



INSTITUTE OF NATIONAL
ANTI-DOPING ORGANISATIONS

iNADO Webinars

- May 24 - "An Effective Tool to Report Doping" by Peter Dagø (GotEthics). [Register here.](#)

Lessons for Anti-Doping from CAS Decisions - A. Legkov and A. Zubkov (vs. IOC)

The CAS Panel announced on 23 April that it upheld [Alexander Legkov's](#) appeal and the IOC decision of 1 November 2017 was set aside. All his individual results earned during the Winter Games in Sochi, are therefore reinstated.

In contrast, the CAS Panel ruled that [Alexandr Zubkov](#) did use a prohibited method for the purposes of Article 2.2 of the WADC. Notwithstanding this, in the opinion of the Panel there was no evidence of tampering, covering-up or complicity to its comfortable satisfaction. As a consequence the IOC decision of 6 December 2017 is partially modified.

The rehabilitation of Alexander Legkov does not undermine the overall validity of McLaren's report nor the evidence provided by G. Rodchenkov. Rather, it reinforces the principle that each case is different and evidence is subject to objective criteria. Our friends of the [Anti-Doping Knowledge Center](#) have summarised the outcome of both appeals as follows:

Alexander Legkov, Alexandr Zubkov and the other Sochi athletes argued that the IOC Disciplinary Commission fundamentally erred in its application of the relevant legal framework to the facts of the Sochi athletes' cases. In particular, rather than seeking to determine whether the specific requirements set out in the relevant provisions of the WADC have been made out in individual cases, the Commission took a generic and "broad brush approach" to its assessment of the evidence. It proceeded from a foregone conclusion and applied assumptions and circular inferential reasoning to reach its ultimate conclusion that the Sochi athletes were each guilty of ADRVs.

They (the athletes) contended that there was no evidence that any of the Sochi athletes, among other things, had consumed the alleged Duchess Cocktail, or any other prohibited substance; had provided urine outside of doping procedures; had been involved in any alleged tampering of their sample bottles; or had committed an ADRV.

The IOC contends that the athletes Alexander Legkov and Alexandr Zubkov were part of a far-reaching conspiracy that encompassed, among other things, an organization of which the Russian State, including elements of its central government and national security service has been a crucial component. The alleged doping scheme was, by its very nature, intended and designed to conceal evidence of wrongdoing to the maximum extent possible. As a result, the more successful the alleged conspiracy was at achieving its objectives, the less direct evidence of wrongdoing is likely to be available to the IOC. The absence of direct evidence, therefore, is not necessarily indicative of innocence, but may equally be indicative that serious wrongdoing has been effectively concealed.

The CAS Panel considers that in the circumstances of this case, individual actions or omissions by the Athlete must be established to its comfortable satisfaction in order to find him guilty of a specific ADRV. The Panel does not consider it possible to conclude that the existence of a general doping and cover-up scheme automatically and inexorably leads to a conclusion that the Athlete committed the ADRVs alleged by the IOC. Instead, the Panel must carefully consider the ingredients of liability under each of the relevant provisions of the WADC that the Athlete is alleged to have contravened. It must then consider whether the totality of the evidence presented before the Panel enables it to conclude, to the requisite standard of comfortable satisfaction, that the Athlete personally committed the specific acts or omissions necessary to constitute an ADRV under each of those separate provisions of the WADC.

Update Sample Collection Bottles

There is really not much new to say regarding new conditions or alternatives to source Berlinger's urine kits. However, it is important to remind all ADOs that WADA will work with a group of stakeholders to develop new specifications to the sample collection equipment. We believe this is a crucial step to assure all stakeholders that the anti-doping community has taken all steps necessary to make the sample collection process as secure as possible.

On parallel, beginning in June, per stakeholder consultation WADA will gather feedback from anti-doping organisations referring exactly to such criteria as laid out in Article 6.3.4 of the ISTI. WADA will pour the proposals into a draft and present this to the Executive Committee meeting in September 2018. INADO will keep everyone updated.

Update on ADAMS Next Gen

WADA assigned two groups, one internal and one external, with the long-awaited revision of ADAMS. The external group is comprised by recognised International Federations (6), National Anti-Doping Organizations (4), and WADA-accredited laboratories (2). According to WADA, ADAMS Next Gen will definitely bring:

- High priority bug fixes, greater speed, security and responsiveness;
- Compatibility with tablets and mobile devices, wider browser compatibility;
- Upgraded mobile app for Whereabouts;
- A test version of a New Doping Control Form Entry System (not paperless yet);
 - Focus of the new entry system will be user interface and user experience
- An optimized workflow for the Testing Order (Mission Order);
 - The data entered here will be automatically transferred to the DCF.

