

WADA Decision on Russia: NADOs recommend Internal Review of the Process

During the last meeting of the **WADA NADO Working Group (WG)** in Montreal (Oct. 11 and 12), NADO representatives have recommended WADA to launch a review of the process by which the decision to reinstate RUSADA was met.

See here the complete transcript of the [Meeting Outcomes](#).

Russia:

The Working Group expressed disappointment at the process adopted by WADA to press through an eleventh hour agreement to alter the road map and declare RUSADA compliant. While NADOs support the Compliance Review Committee (CRC) and the compliance monitoring process, given the scope and critical nature of the Russia issue, more engagement with stakeholders, including NADOs and athletes, should have occurred.. A delay in reaching a decision could have allowed more opportunity to explain, consider and seek support for any position proposed. Considering NADOs are critical stakeholders whose sole purpose is clean sport and whose support is crucial, consultation with them was necessary.

In light of this, the NADO WG propose an analysis of the process and timing of the decision, including;

- An analysis of the communication strategy around the decision;
- Review the concerns of all stakeholders, including athletes and NADOs; and
- Develop a plan to address the issues identified as a consequence of the review

The conclusions of such an internal review should then be shared to all stakeholders mentioning also improvements to be made and the status of Russia.

Finally, the NADO WG recommends that the CRC hold a meeting as soon as possible after the 31 December 2018 deadline for the Russian authorities to provide the laboratory data (i.e. 2-3 January 2019). This would then allow the WADA Executive Committee (ExCo) to meet immediately after to discuss the issue without delay. By addressing the situation immediately, it will demonstrate WADA's commitment to moving forward with the urgency required.

Other issues:

Governance: While recognizing recent encouraging indications, the WG was disappointed at the reluctance of members of the WADA Governance Working Group representing both Governments and the Olympic Movement to embrace the need for more independent decision making especially in the Executive Committee.

Code revision / Standards: The WG was encouraged by the predominantly constructive manner in which the Code and Standards appeared to be moving in the current review. WADA was congratulated on the generally positive response to the compliance review process.

ADAMS: The WG was encouraged by the description provided on the development of the next generation of ADAMS.

Independent Observer: The WG proposed that the Reports of Independent Observer Teams at Major Games be given more authority equivalent to the compliance review process.

Frustration of Athletes with recent Decisions

For everyone working in anti-doping, the news in the last weeks show that many athletes feel increasingly disenfranchised by international sport organisations. Regardless of our views, it is clear that many athletes do not feel that their views are adequately taken into account.

In an open letter to WADA President, Sir Craig Reedie, [Vicki Aggar](#), British Paralympian, Chair of British Athletes and member of WADAs AC, affirms that WADA did not represent the athletes they claim to protect. It is not only the decision which upsets Aggar, it is also the tone adopted by WADA's officials which she feels shows that athletes are not taken seriously.

Similarly, the WADA Athlete Committee in an open letter published by [Beckie Scott](#), complains about not having enough weight at the decision making table that sets the demanding rules which athletes must abide by. The letter was [supported by AC's](#) from Germany, Ireland, UK, Netherlands, IAAF and BWF. In the past weeks athletes individually have expressed similar concerns.

Almost in parallel just before the inauguration of the Youth Olympic Games in Buenos Aires, the IOC presented and adopted the [Declaration of Athletes Rights and Responsibilities](#). The one-page-document stresses that it was developed by athletes for athletes, through a worldwide consultation process, reflecting the views of athletes. However, [many athletes feel](#) there was not enough transparency in the exercise.

Athletes Canada, British Athletes, Track and Field Athletes (U.S.), German DOSB AC, and USOC Athletes' Advisory Council, among others are critical that this document lacks a transparent and inclusive framework that reflects the voice of athletes.

There is concern that the IOC AC and others who sat on the steering committee really represent the broadest scope possible. Instead a thorough review process of the athletes' rights and responsibilities by labor and human rights experts should take place. It is unclear why the document was released when a more comprehensive document focussing more specifically on rights in anti-doping and intended for reference in the WADA Code was in preparation and could have been referenced.

