

2016 March 21

## iNADO Update #68

**2016 iNADO Workshop | On-Line Anti-Doping Course | What Should be in the 2021 WADC?  
Doping Control in Spain | Join iNADO | Consequences of WADC National Non-Compliance**

Dear Colleagues:

After last week's meetings in Lausanne, back to the office and back to business.

### **Professional Development 1: 2016 iNADO Workshop**



Over 140 anti-doping professionals participating in the 2015 iNADO Workshop last week. From nearly 50 NADOs and RADOs, and over 10 IFs, colleagues participated in sessions ranging from Test Distribution Planning to Office and IT Security to Pre-Rio Games anti-doping programmes to What do IFs Expect of NADOs. A fantastic day for anti-doping practitioners. The highlight was surely the story and observations of whistle blowers Yuliya and Vitali Stepanov, pictured above speaking by video link. That session was as inspiring as it was alarming as it was sobering. Let us all strive to achieve their integrity.

The many fine presentations from the 2016 iNADO Workshop are now available (to the end of April) on the iNADO website at: <http://www.inado.org/about/2016-workshop-agm.html>. Please use them to enhance you anti-doping programme and the professional development of your staff and volunteers.

### **Professional Development 2: On-line Anti-Doping Course**

Here is a free on-line course that may be of interest: <https://www.coursera.org/learn/doping>. Offered by the University of Lausanne, it is titled: “Doping: Sports, Organizations and Sciences.” Besides the Professors of University of Lausanne, other experts in anti-doping are involved in this course, from the WADA-accredited laboratory LAD - Lausanne-Switzerland, from the Court of Arbitration for Sport, from UEFA, and from WADA. It is a four week course requiring two to three hours a week.

### **Doping Control in Spain During Non-Compliance**

Our colleague Enrique Bastida sends us all this important message on how to arrange for testing in Spain until that country’s new government is formed and is able to achieve Code compliance:

Dear Joseph:

I hope this mail finds you well. As you know, Spain has been declared non – complaint with the Code [due to the failure of the government to pass the necessary legislation to achieve Code-compliance]. The non-compliant NADOs are not permitted to conduct any testing in their countries whilst they are deemed non-compliant. As a result, all Anti-Doping Organizations (ADO) who are using any of these NADOs for out of competition testing are requested to continue such testing using private sample collection organizations, or foreign NADOs' personnel. This should continue until these NADOs are deemed compliant.

In order to support the NADOs that have been using AEPSAD for out of competition testing, I would like to remind you that PWC is hired as to do sample collection in Spain. From our point of view, any NADO could conduct OOC testing in Spain using our private services provider as the Sample Collection Authority. I would want to share this info with you, if you want to report any NADO or you have to answer any question from other countries about the situation in Spain.

Regards,

**Enrique Gomez Bastida**  
**Director AEPSAD**  
**Agencia Española de Protección de la Salud en el Deporte**



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You can contact Volker Laakmann, Managing Director of PWC, for sample collection in Spain at: [v.laakmann@pwc-gmbh.de](mailto:v.laakmann@pwc-gmbh.de).

Please note that, according to WADA, during the period of Spanish non-compliance, the AEPSAD does have continuing roles with respect to testing:

**Registered Testing Pool (RTP):** Your NADO is allowed to continue to manage the administration of your RTP where applicable, including the induction of athletes into the pool, the management of ADAMS accounts, and the sharing of whereabouts information with International Federations (IFs) where the athlete is also in the International RTP. Should an IF wish to take full custody of any athlete whereabouts in its RTP from your NADO, they are free to do so in accordance with the applicable provisions of the International Standard for Testing and Investigations.

Annex 1 to this Update sets out the full consequences of national non-compliance as notified by WADA.

### **Request for Comment: What Should be in the 2021 WADC?**

Our colleagues Marjolaine Viret and Emily Wisnosky of the WADC Commentary team ([www.wadc-commentary.com](http://www.wadc-commentary.com)) held a workshop at the recent Tackling Doping in Sport conference during which they received feedback on the issues stakeholders have faced with implementing the 2015 WADA Code. More importantly, they collected stakeholder priorities for future changes to the Code (and International Standards).

They would also appreciate input from stakeholders who either did not attend the workshop, or did not have sufficient opportunity to share their experience on that occasion. In particular, they welcome contributions that describe obstacles that you or your organization have faced, and your views as to whether these could be addressed within the existing World Anti-Doping Program (Code, International Standards, Technical Documents or Guidelines), or would deserve attention during the next Code revision process.

Based on the input received during the workshop, and the further contributions obtained subsequently, they will publish an article in the World Sports Law Reports that summarizes and discusses the priority implementation issues stakeholders have faced. They will not identify the name or affiliation of the contributors in our article, other than possibly by category of stakeholders (IF, NADO, laboratory etc.). They will consider and try to incorporate all comments received before **April 1, 2016**.

