COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Recommendation on blood sampling for doping medical controls (98/3)

The Monitoring Group of the Anti-Doping Convention, under the terms of Article 11.1.d of the Convention,

Whereas under Article 3 of the Anti-Doping Convention the Parties undertake to co-ordinate the policies and actions of their government departments and other public bodies concerned with combating doping in sport;

Whereas in Article 7 of the Convention the Parties undertake to encourage their sports organisations to harmonise their doping control procedures;

Considering that common principles for control procedures would ensure a fair and equitable system for athletes;

Being conscious that the procedures and techniques used in doping control should respect the individual rights of all sports persons;

Having studied the provisions of the Convention on Human Rights and Biomedicine of the Council of Europe;

Having discussed this Recommendation with international and European sports organisations;

Recalling that the principles of the Recommendation No. 1/95 of the Monitoring Group are relevant, *mutatis mutandis*, for blood sampling;

Being conscious that additional principles should be taken into account in view of the more intrusive character of blood sampling;

Recommends that Parties to the Anti-Doping Convention include, or where appropriate, strongly urge the national sports bodies concerned to include, in their Anti-Doping Regulations, *the basic principles for blood testing for anti-doping control* appended to the present Recommendation, for implementation if and when blood sampling is introduced.

Appendix

Basic principles for blood testing for anti-doping control

1. Introduction

1.1 The role of the Monitoring Group of the Anti-Doping Convention is to ensure for its part that the struggle against doping in sport is conducted as effectively as possible. However, the Monitoring Group, conscious of the need to protect the individual rights of all sports persons, maintains that there is an obligation upon the sports movement as a whole to ensure that the procedures and techniques used in doping control respect those rights.

1.2 Accordingly, it affirms that doping controls should always be as non-intrusive as the available technology permits, and that where blood-testing is concerned, this should only be resorted to when the use of urine as a control medium is incapable of procuring the desired effect.

1.3 For this purpose, the Monitoring Group states that, whilst the taking of capillary blood samples in quantities expressed in microlitres is in practical terms less intrusive than taking venous blood samples in quantities expressed in millilitres, the same ethical and legal considerations (and thus the present list of basic principles) apply to both categories of samples.

2. Necessity

The body or bodies wishing to take blood samples for the purpose of anti-doping control or related research must be able to show that there is a clear scientific need for blood samples in addition to urine samples.

3. Free and informed consent

3.1 Sports federations and other competent bodies, which intend to practice blood sampling for doping control, must ensure that:

- the authority to do so is enshrined in their anti-doping rules;

- sportsmen and women liable to be tested (or in the case of minors, their parent or guardian) explicitly acknowledge that authority when accepting the rules of the governing body or other agency;

- information, which is a prerequisite of consent, must be given in clear and accessible language, must mention the existence of blood sampling, the sampling method used, the frequency of samples allowed and, especially, the risks of intravenous tests.

3.2. Sports federations and other competent bodies have an obligation, before instituting controls, fully to inform sportsmen and women (or in the case of minors, their parent or guardian), when they accede to a level of competition at which they become liable to doping controls, concerning the implications of their consent. They should be able to furnish proof, in the case of a dispute, that this obligation has been discharged. If this obligation is satisfied, sports organisations may sanction refusal to submit for testing, but can in no other way enforce such testing.

3.3 Where sports federations or other competent bodies intend to use blood samples for purposes other than doping control (e.g. research), specific consent shall be obtained from the subject on each occasion. Neither refusal to give such consent nor positive results found in pursuance of research activities shall be recorded or attract any sanction.

4. Risk and responsibility

4.1 Sports federations and other competent bodies authorised under the terms of 3.1 and 3.2 above to take blood samples must take all appropriate measures to reduce medical risk to the athletes as far as possible.

4.2 Accordingly, all blood samples must be taken in a medically and scientifically satisfactory way and carried out by appropriately trained staff.

4.3 The procedures adopted for the taking of blood samples must clearly assign liability for any mishaps that may occur as a result of blood sampling.

4.4 The organisation to which such liability is assigned must be able to demonstrate that it is adequately covered by insurance related to all conceivable risks.

5. Others

5.1 Medical authorities should be consulted on the most appropriate time of testing not only during competition but also out of competition.

5.2 Multiple tests should be avoided.

5.3 A technical guide to procedures for the collection of blood samples, as in document T-DO (98)18, was also approved by the Monitoring Group at the 9th meeting, for the attention of those requiring such information and guidance.