

November 26th 2015

**on sport and on amendments and supplements to certain acts**

National Council of the Slovak Republic has adopted this Act:

**PART EIGHT**

**MEASURES AGAINST NEGATIVE PHENOMENA IN SPORT**

Agency

§ 86

- (1) The Anti-Doping Agency of the Slovak Republic shall be established as an independent organization in the Slovak Republic which meets the role of prevention and control of doping.
- (2) The Agency is a state contributory organization linked financially to the budget of the Ministry of Education.
- (3) The statutory body of the Agency is the Director appointed and dismissed by the Minister of Education on the basis of a tender. Term of office is five years; re-appointment is possible.
- (4) Agency
  - a) fulfills the tasks of the World Anti-Doping Program,
  - b) conducts, organizes and manages the doping control,
  - c) prepares an annual plan of doping controls,
  - d) provides analysis of samples collected for the purposes of doping control,
  - e) announces changes in the list of prohibited substances and prohibited methods to the Ministry of Education,
  - f) grants exemptions to athletes who are not athletes at the international level for therapeutic use of a substance or method listed in the prohibited substances and prohibited methods (hereinafter referred to as "Therapeutic Use Exemption"),
  - g) maintains the national register of athletes for testing where athlete's data are being processed in accordance with § 80 para. 2 subpara.a), b), g), i), j) and l), and in accordance with § 80 para. 4 or para. 5, their telephone number and their picture,
  - h) notifies the World Anti-Doping Agency about the final decisions in the matter of anti-doping rule violation; this does not apply in the case of athletes at international level,

- i) issues opinions for inspection purposes.
    - 1. Incorporation of the World Anti-Doping Program rules by the sports association into the sports association rules,
    - 2. Compliance with the rules of the World Anti-Doping Program by the sports association and the sports organization, and
    - 3. Adaptation of the sports organization rules concerning doping in sport,
  - j) cooperates in the fight against doping in sport, especially with the World Anti-Doping Agency, anti-doping agencies in other states, international sports organizations, national sports associations, the Slovak Olympic Committee and the Slovak Paralympic Committee,
  - k) provides cross-border cooperation in
    - 1. transfer of the doping control team in carrying out its activities under the doping control,
    - 2. timely transport of samples taken for testing so as to preserve their security and integrity,
  - l) enters into reciprocal testing agreements in accordance with the World Anti-Doping Program,
  - m) recognizes the doping control procedures and tests of anti-doping organizations in other states, which are in compliance with the World Anti-Doping Program, and sporting sanctions resulting therefrom,
  - n) promotes research and education in the fight against doping,
  - o) prepares an annual report on activities and management which consists primarily of
    - 1. information on any changes in the Agency rules,
    - 2. information on the bodies, their changes and their activities,
    - 3. overview of doping controls carried out during the previous calendar year,
    - 4. evaluation of the annual plan of doping controls in the previous year.
    - 5. the annual accounts,
    - 6. the statement of incomes and expenses.
- (5) The Agency shall also under paragraph 4 i) specify the period during which the sports association or sports body loose the capability of the recipient of public funds.
- (6) The details of tasks and organization of the Agency shall be laid down in a statute issued by the Ministry of Education.

## § 87

- (1) The Agency shall
- a) adopt the rules in accordance with the World Anti-Doping Program,
  - b) establish procedures for sports associations to incorporate the rules of the World Anti-Doping Program in the sports association rules,
  - c) put the annual report on activities and management each year into the public section of the register of accounts.)
- (2) The scope of Agency activities covers
- a) the sports organization based in the territory of the Slovak Republic,
  - b) the competition organizer established on the territory of the Slovak Republic,
  - c) the athlete who is citizen of the Slovak Republic,
  - d) regardless of nationality,
    1. the athlete and athlete's support personnel who are members of national sports association or sports club with membership in the national sports association,
    2. the athlete and athlete's support personnel who participated in the tender, which is organized by the national sports association or sports club with membership in the national sports association,
    3. the natural person who is responsible for fighting doping in sport in the relevant sports organization,
    4. the athlete and athlete's support personnel who participate in a nationwide competition whose organizer is not the national sports association or the sports club with membership in the national sports association,
    5. the athlete who is not an athlete under the first, second and fourth paragraphs, and wants to take part in the international competition or a nationwide competition.
    6. the athlete who is in the territory of the Slovak Republic during the competition or out-of-competition time.
    7. the athlete who has residence in the Slovak Republic.

