



Strasbourg, 4 May 2016

Rec (2016) 1

**Recommendation Rec (2016) 1 of the Monitoring Group
on Information Sharing between
Public Agencies and Anti-Doping Organisations
in the Fight against Doping**

adopted by the Monitoring Group on 3rd May 2016 at its 44th meeting in Strasbourg

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

Having regard to Article 3.1 of the Convention, which obliges States Parties to co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport;

Having regard to Article 4.1 of the Convention, which requires States Parties to adopt, where appropriate, legislation, regulations or administrative measures to restrict the availability and the use in sport of banned doping agents and doping methods;

Acknowledging the fact that all States Parties to the Anti-Doping Convention are bounded by the Copenhagen Declaration on Anti-Doping in Sport (2003) and/or by the International Convention against Doping in Sport (UNESCO, 2005), and are therefore concerned by the measures required by the World Anti-Doping Code;

Taking note of the Article 22 of the World Anti-Doping Code (2015), and in particular its points 2 and 3, which recommends governments to “*put in place legislation, regulation, policies or administrative practices for cooperation and sharing of information with Anti-Doping Organisations and sharing of data among Anti-Doping Organizations*” and to “*encourage cooperation between all of its public services or agencies and Anti-Doping Organisations to timely share information with Anti-Doping Organisations which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited*”;

Bearing in mind the Recommendation Rec (2000) 16 of the Committee of Ministers of the Council of Europe to member States on common core principles to be introduced into national legislation to combat the traffic in doping agents, and in particular its points 3.f. to 3.i.;

Taking note of the Resolution 2080 (2015) of the Parliamentary Assembly of the Council of Europe “*Re-thinking the anti-doping strategy*” and, in particular, the recommendation that Member States “*strengthen co-ordination and information exchange between the various State services involved in the fight against doping and develop inter-State co-operation in the fields of controls and investigation of offences against the anti-doping legislation*”;

Recognising that an effective sharing of information between public services and agencies and Anti-Doping Organisations is essential to meet the requirements of the Convention;

Recalling that the Monitoring Group is responsible for assessing the measures taken by the States Parties in order to be compliant with the provisions of the Convention;

Recommends that States Parties to the Anti-Doping Convention should:

1. Acknowledge, where appropriate, that effective information sharing between public agencies (for example, Customs Authorities and Law Enforcement) and Anti-Doping Organisations (in particular, National Anti-Doping Organisations) must be founded on a sound legal basis, and ensure that such legal basis exists by, for example, making provision that National Anti-Doping Organisations are designated under relevant national laws as being bodies that carry out functions of a public nature.
2. Implement specific regulations or similar instruments in accordance with national laws to provide for the effective sharing of information between public services and agencies and Anti-Doping Organisations. For that purpose, States Parties could analyse and review the examples of best practices on the area of information sharing provided to them by way of the Monitoring Group, and in particular
 - Facilitate the provision of training to Customs bodies, Law Enforcement authorities and other relevant regulatory agencies (including those tasked with regulating the supply of pharmaceutical products) as to:
 - o The extent, nature and identification of Prohibited Substances;
 - o The value and utility of information captured by Customs bodies, Law Enforcement authorities and other relevant regulatory agencies in relation to the importation and distribution of Prohibited Substances;
 - o The sharing of information relating to natural persons associated with the importation and distribution of Prohibited Substances;
 - o The most effective and prompt means by which information can be shared as between Customs bodies, Law Enforcement authorities and other relevant regulatory agencies and Anti-Doping Organisations;
 - o The methodology of information handling to ensure information is handled securely and according to relevant standards.
 - Share between Customs bodies, Law Enforcement authorities and other relevant regulatory agencies and Anti-Doping Organisations the data about the type, nature and quantity of Prohibited Substances and associated products entering and leaving a country, in accordance with national laws;
 - Consider communicating widely information about such sharing mechanisms so as to create an effective deterrent to persons subject to Anti-Doping Rules and so prevent the importation of Prohibited Substances;
 - Ensure the sharing of information between Law Enforcement bodies, Pharmacological Inspections and Anti-Doping Organisations regarding criminal investigations concerning the production, sale, supply and distribution of Prohibited Substances, especially (but not limited to) investigations that involve Athletes and/or Athlete Support Personnel.

3. In case of hosting an International Event (meaning an Event where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event):
 - a.* Implement specific regulations or similar instruments in accordance with national rules on protection of personal data to provide for the obtaining of information which would be useful in the fight against doping in the context of International Events;
 - b.* Require the organising bodies for International Events to put in place measures to facilitate the information sharing in accordance with national rules on protection of personal data as a condition of any hosting or similar agreements.