

2013 April 26

## INADO Update #27.1

### WADA ExCo/FB Documents May 2013 Significant matters for NADOs/RADOs (1)

Dear Colleagues: This is the first of three 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.

Because the WADA Director General's Report and related documents offer an overview of important matters, this first of the three updates reviews them. The second of three updates will review Draft 3.0 of the 2015 World Anti-Doping Code and Draft 2.0 of the International Standards. The third of the three updates will review the other meeting documents.

#### Agenda Item 3.0 Director General's Report

- WADA's priorities for 2013 (in addition to its mandated activities):
  - 1) Code and Standards revision
  - 2) Convening our World Conference in Johannesburg
  - 3) RADO projects
  - 4) ADAMS
  - 5) Athlete Biological Passport
- The update on iNADO refers to the recent AGM, and names the members of the newly elected iNADO Board.
- Development of NADOs in Larger Countries:
  - "This project continues to enlarge and attain importance. The countries which we are currently assisting are:
    - a) **Brazil:** The IOC/WADA Task Force visited Brasilia in November. Progress continues to be slow, as the anti-doping agency is not yet properly staffed or operational. We have provided a suggested plan for the way forward, in particular for training DCOs in Brazil.
    - b) **Russia:** The IOC/WADA Task Force visited Russia in late April. A verbal report will be made to the meetings as to progress.
    - c) **Turkey:** WADA continues to monitor the program being undertaken in Turkey. This activity runs alongside the process for re-accreditation of the Ankara laboratory, but is still not fully functional.
    - d) **Nigeria:** Despite a number of promises to establish a NADO in Nigeria there is still no functioning organization. We are therefore renewing our activities in that country.

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e) **India:** Of recent times there have been some practical difficulties in India and following discussions with their new Director General, WADA with support from Japan (JADA), will move to assist them over the coming months.”

“Four other countries presently part of RADOs are receiving guidance. Belarus, Ukraine and Egypt wish to advance to achieve NADO status. Accordingly, Belarus and Ukraine have now withdrawn from the Eastern European RADO. A fourth country, Kenya, is one that is continuing to receive scrutiny by the world media and despite many promises have still not established an enquiry into the allegations made about widespread doping by their long distance runners.”

**[iNADO Comment: The nine mentioned-countries all need strong, functional NADOs. This is important work by WADA. Leading NADOs are already helping: for example, CHINADA and ADN in Kenya, and UKAD in Belarus. iNADO will seek ways to support WADA’s efforts, to engage these new NADOs as soon as possible, and to bring them into the iNADO membership at the appropriate time. I am in active communication with the ABCD (Brazil) and the Indian NADA, and I will be visiting the RUSADA offices in Moscow on May 23<sup>rd</sup> and 24<sup>th</sup>.]**

- US Postal Service Investigation:
  - “The Armstrong case was completed in November when no appeals were lodged. UCI announced at our Board meeting in November that there would be an independent inquiry into some of the matters raised by USADA in its reasoned decision. That independent inquiry was halted by UCI at the end of January. WADA is presently engaged in discussions with a group representing the UCI Management Committee to discern whether there are ways and means that WADA might assist in re-establishing such an independent commission with appropriate terms of reference and powers which will assist the fight against doping in cycling. A verbal report will be given to the meetings. In the meantime there have been several other investigations undertaken by NADOs in relation to cycling pursuant to the Code.”
  
- Veerpalu Decision (hGH testing):
  - “On 25 March 2013, the Court of Arbitration of Sport (CAS) reached a decision on the case of the Estonian cross-country skier A. Veerpalu vs. Fédération Internationale de Ski (FIS). Mr Veerplau had appealed to CAS the decision of the FIS Doping Panel of 22 August 2011 to sanction him for three years for an Adverse Analytical Finding (AAF) for human Growth Hormone (hGH), reported for a sample collected out of competition on 29 January 2011. This is the first case for hGH that has been appealed before CAS.

“In its award, the CAS acknowledged the scientific validity of the hGH Isoforms Differential Immunoassays for doping control analyses, and indicated the likelihood that the athlete did in fact administer himself with exogenous hGH. However, the CAS Panel decided not to uphold the athlete’s AAF because they were not convinced (to its ‘comfortable satisfaction’) of the elements provided by FIS, with WADA’s assistance, to support the establishment of the test’s compliance decision limits (DLs). On this ground,

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the CAS upheld Mr Veerpalu’s appeal and the ban imposed by the decision of the FIS Doping Panel was overturned.