## Measures to combat doping

## § 88

- (1) Doping in sport is occurrence of one or more of anti-doping rule violations referred to in paragraph 3, in- competition or out-of-competition, in connection with the participation of athletes at the competition.

- (2) Doping is prohibited.
- (3) Violations of anti-doping rules are
- a) presence of a prohibited substance or its metabolites or markers in a biological sample of the athlete,
  - b) use or attempted use of a prohibited substance or a prohibited method by the athlete,
  - c) evading, refusing or failure to submit a biological sample,
  - d) failure to provide information on the whereabouts of the athlete.
  - e) tampering, or attempting to tamper during the doping control,
  - f) obstructing doping control,
  - g) possession of prohibited substances or means allowing the use of a prohibited method,
  - h) trafficking or attempted trafficking in any prohibited substance or prohibited method,
  - i) administration or attempted administration of a prohibited substance or a prohibited method to the athlete in-competition or out-of-competition,
  - j) encouraging, assisting, abetting, concealing or other form of participation in the anti-doping rule violation, and
  - k) association of the athlete or sports specialist for the purposes of sports activities with a natural person with imposed sanctions or other measures for violation of the anti-doping rule for the duration of sanctions or measures.
- (4) If the athlete has a Therapeutic Use Exemption, the following is not the anti-doping rule violation to the extent of the relevant Therapeutic Use Exemption
- a) the presence of substances from the list of prohibited substances and prohibited methods, its metabolites or markers,
  - b) the use or attempted use of a substance or method from the list of prohibited substances and prohibited methods,
  - c) possession of prohibited substances from the list of substances or objects for the use of prohibited methods, or
  - d) administration or attempted administration of a prohibited substance or prohibited method.

#### Doping Control

#### § 89

- (1) Violation of the rules pursuant to § 88 para. 3 is detected by the doping control, stating in particular

- a) test planning,
  - b) sampling, handling and analysis of samples,
  - c) processing analysis results of samples taken,
  - d) hearing and deciding cases.
- (2) The natural persons within the scope of the Agency shall submit to doping control.

## § 90

- (1) The Agency carries out doping control
  - a) on its own initiative,
  - b) at the request of the sports association,
  - c) at the request of international sports organization,
  - d) at the request of the competition organizers.
- (2) The costs of doping controls carried out at the request shall be borne by the person who requests the control. The doping control costs shall be borne by the national sports association if it organizes a major competition, regardless of whether or not it requested the doping control.
- (3) The method of athlete selection and names of selected athletes on a competitive doping control may not be disclosed before the delivery of invitation for competitive doping control to the selected athlete.
- (4) The notification for doping control shall be delivered to the selected athlete by the doping control officer (DCO) or DCO assistant usually immediately after the competition. Its receipt will be confirmed by the athlete's signature. If an athlete refuses to accept it or acknowledge its receipt with his signature, the DCO indicates that fact in the doping control form. The notification shall be executed in written form.
- (5) No video, audio or audio-visual recordings shall be allowed in the premises where doping control is performed which have been provided for this purpose by the competition organizer.
- (6) During the competition doping control, the athlete may leave the area only with the prior approval of the DCO. The athlete must be under the supervision of the DCO or the DCO assistant for the whole time the athlete is outside the place of doping control.
- (7) In the place of doping control there may be no person except for
  - a) the DCO,
  - b) the DCO assistant,

- c) the athlete,
  - d) one person accompanying the athlete,
  - e) the interpreter,
  - f) the doctor or nurse, if the blood sample is not taken by the DCO, who is a doctor or nurse,
  - g) the representative of sports competition organizer or sporting event organizer,
  - h) the representative of international sports organization, and
  - i) the representatives of the World Anti-Doping Agency.
- (8) If the athlete is given a soft drink during the doping control, it must be in original sealed packaging, and only the athlete or a person authorized by the athlete are entitled to open it.

