

2015 November 3

iNADO Update #64.1

WADA ExCo/FB Meeting (November 17-18, 2015) – Significant Matters for NADOs

Dear Colleagues:

To assist you prepare government colleagues who sit for the Public Authorities on the WADA Executive Committee and Foundation Board, here is the (first part) of the usual iNADO summary of the more significant matters for NADOs, RADOs and public authorities raised on the documents for the upcoming meetings of November 17 – 18, 2015, in Colorado Springs. These documents contain much useful, interesting and current anti-doping information. The documents deserve careful review for that reason alone.

The WADA agenda is very full. As in the past, this summary follows the agenda for the ExCo and the Foundation Board meetings. As discussed in this iNADO Update #64.1, I suggest that most important items for NADOs, RADOs and/or their public authority colleagues include:

- WADA’s response to the recent “Olympic Summit” statement on doping control independence from sporting organisations (Items 3.2 and 3.3)
- Outcomes from the recent WADA Athlete Committee meeting (Item 5.1)
- The new Remuneration Committee (Item 6.1.1 + Attachment 1)
- Draft 2016 WADA Budget (Item 6.4 + Attachments 1, 2 and 3)
- The Resolutions from the recent Values-Based Education Conference (Item 7.2 + Attachment 1)
- New laboratories for WADA accreditation, in the Science Report (Item 8.2)
- Athlete Biological Passport update (Item 8.4)
- Data protection, in the Legal and Investigations Report (Item 9.1)
- Code compliance: proposed amendments to the WADA Statutes relating to Code compliance (Item 9.2 + Attachments 1 and 2)
- Code compliance update (Item 10.1 (several documents))
- IF-NADO relations, in the IF Liaison report (Item 15.0 (ExCo) and 17.1 (FB))
- TDSSA implementation, in the Standards and Harmonisation Report (Item 16.0)

Because of the number of documents, iNADO Update #64.2 will be issued later this week dealing with other agenda items.

WADA’s response to the recent “Olympic Summit” statement on doping control independence from sporting organisations (Items 3.2 and 3.3)

The “Olympic Summit” of leading representatives of the Olympic Movement met October 17th in Lausanne, convened and chaired by IOC President Thomas Bach. Among the outcomes was a statement calling for doping control to be independent from sport organisations. Here is a link to the IOC website: <http://www.olympic.org/news/olympic-summit-supports-next-steps-in-implementation-of-olympic-agenda-2020/247333>.

The first point in the Olympic Summit communiqué was:

Protecting the Clean Athletes. The Summit, following recommendation 15 of Olympic Agenda 2020,¹ decided to make anti-doping testing independent from sports organisations. The Summit requested WADA to study taking responsibility for testing as the global centre of competence in anti-doping. This study is to be undertaken by a working group established by WADA and comprising the stakeholders of the Olympic Movement as well as representatives of governments. ([http://www.olympic.org/Documents/Conferences Forums and Events/2015-Olympic-Summit/2015_10-17_Communique_Olympic_Summit-English.pdf](http://www.olympic.org/Documents/Conferences_Forum_and_Events/2015-Olympic-Summit/2015_10-17_Communique_Olympic_Summit-English.pdf))

Items 3.2 and 3.3 are a subsequent exchange of letters between WADA and the IOC. In his letter of October 20th Craig Reddie summarises that the IOC has requested “WADA to study the implications of establishing an independent international testing agency to take over testing responsibilities for the Sports Movement – including International Federations and Major Games Organizers.”

The October 27th reply from the IOC contemplates a wider review: “WADA was asked by the Summit to study how to take responsibility for testing and gathering intelligence. The conclusion of the Summit was that WADA, as the global centre of competence in anti-doping, would create a working group, including representatives of the Olympic Movement and governments.” and “Furthermore, the Summit requested that WADA look at all elements of current programmes for all Anti-Doping Organisations.”

This Olympic Summit’s position represents a major opportunity for NADOs. (But also for private-sector sample collection companies.) However, any WADA working group would be incomplete without the participation of one or more leading NADOs. Recall that according to the latest (2014) WADA Testing Statistics, NADOs do nearly 2/3 of all doping controls annually world-wide.