“In view of this CAS decision, WADA has initiated the revision of the test’s DLs through the analysis of doping control data collected in WADA-accredited laboratories over several years (2009–2013). Two independent teams of bio and forensic statisticians have been engaged in this process. The revised DLs will be incorporated into the modified hGH Guidelines and published in a peer-reviewed scientific journal. We are not yet in a position to establish a definitive timeline but might be at the time of the Executive Committee. This is our highest priority at the moment.”

**[iNADO Comment: This case, and the way forward, are a matter of concern to a number of NADOs with outstanding hGH cases. It is important that WADA continue to push to resolve the issues identified by the CAS panel. I also note that in Agenda Item 10.1.2, the Science Director’s Report describes a shortage of commercially-available immunoassays which may constrain use of hGH biomarker assay analysis until the second half of 2013.]**

- Special Projects (Paperless Doping Control):
  - “At present we are engaged in several projects by way of improving anti-doping work and information. They are a) Paperless; ...
    - a) Paperless: Following our report to the November Board meeting where we indicated that we did not have the resource to continue this project, members of the Board asked us to reconsider that decision. We have accordingly put it back in the list of matters to be enhanced through IT. To achieve this however, we will necessarily be revising the budget as we have no current resource for this project. Meetings have been held with USADA and others (who have existing e-platforms of varying levels) in relation to the project and we will now advance it ourselves. To further advance the project, additional meetings with USADA are planned for May 2013.”

**[iNADO Comment: Last weekend I attended the CCES DCO Workshop in Calgary. USADA gave a presentation on its paperless system. It is now in full operation for its out-of-competition testing (with all of its DCOs fully-trained and using the system). Steps are being taken to adapt it to in-competition testing. Canadian and international DCOs in Calgary were extremely enthusiastic about the system and cannot wait to begin using it themselves.]**

- World Conference on Doping in Sport (also Agenda Item 4.2)
  - The conference programme and registration have been announced: <http://www.wada2013.org/index.php/en/>
  - The programme makes provision for two rounds of interventions from the sport organisations and from public authorities.

**[iNADO Comment: iNADO will prepare suggested interventions for public authorities for you to assist your governments. iNADO will also seek to be one of the public authority interveners so that the collective NADO voice can be heard at the Conference. Let’s work together to ensure that public authority interventions are strategic, consistent and constructive.]**

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- Management (see also Agenda Item 3, Attachment 1: Draft Impact Report on WADA Management and Activities from Code v. 3.0):
  - WADA is bringing more of its IT work in-house and is hiring additional staff to do so. It has also taken on additional office space in its building.
  - Draft Impact Report on WADA Management and Activities from Code v. 3.0 notes possible addition WADA work in 10 areas:
    - Additional Models of Best Practice and training assistance to Code Signatories
    - Notifications about those subject to the new Prohibited Association ADRV
    - Expanded laboratory community to include “approved” as well as accredited laboratories
    - Additional responsibilities relating to testing (such as new procedures for approving additional testing at an event, and adjudicating requests for additional testing, technical document on risk assessment and TDP, establishing sport-specific analytical menus, and process for exemption from six-month notice of return to competition for retired athletes)
    - Process for managing substantial assistance issues and adjudicating individual cases
    - Monitoring of financial sanctions cases
    - Reviewing ABP cases for both blood and steroids
    - Additional appeals involving WADA
    - Additional work relating to reporting of statistics
    - Enhanced and investigations responsibilities
    - Process for managing identification of “International-Level Athletes,” and adjudicating identification issues

**[iNADO Comment: These activities continue moving WADA into a more complete regulatory position, as opposed to being a service provider. Since continued zero budget increase is foreseen, if mandated by the 2015 World Anti-Doping Code and International Standards, taking on these responsibilities will require WADA to re-allocate money and staff. Some existing activities or programmes will have to be dropped. One obvious possibility is to move resources from the WADA research programmes to these regulatory activities.]**

- WADA has seconded David Julien to UNESCO for 1 year. One of David’s main tasks will be to organise the next Conference of the Parties to the UNESCO Anti-Doping Convention. It is scheduled for September 19-20, 2013, in Paris.

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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.**