Additionally, the language of the document is regarded as vague. For instance it "encourages" all organisations of the Olympic Movement (NOCs, IFs, NFs) to make sure that the rules are enforced. But their application seems discretionary: How exactly will the document be enforced?

1st Draft of New Standard for Education: iNADO Feedback to WADA

This is a summary of the comments made by iNADO CEO and NADA Germany to WADA regarding the International Standard for Education.

In the view of iNADO, the underlying effect and impact of this document is crucial. It verifies that education is as important (arguably more) as other elements of the Code which have long been mandatory and have therefore been given higher priority because of the need to demonstrate detailed compliance.

Previously education has been allowed to be downgraded (and sometimes ignored) because of this. The fact is that, for many NADOs with very limited resources, Education is the one thing they can deliver (often combining with other better resourced partners) and it is clearly the highest priority in many environments. Unfortunately the Code still does not sufficiently recognise this need for prioritisation in resource allocation. The mandatory nature of a number of highly technical, but for many NADOs, completely impractical and unattainable, elements of the Code, may well get in the way of proper prioritisation of education which has the potential to make a much bigger difference in the medium to long term. As well as improving knowledge bases education programmes are critical for raising the profile of anti-doping work potentially leading to better recognition and increased resources.

Regarding drafting: This is predominantly a well drafted document which for many will be very helpful. It is inescapable, however, that

the document will still be a) too complex to readily understand and b) simply too demanding and will be beyond the reach of very many smaller NADOs and RADOs. The document needs to be broken down (either internally or in a complementary document) into prioritised and realistic practical steps which are independently manageable and achievable. Implementation of these steps cumulatively over time (likely years) should lead to compliance. It is clear that for many both time and assistance will be necessary for successful implementation.

A programme which supports the implementation of the Standard providing advice and training opportunities for NADOs and their educators must be available to support the Standard.

Notwithstanding the important need to recognise regional and cultural variables which impact on how an education plan is developed many NADOs will be crying out for simple “off the shelf” models and templates which can be easily adapted (as necessary) and implemented. It will be imperative that these are developed and made available if practical progress is to be made. Many good models exist and the best and most applicable of these need to be shared. (A subgroup tasked with identifying good practice models, which can easily be adapted and made available to poorly resourced environments, would be an important step.)

Certificate of Advance Studies (CAS) in Anti-Doping - Registration Open

The centre for Research and Expertise in antiDoping Sciences (REDS) in Lausanne has launched a new certified educational programme for professionals who wish to gain comprehensive knowledge and competence in the diverse aspects anti-doping. Participants will gain a better understanding on how sports organisations tackle current challenges in the fight against doping.

During [CAS in Anti-Doping for Sports](#), held over 4 weeks entirely at the University of Lausanne, a team of international lecturers will ensure that course subject matter covers all issues that sports organisations, and more generally professionals involved in top-level sport, must face regarding doping and integrity issues.

The program will provide organisational, scientific, ethical, sociological and legal insights into the field of doping and anti-doping on a national and international level. Download the entire [study plan](#) of the course. Registration deadline for the 2019 class is November 30, 2018.

iNADO calls on Tokyo2020 to provide Funds for International DCOs

NADOs have expressed their concern regarding the lack of funding for DCOs during Tokyo2020. NADOs request that the LOC should cover all costs, including air travel, associated with the participation of International Doping Control Officers (iDCO) at the Games. This would put DCOs on the same footing as other technical officials.

Independent Observer Reports during the last major summer and winter Olympic Games have stressed on the importance of counting on experienced and capable DCOs to run an effective anti-doping programme during the event. Disappointingly the Local Organising Committee of Tokyo 2020 announced that nominating organisations of international DCOs should cover air travel of the nominated DCOs. iNADO strongly disagrees with this practice.