Recent WADA Athlete Committee meeting (Item 5.1)

Among the more important outcomes:

- WADA’s Athlete Committee supports WADA’s need to declare ADOs non-compliant and it insists that *all relevant* stakeholders with jurisdiction create and enforce robust consequences of such non-compliance. For example hosting and/or bidding rights should not be allowed, officials should not be accredited for international events, as well as not being allowed to join international commissions within the sporting community.
- The Committee once again raises its apprehensions around Kenya and the lack of progress made around the issues related to anti-doping in that country. The Committee wishes to voice its extreme concern at this position. Many promises have been made, but no action.
- All ADOs should provide athletes the opportunity to provide feedback on DCO activity. This feedback mechanism should be added to the testing process offering an athlete an email address or an avenue via ADAMS to do so. WADA should also simultaneously receive such

¹ Agenda 2020 Recommendation 15: “Change the philosophy to protecting clean athletes. The IOC’s ultimate goal is to protect clean athletes.”

feedback.

- The Committee sends a message of urgency regarding the anti-doping rules and procedures to be put in place prior to the upcoming Olympic and Paralympic Games in Brazil. Athletes are very concerned.
- The Committee strongly encourages all ADOs to adapt the ADAMS system as soon as possible to ensure compliance. In the case of those that currently do not have compatible systems, the Committee encourages them to achieve interconnectivity as a top priority.

New Remuneration Committee (Item 6.1.1 + Attachment 1)

The ExCo is invited to discuss the Terms of Reference for a new Remuneration Committee. The proposal is that the Remuneration Committee would be established to sign off on:

- The percentage of salaries increase as recommended by the Director General;
- The salary and package for the Director General; and
- The indemnities of the President.

The Committee would comprise of:

- The WADA President (*who would exclude himself when addressing item c above*);
- The Vice-President; and
- The Chair of the Finance and Administration Committee.

According to the Attachment, the sign off made by the Remuneration Committee on all the above will ensure consistency with market rates, local conditions and business objectives. The Chair of the Finance Committee, who will be a member of the Remuneration Committee, will then confirm that the percentage increase as reflected in the budget are in line with the decisions of the Remuneration Committee.

Draft 2016 WADA Budget (Item 6.4 + Attachments 1, 2 and 3)

Three options were presented to the WADA Executive Committee in September 2015 for the 2016 Draft Budget. The range of options included 0, 3 and 4 percent contribution income increase, with noted expenditures of (i) non-reinstatement of member travel costs; (ii) provisions for incoming/outgoing Director General costs; (iii) cost of Olympic and Paralympic Games; and (iv) the reinstatement of the Litigation Reserve expended on the Independent Commission investigation in 2015.

At the September 2015 meeting in Copenhagen, the Executive Committee agreed to recommend to the Foundation Board approval of the option of a 3 percent contribution increase for the 2016 Budget.

As a reference, three scenarios are provided for the 2017-2018 forecast budgets. They are 2, 3, and 4 percent increases in contribution income, as well as initiating the increase in the operational reserve of no more than \$500,000 annually.

Attachment 1 is a detailed description of Strategic and Operational Plan spending for 2016.

The Resolutions from the Recent Values-Based Education Conference (Item 7.2 + Attachment 1)

61 National Anti-Doping Organizations (NADOs), 18 International Federations (IFs), 4 Regional Anti-Doping Organizations (RADOs), and 17 researchers from 50 countries participated in the 2015 Values-Based Anti-Doping Education Conference. They were also joined by 151 users from an additional 26 countries through the live streaming of the conference. All participants, after examination, discussion and careful consideration of presentations and viewpoints from the meetings, agreed to adopt these resolutions, among others:

Athletes

- 3) Athletes should be encouraged to publicly promote and support clean sport.
- 4) Anti-Doping Organizations (ADOs) should ensure that protective mechanisms are put in place to support athletes who speak out against doping and athletes who dope.

Investment

- 5) Governments, NADOs, RADOs and the Sport Movement must invest more financial and human resources in the development and implementation of values-based education programs.
- 6) Governments, through the ratification of the UNESCO Convention, should increase their funding commitment to support values-based anti-doping education.