## § 91

### Doping Control Officer (DCO)

- (1) Doping Control is conducted by the Agency by means of the DCOs appointed and dismissed by the director of the Agency. The DCO is in the position of the public official during the doping control.
- (2) The DCO can be authorised for the doping control only if they are not
  - a) a member of sports organizations whose athlete is subjected to the doping control,
  - b) a person close to the athlete subjected to the doping control,
  - c) support personnel of the athlete subjected to the doping control or a person close to the support personnel.
- (3) The DCOs identify themselves with the DCO license when carrying out the doping controls and a written authorization for doping control execution.
- (4) Authorisation of doping control generally includes
  - a) identification of the Agency,
  - b) DCO name and license number,
  - c) identification of competition where DCO takes samples in the case of in-competition doping control,
  - d) the type of sample collection,
  - e) signature of Agency director or his authorized representative,
  - f) stamp of the Agency.

- (5) DCO license is issued by the Agency and it specifies
- a) the name of the holder,
  - b) the holder's facial image having the size 2.0 cm x 3.0 cm and maximum 3.0 cm x 4.0 cm,
  - c) the term "DCO – DOPING CONTROL OFFICER"
  - d) the name of the Agency in Slovak and English languages,
  - e) the Agency logo,
  - f) the license number,
  - g) end of license validity in the form of "VALID: YYYY", where YYYY is the numerical expression of year,
  - h) other information if needed by the Agency, so as not to impede the legibility of the information referred to in points a) through to g).
- (6) The DCO is also entitled to
- a) assess the suitability of facilities provided by the organizers for the performance of in-competition doping control, and
  - b) determine the selection criteria of athletes for the in-competition doping control.
- (7) The DCOs shall notify the Agency that they no longer meet the conditions under § 7 within 15 days from the date on which they ceased to meet the conditions.
- (8) The Director shall dismiss the DCO, if they no longer meet the conditions under § 7.

## § 92

### Proceedings in case of anti-doping rule violation

- (1) In hearings, the commission whose members are appointed and dismissed by the relevant national sports association or the sport competition organizer shall be responsible for proceedings in case of violation of the rules under § 88 para. 3
- (2) In appeals, the commission, whose members are elected and dismissed by the supreme authority of the national sports association shall be responsible for proceedings in case of violation of the rules under § 88 para. 3 in the second stage, where
- a) at least one member of the commission has university education of second degree in law or university education at tertiary level in any of the fields of study in a subset of the fields of study law acquired at universities in the Slovak Republic or education received abroad which is equivalent to such education in its scope and content; if the university degree was first achieved at the primary level and subsequently at the

secondary level, it is required that at both levels it was achieved in the same field of study,

- b) at least one member of the Commission has a master's degree in the field of general medicine or pharmacy or university education at tertiary level in any of the fields of study in a subgroup of the fields of study medical science and pharmaceutical science achieved at universities in the Slovak Republic or education acquired abroad, which is equivalent to such education in its scope and content.
- (3) A natural person may be elected or appointed as the member of the commission under paragraphs 1 and 2, only if they
- a) have a full legal capacity,
  - b) are not a member of a sport organization whose athlete is subjected to the doping control,
  - c) are not a person close to the athlete subjected to the doping control,
  - d) are not a support personnel of the athlete subjected to the doping control or a person close to the support personnel,
  - e) have a clean criminal record.
- (4) A natural person whose impartiality may be doubted with regard to its relation to the matter, to the athlete subjected to the doping control, or the support personnel of that athlete cannot be appointed a member of the commission under paragraph 1 and 2.
- (5) Agency representative has the right to attend the hearing of the case by the commission under paragraph 1 and 2.
- (6) Relevant national sports association or the organizer of the relevant competition is obliged to deliver a copy of the file on the case heard before the Court to the Agency without any delay after the decision was taken.

## § 93

### Decision

- (1) Decision in case of rule violation under § 89 para. 3 and a decision on the Therapeutic Use Exemption shall include the decision, reasoning and instructions.
- (2) The grounds of the decision state what facts were the basis for the decision, how the evidence was assessed, how the competent authority dealt with the proposals and objections of the persons concerned, and their statements to the basis of the decision.
- (3) Instructions include an indication of whether the decision is final or whether an appeal is possible, the period and authority where the appeal may be lodged.
- (4) The written copy of the decision shall also state the name of the authority issuing the decision, the decision date, name and surname of the natural person and the name of the

legal entity to which the decision applies. The decision must hold a stamp and signature with the name, surname and function of the authorized person.

- (5) An appeal against the decision on violation of rules under § 89 para. 3 and the Therapeutic Use Exemption may be lodged in a manner and procedure laid down in the rules issued pursuant to § 88 para. 1 within 15 days from the date of receipt of the decision.