16 NADOs surveyed reported that they have nominated at least one iDCO to Tokyo2020. To do this NADOs will have to pay between US\$ 700 - US\$ 2500 per iDCO. Obviously the cost of air travel from the distinct countries can vary significantly.

12 of the respondents agreed that the LOC should cover the entire costs of the iDCOs (air travel, accommodation and meals) during the length of their stay in the event. Moreover, four NADOs state that if the LOC doesn't provide funds, they will not send any DCOs and another seven NADOs affirmed they would send less iDCOs than originally planned.

WADA Annual Report 2017: Collaboration with NADOs has been Priority

The 2017 [WADA Annual Report](#) offers, in a summarised form, WADA's perspective on what has been a critical year for the global regulator. Even for anti-doping experts, it is not easy to keep the overview. WADA's strategic priorities during 2017 can be summarised as:

- Work with NADOs to enhance capacity

- Compliance monitoring incl. meaningful and proportionate sanctions for Non-compliance
- Strengthen ADAMS technically
- Review the laboratory model and accreditation process

iNADO takes note of the broad and complex scope of activities WADA takes on to protect clean athletes (with limited resources). While NADOs sometimes disagree with WADA's positions, it is important that NADOs (and every other ADO) continue to participate and contribute to WADA constructively.

In regard to NADO participation, on page 11 WADA praises the creation of a Working Group with stakeholder representation from governments, sport movement, NADOs, athletes and independent experts to "ensure the independence of the anti-doping system". During 2017 and still, the Working Group is studying the WADA structure, including elements such as: whether there is duplication of roles and functions; whether there is optimal diversity; whether the committees are too large or small; and, whether more Athletes and/or independent members should be added?

Survey for 2019 iNADO Workshop Topics coming soon

iNADO is interested in polling the interests of its members ahead of the 2019 Workshop Programme. Soon we will contact all our Members to tell us which topics do you identify as priority for your operations in 2019.

New Rules for the Operation of APMU become effective in 2019

In March 2019 WADA's [TD2019APMU](#) becomes effective with the objective to harmonize Athlete Biological Passport (ABP) management by APMUs by re-defining the roles and responsibilities.

Anti-Doping Organisations need to make sure that their APMU and their ABP experts meet the criteria set out in the TD2019APMU. This means that existing APMUs need to apply for and obtain approval by 1 January 2020. As of this date, management of ABP only by an approved APMU will be mandatory.

It is noted that some NADOs are disappointed that this document places APMUs exclusively in laboratories and shuts the door to the possibility that NADOs fulfill the role. Some NADOs had credibly demonstrated their capacity to manage athlete passports.

WADA ABP Conference in Rome (5 - 7 Nov.)

From 5-7 November 2018 in Rome, WADA will hold a world Symposium bringing together anti-doping stakeholders who are involved in all areas of Athlete Biological Passport programs, including testing, administration, expert reviews, and results management, in order to promote harmonization of practices, exchange of knowledge and discussions on the way forward with this [programme](#).

We look forward to the conclusions of this event.


Results of WADA Investigation in Kenyan Athletics Presented

In a timely, transparent multi-stakeholder approach, WADA's Intelligence and Investigations Department delivered the report of its [Kenya Project Taskforce](#). The report was done in collaboration with the Anti-Doping Agency of Kenya (ADAK) and the Athletics Integrity Unit (AIU).

In late 2016 WADA's Intelligence and Investigations Department launched an investigation into widespread doping in Kenya as media reports denounce it. WADA and the AIU set up the project, which was focused primarily on distance running, with the view of understanding the practices in Kenyan athletics as well as to develop a multi-stakeholder network equipped to tackle the problem. The methods of the project included a review of every single Kenyan AAF, the analysis of ABPs of elite runners and interviews with athletes identified as target group based on their AAFs. Finally, a peer review by stakeholders allowed contribution from others.