Role of Stakeholders

- 8) NADOs and RADOs must implement anti-doping programs that focus on informing athletes and support personnel of the consequences of doping, and they must also develop effective values-based education programs that prevent the use of doping substances.
- 9) IFs should implement event-based education programs for both elite and junior athletes in cooperation with NADOs, RADOs and National Federations (NFs).
- 10) IFs should engage and oblige their NFs to implement values-based anti-doping education programs in cooperation with NADOs and RADOs.

Research

- 12) Research should be undertaken to demonstrate that effective information, education and prevention programs could significantly reduce doping in sport, and all parties should seek sustained funding sources for this research.
- 14) WADA, in cooperation with stakeholders, should establish mechanisms to measure the prevalence of doping.

Compliance

21) All ADOs should create an Education Plan, which is appropriate to their capacity and available resources. The principles outlined in WADA's Education Guidelines can be used to inform these plans.

22) The WADA Compliance Review Committee should ensure effective mechanisms are put in place to measure values-based education.

New Laboratories for WADA Accreditation (Science Report, Item 8.2)

4.6 New laboratories for WADA Accreditation (periodical status reports)

- The Turkish Anti-Doping Center (TDKM) in Ankara obtained its WADA accreditation in May 2015 and began analyzing Anti-Doping samples primarily from the Turkish NADO.
- The Rio Laboratory (LBCD) in Brazil obtained its WADA accreditation in May 2015 and began analyzing Anti-Doping samples primarily from ABCD, the Brazilian NADO and various International Federations and Brazilian National Federations. The Laboratory also continues to build its capacity in preparation for the 2016 Olympic and Paralympic Games. Several WADA visits are planned in the lead up to the Games to monitor progress.
- The Anti-Doping Laboratory Qatar (ADLQ) in Doha obtained its WADA accreditation in August 2015 and began analyzing Anti-Doping samples primarily from their NADO, the Qatar Anti-Doping Commission.
- WADA is in contact with a new laboratory in the South American region from Santiago, Chile and the necessary steps to gain candidacy have begun with a completed Initial Application Form. The Laboratory is in the process of upgrading its facilities and will contact WADA once these updates are fully incorporated into the new Laboratory space.

4.8 New Laboratories requesting WADA Approval for Athlete Biological Passport analyses

- The Laboratorio de Control de Dopaje de Uruguay, located in Montevideo, has contacted WADA to become WADA-approved for the analysis of blood variables in support of the ABP.
- The IAAF, the LAD Laboratory in Lausanne and WADA continue to collaborate and make progress towards the possibility of establishing an approved laboratory in Kenya to facilitate the analysis of blood samples in the East African region in support of the ABP. The laboratory that was initially identified declined further involvement. WADA is now in the process of identifying alternative candidates.

Athlete Biological Passport update (Item 8.4)

There are presently 49 ADOs who have implemented the haematological module of the ABP, having reported ABP tests in ADAMS. To date, the ABP has resulted in 81 ADRVs since 2010, by 8 different ADOs. There have also been over 400 "traditional" positive analyses for blood doping that have been to

a large degree due to strategic target testing based on information from the ABP.

In preparing a strategy for ABP testing for Rio 2016, an analysis was conducted on the outcomes of the application of the haematological module at the London 2012 Games. During the period of the 2012 London Games, 399 blood ABP tests were carried out on 391 athletes by the IOC and the London Organising Committee (LOCOG). 26 of these 391 athletes ended up being sanctioned, with the ABP tests performed in London playing an important role in the sanction process. One could consider that these tests contributed to a sanction rate of 6.5%. All 26 of these athletes passed the traditional anti-doping tests performed in advance of and/or during the Games. Although not a direct comparison, it can be noted that only 9 athletes were sanctioned for doping based on 4,652 traditional drug tests, a sanction rate of 0.19%. The importance of ABP blood tests was emphasised in WADA's recommendation to the IOC regarding testing for Rio 2016.

A prime focus of WADA's ABP Ad Hoc Expert Group is to develop and enhance the ABP. Two current foci are on: 1) the implementation of the endocrine module, and 2) the discovery of new biomarkers indicative of the use of prohibited substances. In developing its long term strategy for the continued advancement of the ABP, the ABP Ad Hoc Expert Group identified the development of additional biomarkers as a primary focus. This will involve novel laboratory screening methods to discover new markers of the use of EPO, testosterone, and GH. In collaboration with the Science Department, the ABP team will form a "Biomarkers of Doping" group which will steer research aimed at the discovery of new biomarkers.