All the updates above will be released gradually. For a certain time, ADAMS and ADAMS Next Gen will exist in parallel but connected to one single database.

Despite of the improvements, some ADOs will be disappointed that ADAMS Next Gen still misses an adequate application interface (API) allowing ADAMS to connect with other external systems (e.g. SIMON). A group of NADOs has been working with WADA pushing on its design and implementation with urgency. Similarly, there are a few other modules in ADAMS still in revision and improvement: a more efficient and usable athlete Whereabouts system, automated laboratory (LIMS) connectivity, and a paperless doping control solution. ADAMS overhaul will continue for no less than another two-year period.

This is the delivery plan:

- Feb. – Apr. 2018 Security Enhancements I (password reset process & admin account management)
 - Mar. – May 2018 Security Enhancements II (two-factor authentication and data encryption)
 - Apr 18 First new ADAMS 'Next Gen' Module – Doping Control Form
 - Apr. – May 2018 Second ADAMS 'Next Gen' Module – Test Planning (Testing Order)
 - Apr. – Jun. 2018 TD2018DL, TD2018CG/LH, TD2017BAR implementation
 - Jul. – Sep. 2018 All new Athlete Whereabouts system
 - Jul. – Sep. 2018 Automated Laboratory (LIMS) and ADAMS connectivity
 - Aug. – Dec. 2018 All new Electronic sample collection system ('paperless')
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Play True Day

The 2018 edition of Play True Day gathered the largest number of countries participating in this event. [Play True Day](#) invites all anti-doping organisations, national and international sport federations, major event organizers and educational institutions to organize an event dedicated to clean sport and/or to include clean sport messages in any existing event in the week before and/or after April 10

(Play True Day).

Visit [@playtrueday](#) on Facebook to review many of the interesting activities featuring NADOs, WADA, IFs, and most importantly Athletes in 2018. This international event is turning into a large sport movement which educates young athletes about the values of competing clean.

Countries by continent: **Africa:** Egypt; **America:** Brazil, Canada, Honduras, Uruguay; **Asia:** Japan, Hong-Kong; **Europe:** Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Germany, Hungary, Estonia, Latvia, Malta, Poland, Romania, Russia, Slovenia; **Oceania:** Australia; **Other Orgs:** Caribbean RADO, International Ice Hockey Federation, International Volleyball Federation, UEFA, Union Cycliste Internationale, WADA.

EU Commission publishes Whistleblowing Protection Regulation

There is a new [Directive by the European Commission](#) with possible implications for European Anti-Doping Organisations that are government agencies. All other ADOs may find it useful to understand how the EU has defined whistleblowing and designed measures to protect whistleblowers.

The primary reason for the Commission to develop this directive comes from the assessment that "the uneven protection of whistleblowers across the EU can undermine the level-playing field needed for the internal market (...) and a healthy competitive environment; it can result in unsafe products placed on the internal market, in pollution of the environment or other risks for public health (...) which go beyond national borders; and it means that whistleblowers in cross-border situations can "fall through the cracks" and suffer retaliation for seeking to protect the public interest." The new directive tries to ensure that all Member States have common high standards for the protection for whistleblowers.

So far there is no direct reference to sport or anti-doping. However the directive states "as a general rule, all private companies of more than 50 employees, annual turnover of more than €10 million, and all State, regional and municipal governments (including its departmental sub-divisions) of more than 10,000 inhabitants are obliged to establish internal reporting channels, ensuring the confidentiality of the identity of the whistleblower." Eventually, National Anti-Doping Organisations in the EU could be captured by the extension of the new law.

In future, within the EU, once a report has been submitted, the designated person/department must follow up within 3 months and provide feedback to the whistleblower. The directive proposes that whistleblowers should first report information to his/her employer using internal reporting channels. However, in cases where;

- the internal channels do not exist (e.g. in small companies) or
- their use is not mandatory (e.g. in case of non-employees) or
- they were used but did not function properly or they could not reasonably be expected to function properly (for example because of a fear of retaliation, concerns about confidentiality, possible collusion by the management, or if urgent action is required),

a whistleblower can also choose to go directly to the central state authorities responsible and, where relevant, to EU bodies. Public disclosures including to the media will also be protected under the new law in in cases where internal and/or external channels do not function or could not reasonably be expected to function properly, as described above.

