABP should be a key element of anti-doping programs in their efforts to become smarter, more effective and cost-efficient. The intelligent analytical methodology used in the ABP should be at the heart of any anti-doping program. WADA is working to assist ADOs in implementing quality ABP programs with support to the APMUs as well as some direct assistance to ADOs. As doping is not a static environment, we are working relentlessly with our experts to continue to improve the different modules in operation and development.”

[iNADO Comment: the ABP will become an essential part of all NADO testing programmes in the coming years. All NADOs should begin to consider how they can incorporate the ABP into their programmes, even in a small and targeted way, in their planning for implementation of the 2015 Code and International Standards.]

Agenda Item 9.0 ADAMS Update

- Currently 87 NADOs and RADOs use ADAMS. Preliminary discussions are being planned with stakeholders regarding a Universal Interface that would allow external systems to exchange information with ADAMS. The development of standard and proper operating guidelines will be essential to ensure accessibility to all interested parties, as well as to maintain a high level of information security and data integrity. Previous work on the integration with the SIMON system used by some ADOs will be leveraged, however the new interface will be designed to support a multitude of platforms, so long as they conform to the guidelines that are established. At this time, consideration is being given to a pilot project focusing on doping control information, thus allowing the integration of an external electronic forms system such as USADA’s paperless doping control application or any similar system that might be developed by another stakeholder. In the future, the Interface could extend to other data types, such as Whereabouts or TUEs, allowing stakeholders using an alternative system the ability to transfer their information into ADAMS. This would position ADAMS much closer to becoming the central clearinghouse of all anti-doping information as established. **[iNADO Comment: this is another positive WADA initiative that should be strongly supported, even if it requires allocation of resources from other activities.]**

Agenda Item 10.1.2 Science Director’s Report

- The portion of this report on the Prohibited List Committee gives insight into the next possible changes to the List.

- At the first meeting of the List Committee on January 14, 2013, key items discussed included:
 - the division of stimulants into specified and non-specified.
 - the urinary thresholds and return to competition following administration of glucocorticosteroids.
 - the reporting threshold of Narcotics.
- At the second meeting of the List Committee on April 18-19, 2013, key items discussed included:
 - possible inclusion on the Prohibited List (e.g. phosphodiesterase 4 inhibitors, mitragyne, Epi-743, metformin).
 - review of the opening sentence of section S6 Urinary thresholds of beta-2-agonists: invited speaker
 - AICAR and urinary thresholds.
 - cannabis and morphine thresholds.

Agenda Item 10.4 Anti-Doping Programme Development

- These 13 NADOs are reported as assisting the development of RADOs: Antidoping Switzerland, Anti-Doping Authority of Portugal (ADoP), CCES, AFLD, SAIDS, USADA, ADN, UKAD, FINADA, JADA, NADA Germany, ASADA and DFSNZ (all but one being iNADO Members). These 14 governments are reported as assisting: Tunisia, Niger, Cameroon, Botswana, Seychelles, Canada, Guatemala, Kazakhstan, Kuwait, Maldives, Singapore, Jordan, Georgia and Australia.
- The challenges are: need to increase staff knowledge, staff shortages, Board knowledge, internal and external communications, financial resources, buy-in from governments and NOCs, strategic plan development and delivering quality services.
[iNADO Comment: This NADO and government assistance is critical to raising anti-doping standards worldwide. It adds to the bilateral cooperation that takes place between many pairs of NADOs. All leading NADOs should find ways to make their expertise available to other ADOs. It will help answer the question of your athletes: are my competitors are clean?]

Agenda Item 10.7 Government and UNESCO Convention Update

- The UNESCO Voluntary Fund Approval Committee met on April 8, 2013 and approved 13 national and regional projects (three were approved but with subject to clarifications). They are as follows; 11 national projects from Aruba, Barbados, Botswana (approved subject to clarifications), Costa Rica, Cote d'Ivoire, Dominica, Nicaragua (approval subject to clarifications), Malawi, Saint Lucia, Slovenia, and the Republic of Sudan. Two regional projects: Botswana (approved subject to clarifications) and Barbados. **[iNADO Comment: NADOs and RADOs should consider this source of project funds. It requires working with a sponsor government. See iNADO Update #11 (November 15, 2012), for details:**
http://www.inado.org/uploads/3/1/2/9/3129436/inado_update_11_2012november15.pdf]
- On September 19-20, 2013, the fourth session of the Conference of Parties meeting will be held in Paris at UNESCO Headquarters. The Conference of Parties is a meeting of UNESCO member states - both those who have ratified and those yet to ratify, with the latter invited as Observers - to promote the International Convention against Doping in Sport (the Convention) and the implementation of it. The key items for discussion will be: the Election of the Chairperson for the COP, WADA's report, the Prohibited List, and the Fund for the Elimination of Doping in Sport including the election of members to the Approval Committee and the ongoing administration of the Fund. The Monitoring of the Convention as well as compliance reports from each government

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on their implementation of the Convention and the implementation of Article 8 “Restricting the Availability and use in sport of prohibited substances and methods will also be discussed.

Agenda Item 12.0 (ExCo) and 10.6.1 (FB) Athletes Commission

- Among the views expressed:
 - Concerning worldwide anti-doping laboratory capacity: members encourage approval of laboratories or clinics to analyze blood samples to help countries without accredited-laboratories;
 - About the recent allegations of doping in Kenya: members call for the Kenyan government to put in place an independent inquiry on the latest doping allegations highlighted in the past year by the media;
 - Members acknowledged that the RADO Office in Nairobi has increased its program capacity and the Committee is keen to see development in that area. The same view applied to Jamaica which is enhancing its activities since a change of leadership at management level.
 - General comments about the Code Review:
 - For the next draft in general, all must be done to help athletes to take hold of their responsibilities and make the right choices;
 - It was recommended to find ways to enhance International Federations accountability in applying their anti-doping programs;
 - Members strongly suggested that the 2015 Code be communicated in easier to understand language to help better explain the major changes. The Code Drafting Team will be working on an Athlete friendly explanatory version of the 2015 Code and will engage with the Committee on that aspect.

[iNADO Comment: iNADO strongly supports an “Athlete Guide” to the Code. Such a document could be invaluable as a training tool for many other stakeholders, such as coaches, team doctors, NOC/NPC administrators, government officials, the media.]

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