Data Protection (Legal and Investigations Report, Item 9.1)

2.1 Amendment of the Canadian Law on Data Protection

- The Canadian law on data protection (PIPEDA) has recently been amended and expressly stipulates that WADA now falls within the scope of this law. Given that PIPEDA has been recognized by the EU as offering a level of protection that is adequate (*i.e.* it offers a similar level of protection as the relevant EU Directive), WADA states that there is no longer any legal impediment for the transfer of anti-doping data from Europe to Canada using ADAMS.

2.2 European Union Data Protection Regulations: Recent Developments

- Discussions in Brussels are continuing between the European Commission, Member States and the EU Parliament to agree on a final text of the EU Data Protection Regulations. It is WADA's understanding that recital 87, which indicates that the fight against doping is an example of public interest, has been, to date, maintained in the proposed text. This is good news. However, under article 44 it is expressly indicated that the public interest "must be recognized in Union law or in the national law of the Member State to which the controller is subject". This means that every Member State will have to ensure that, by the time the new EU legislation enters into force, they have a provision in their law that recognizes the public interest of anti-doping. If this is not accomplished by the due date, this may create issues regarding the ability of NADOs to collect appropriate data for the fight against doping. WADA has met with the EU Commission on this issue and the Commission is aware of the need to ensure that all Member States are properly informed of the matter and that they act accordingly. WADA will keep liaising with the Commission to see how it can cooperate to help raise awareness on this issue.

WADA encourages representatives of Europe to provide the Foundation Board with more information on how Member States plan to deal with this issue.

Code Compliance 1: Proposed Amendments to the WADA Statutes Relating to Code Compliance (Item 9.2 + Attachments 1 and 2)

These proposals would broaden the consequences of a declaration of non-compliance and the need to ensure that a credible system be put in place in order to facilitate harmonization and enhancement of anti-doping programs worldwide.

The World Anti-Doping Code (“the Code”) provides consequences as a result of a declaration of non-compliance to be implemented by the International Olympic Committee (Articles 20.1.2, 20.1.3, 20.1.4, 20.1.8), the International Paralympic Committee (Articles 20.2.2, 20.2.3, 20.2.4), International Federations (Articles 20.3.2, 20.3.7, 20.3.9, 20.3.11), National Olympic Committees and National Paralympic Committees (Articles 20.4.2 and 20.4.9), Major Event Organizations (Articles 20.6.2 and 20.6.6) as well as other consequences (Article 23.6). Other documents such as the Olympic Charter, the International Paralympic Committee’s Handbook and the UNESCO Convention also provide consequences as a result of a declaration of non-compliance with the World Anti-Doping Code.

For consequences to be set by WADA, the Compliance Review Committee recommends that amendments be incorporated into WADA’s Statutes in order to implement Article 23.6 of the Code (*forfeiture of offices and positions within WADA*) to exclude from the WADA ExCo and Foundation Board representatives of countries whose NADOs are non-compliant and of Signatories which are non-compliant.

The Compliance Review Committee also recommends an internal policy applying consequences of non-compliance to exclude the participation of any person from a non-compliant nation to WADA’s Independent Observer Missions and/or Athlete Outreach programs. But not, apparently to exclude participation of representatives of non-compliant Signatories such as IFs. In addition, it suggests stopping direct or indirect funding to non-compliant Signatories as far as the development of specific activities or the participation to specific programs are concerned.

Individuals from the 7 “red-listed” countries below would be captured first by these changes.

Code Compliance 2: Non-Compliance Recommended (Item 10.1 (several documents))

Non-Compliance recommendations are set out in Item 10.1.3 and Attachments 1 and 2. Immediate non-compliance (“red listing”) is recommended for:

Issues related to the implementation of the World Anti-Doping Code in the Signatories’ legal systems:

- Andorra - Commission d’État antidopage d’Andorre
- Israel - Anti-Doping Committee of Israel
- Mexico - Comité Nacional Antidopaje de México
- Spain – Agencia Española de Protección de la Salud en el Deporte (AEPSAD)

Issues related to the use of laboratories not accredited nor otherwise approved by WADA for sample analysis:

- Argentina - Secretaría de Deporte de la República Argentina
- Bolivia - National Olympic Committee of Bolivia acting as National Anti-Doping Organization
- Ukraine – National Anti-Doping Organization of Ukraine (Issues related to both the use of laboratories not accredited nor otherwise approved by WADA and the implementation of the World Anti-Doping Code in the legal system.)