Stakeholders are invited, in particular, to contribute issues that fall under one of the four categories, aligned with WADA's main 2015 revision themes, and an additional "miscellaneous category":

1. Analytical science and Testing:
  - Experiences with Technical Document for Sport Specific Analysis
  - Proposal of the IOC on creation of an independent Testing entity
  - Difficulties encountered with collection of blood Samples
  - Verifying athlete scenarios on the origin of the substance, or identifying causes behind analytical findings, in particular for substances that can also be produced endogenously, or those within the classes of glucocorticoids / beta-2 agonists (salbutamol etc.)
  - Long-term storage and re-analysis of Samples
2. Intelligence and investigations:

- Experiences setting up the newly required structures for producing intelligence and conducting investigations, both practical and legal issues
  - Use and modalities of substantial assistance provision
3. Sanctioning regime:
- Issues in connection with the definition and proof of intentional doping
  - Application of new Contaminated Product provision
  - Substance prohibited In-Competition only
  - All issues on assessing reduced sanction options
4. Adjudication of doping disputes:
- Implementing the new “fair hearing” provision (Art. 8.1), given specificities of national laws
  - IOC proposal to have Court of Arbitration for Sport ruling at first instance on doping cases
5. Miscellaneous:
- Complexity/clarity of the Code, generally and for Athletes specifically
  - Stakeholder non-compliance

Please donate your ideas generously.

Let me suggest that ISL Article 4.4 needs to be adjusted so that laboratories do not lose their accreditation if the host country NADO is non-compliant (especially due to government failure). This only hurts the Code-compliant “foreign” NADOs, RADOs, IFs and MEOs that rely on that same accredited lab.

### **Join iNADO and Benefit from A Community of Anti-Doping Practitioners**

iNADO continues to grow. We are now 56 member NADOs from around the world. We have active expert networks of practitioners, and plan to announce a new one for Members’ Results Managers later this month. We encourage new Members to join now for 2016 at no obligation for three months to see the value of iNADO Membership. You will be invoiced in July, 2016. For an up-to-date membership application and fee schedule, contact: [info@inado.org](mailto:info@inado.org).

In the meantime, please follow us on Facebook: <https://www.facebook.com/inado.org/>.

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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.**

## Annex 1

### **World Anti-Doping Agency CONSEQUENCES OF [NATIONAL] NON-COMPLIANCE WITH THE WORLD ANTI-DOPING CODE**

Consequences of non-compliance with the World Anti-Doping Code are mentioned in:

- the World Anti-Doping Code (Articles 20.1, 20.2, 20.3, 20.4, 20.6, 23.6);
- WADA's Statutes (Article 6);
- the International Standard for Laboratories (Articles 4.1 and 4.4);
- the WADA Policy adopted by WADA's Foundation Board on 18 November 2015 concerning participation to WADA Independent Observer missions and Outreach programs, as well as the suspension of direct or indirect funding from WADA; and
- other documents such as the UNESCO Convention, the Olympic Charter and the IPC Handbook.

Furthermore, the practical consequences that apply to your NADO's anti-doping activities during the period of non-compliance can be summarized as follows:

- **Testing/investigations:** Your NADO is not allowed to conduct any testing or investigations;
- **Registered Testing Pool (RTP):** Your NADO is allowed to continue to manage the administration of your RTP where applicable, including the induction of athletes into the pool, the management of ADAMS accounts, and the sharing of whereabouts information with International Federations (IFs) where the athlete is also in the International RTP. Should an IF wish to take full custody of any athlete whereabouts in its RTP from your NADO, they are free to do so in accordance with the applicable provisions of the International Standard for Testing and Investigations;
- **Athlete Biological Passport (ABP):** Your NADO is not in a position to manage Athlete Biological Passports. IFs can request the transfer of custodianship for any of the athletes that are of interest to their IF program;
- **Result Management (RM):** Regarding national-level cases that are currently pending, your NADO is allowed to continue results management for all national-level cases under strict WADA monitoring;
- **Therapeutic Use Exemption (TUE):** Your NADO is not in a position to analyze TUE requests. Any IF that automatically recognizes TUEs from your NADO for national level athletes should put a temporary hold on this practice and undertake a thorough review of the relevant TUEs. IFs will be requested to accommodate a TUE application request from an athlete under your NADO's jurisdiction during the period of noncompliance;
- **ADAMS:** Your NADO can maintain access to ADAMS during your non-compliant period in order to carry out the aforementioned tasks and facilitate ongoing monitoring by WADA; and
- **Education:** Your NADO is not in a position to implement any Education program. The National Olympic Committee (NOC) in your country is encouraged to implement education programs during this period of non-compliance.