The new law also foresees a set of measures to protect whistleblowers suffering retaliation, including: legal advice (free of charge), remedial measures (halt workplace harassment or to prevent dismissal, reversal of the burden of proof, so that it is up to the person taking action against a whistleblower to prove that they are not retaliating against the act of whistleblowing; no liability for disclosure as imposed in labour contracts)

Furthermore, the European Commission urges all Member States to raise awareness of these rules by publishing on their websites in a separate, easily identifiable and accessible section at least the following information:

- the conditions under which the whistleblowers qualify for protection;
- the existing reporting channels (phone numbers, dedicated postal address or email) for receiving and following-up on the reporting;
- the procedures applicable;
- the confidentiality regime applicable to reports;

- the nature of the follow-up to be given to reports;
- the remedies and procedures available against retaliation and on possibilities to receive confidential advice for persons contemplating making a report;
- a statement clearly explaining that whistleblowers are not be considered infringing any restriction on disclosure of information imposed by contract or by law, and are not to be involved in liability of any kind related to such disclosure.

Anti-Doping Organisations across the globe can refer to this directive when designing their own confidential reporting / whistleblowing policies.

WADA Calls for Social Science Research Proposals

All ADOs are reminded about WADA's 2018 Social Science Research Program for which proposals can be sent now and until 16 July 2018 (via [WADAGrants](#)). INADO can assist ADOs in finding adequate partners within the international community. Contact us at info@inado.org.

Note that research projects in collaboration between research institutions and anti-doping organisations will be assessed more favourably.

Proposals can be submitted from universities, colleges, small businesses, for-profit and not-profit organizations. More information can be found at [WADA's social science section](#).



Athletics Integrity Unit 1st Year

The Athletics Integrity Unit of the IAAF celebrates one year of existence.

In short time, the AIU put together an extensive anti-doping programme as this infographic shows (available in 5 languages). Athletics fans deserve no less.

European Athletics: Criteria to set New Records (and erase Old Ones)

In a recent press release dated May 1st, the President of the European Athletics Federation announced the [criteria proposed by the European Athletics Council](#) to recognise new records. In future, records will be valid only if:

- they were achieved in a designated competition,
- the athlete was subject to testing a number of times in the 12 months before, and
- the sample is stored 10 years and available for retesting.

This criteria could be copied by other sport federations in future. The other issue floating is how records tainted by suspicions of doping can be deleted. This is a much complex question. Svein Arne Hansen, president of the federation announced a stakeholder consultation process to define the criteria.

Athletes and stakeholders can send their feedback to this email to have their opinion considered: recordsreview@european-athletics.org. We encourage European NADOs and to communicate this with their athlete communities.



Cases in the Anti-Doping Knowledge Centre

The [Anti-Doping Knowledge Center](#) has the largest collection of anti-doping decisions. It is easily searched and makes available a wide variety of very useful information especially for legal counsel or results management staff.

IAAF Taskforce Reports

The Russian Athletics Federation was reminded in March 6, 2018 of the objective reinstatement criteria to be fulfilled before Russian athletes are allowed to join any IAAF sanctioned competition. To recap, the IAAF Taskforce has issued a total of 7 reports since June 2016. Here they are:

- [IAAF Taskforce Report to the IAAF Congress about the Russian Athletics Federation \(RusAF\) - 6 March 2018](#)
- [IAAF Taskforce Report to the IAAF Congress about the Russian Athletics Federation \(RusAF\) - 26 November 2017](#)
- [IAAF Taskforce Report to the IAAF Congress about the Russian Athletics Federation \(RusAF\) - 3 August 2017 21](#)
- [IAAF Taskforce Interim Report to the IAAF Council about the Russian Athletics Federation \(RusAF\) - 8 April 2017](#)
- [IAAF Taskforce Interim Report to the IAAF Council about the Russian Athletics Federation \(RusAF\) - 6 February 2017](#)
- [IAAF Taskforce Interim Report to the IAAF Council about the Russian Athletics Federation \(RusAF\) - 1 December 2016](#)
- [IAAF Taskforce Interim Report to the IAAF Council about the Russian Athletics Federation \(RusAF\) - 17 June 2016](#)

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



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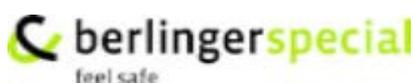


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