Automatic non-compliance on 18 March 2016 is recommended if these Signatories do not address outstanding issues by that date:

- Belgium – Joint Communities Commission
- Belgium – Ministerium der Deutschsprachigen Gemeinschaft Belgiens
- Brazil – Autoridade Brasileira de Controle de Dopagem (ABCD)
- France – Agence française de lutte contre le dopage (AFLD)
- Greece - Hellenic National Council for Combating Doping (ESKAN)

Process

The Compliance Update (Item 10.1.2) and Attachment 2 describe in greater detail the Code compliance monitoring process.

IF-NADO Collaboration (International Federation Liaison and European Regional Office Report, Item 15.0 (ExCo) and 17.1 (FB))

2.3 IF-NADO Collaboration

An initial meeting of the IF and NADO representatives was held in March 2015 in Lausanne and brought together six IFs (athletics, cycling, football, ski, tennis and weightlifting) and six NADOs (Japan, Netherlands, Norway, Saudi Arabia, United Kingdom and United States). The participants discussed ways and means of further improving collaboration between IFs and NADOs in the fight for clean sport. In late April, WADA's NADO Ad Hoc Working Group met in Montreal, and the regional office hosted a separate meeting of the same abovementioned six IFs in June in Lausanne. These two meetings permitted participants to outline the major challenges they faced or were facing in their daily activities in relation to IF-NADO collaboration. And to discuss issues openly and to share successful partnerships or strategies they implemented to overcome these challenges.

WADA hosted a follow-up meeting with the full group of selected IFs and NADOs on 13 October in Lausanne. Participants further discussed the expectations of both groups towards each other and identified key principles and means of good collaboration for the benefit of the greater anti-doping community. The group reviewed a draft "Guideline to Optimizing Collaboration between IFs and NADOs" developed by WADA. This living document, which lists a number of effective collaborative practices, in addition to referencing the articles of the World Anti-Doping Code requiring collaboration between IFs and NADOs, will be submitted to a number of other ADOs for consultation before being circulated to all ADOs and published on WADA's website.

WADA envisages continuing to facilitate regular meetings of small groups of IFs and NADOs in order to keep the dialogue open and ongoing, and will also dedicate a session to IF-NADO collaboration at its 2016 ADO Symposium.

Technical Document for Sport Specific Analysis (TDSSA) (Standards and Harmonisation Report (Item 16.0))

1.2 Technical Document for Sport Specific Analysis (TDSSA)

The TDSSA Expert Group held its second meeting of the year on 27-28 August in Montreal. The focus was on the review of the implementation of the TDSSA in 2015 following a consultation process with all ADOs and Laboratories and the review of data from ADAMS for the first six months of 2015.

A more recent ADAMS report was generated from 1 January - 15 October 2015 which compared figures for this period to the entire year of 2014. The figures highlight a significant increase in the number of sports receiving analysis for the prohibited substances (Growth Hormone (GH), Erythropoiesis Stimulating Agents (ESAs), and Growth Hormone Releasing Factors (GHRFs)), and a significant increase in the number of Testing Authorities (TAs) conducting such testing.

A number of operational changes to the TDSSA and the supporting documents were recommended during the August TDSSA Expert Group meeting, as a result of the feedback received from stakeholders. Operational changes are being presented for approval at the ExCo and following approval, will come into effect on 1 January 2016. See: [Changes to the sport discipline Minimum Levels of Analysis \(MLAs\) in the TDSSA \(Item 10.2 + Attachment 1, Appendix 1\)](#)

To further assist stakeholders with the implementation of the TDSSA, WADA and the TDSSA Expert Group developed a series of testing strategy documents (Guides), for the three categories of prohibited substances that are within the scope of the TDSSA. These documents were circulated to all ADOs on 15 July 2015 and have been well received. The Guides provide ADOs with a detailed explanation of the specific elements for each of the prohibited substances and guidance on the target testing.

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