The report concludes that "doping practices of Kenyan athletes are unsophisticated, opportunistic, and uncoordinated and there is no evidence of an institutionalized system". The report also makes evident that many athletes are insufficiently aware of the risks of

medicaments over the counter and/or follow naive risky prescriptions.



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Country	Name Organisation	Medication Database	Anti-Doping Legislation
Andorra	Agència Andorrana Antidopatge	NO	NO
Australia	Australian Sports Anti-Doping Authority	YES	YES
Austria	National Anti-Doping Agency Austria	YES	YES
Azerbaijan	Azerbaijan National Anti-Doping Organisation	NO	NO
Bahamas	Bahamas Anti-Doping Commission	NO	NO
Barbados	Barbados National Anti-Doping Commission	NO	NO
Belarus	National Anti-Doping Agency Belarus	NO	YES

Collection of Anti-Doping Legislation on iNADO Website

We remind all anti-doping experts that on iNADO's [website](#) you will find links to anti-doping legislation pieces of our members. Only follow the button YES identifying the countries with a national anti-doping law.

New finding could unmask blood doping in athletes

Findings from a group of scientists at [Duke University](#) show that by marking old blood cells among new ones, self-transfusions can become evident.

In transfusions for doping purposes the athlete's blood is taken out well before the competition, the red blood cells are isolated, and then transfused back into the athlete right before competition to enhance the blood's ability to carry oxygen. The researchers found acids in the cells that change during storage in a constant, predictable pattern and therefore to identify if blood has been doped by an infusion of their own stored blood to boost the oxygen-carrying capacity of blood.



New at the Anti-Doping Knowledge Centre

Mutu and Pechstein vs. Switzerland - procedures before the Court of Arbitration for Sport

In October 2, in the case of Mutu and Pechstein v. Switzerland, the European Court of Human Rights (ECHR) held, by a majority, that there had been no violation of Article 6 § 1 (right to a fair trial) of the ECHR with regard to the alleged lack of independence of CAS. The ECHR only found a violation of Article 6 § 1 of the European Convention in the case of the second applicant (Ms Pechstein), with regard to the lack of a public hearing before the CAS.

Available at the ADKC the entire collection of decisions.

Adrian Mutu

- [Swiss Federal Court 4A_458_2009 Adrian Mutu vs Chelsea Football Club](#) 10 Jun 2010
- [CAS 2008_A_1644 Adrian Mutu vs Chelsea Football Club](#) 31 Jul 2009
- [CAS 2006_A_1192 Chelsea Football Club vs Adrian Mutu](#) 21 May 2007

- [CAS 2005_A_876 Adrian Mutu vs Chelsea Football Club](#) 15 Dec 2005

Claudia Pechstein

[German Federal Court of Justice KZR 6_15 Claudia Pechstein vs ISU \[English\]](#) 7 Jun 2016

[CAS 2016 - Statement in the case Claudia Pechstein vs ISU](#) 7 Jun 2016

[CAS 2015 - Statement in the case Claudia Pechstein vs ISU \[German\]](#) 27 Mar 2015

[CAS 2015 - Statement in the case Claudia Pechstein vs ISU \[English\]](#) 27 Mar 2015

[German Federal Court of Justice KZR 6_15 Claudia Pechstein vs ISU \[German\]](#) 7 Jun 2016

[Munich Higher District Court U_1110_14 Claudia Pechstein vs DESG & ISU](#) 15 Jan 2015

[Munich District Court 37_O_28331_12 Claudia Pechstein vs DESG & ISU](#) 26 Feb 2014

[ISU 2009 ISU vs Claudia Pechstein & DESG](#) 1 Jul 2009

[Swiss Federal Court 4A_144_2010 Claudia Pechstein vs ISU](#) 28 Sep 2010

[Swiss Federal Court 4A_612_2009 Claudia Pechstein vs ISU & DESG](#) 10 Feb 2010

[CAS OG_2010_04 Claudia Pechstein vs DOSB & IOC](#) 18 Feb 2010

[CAS 2009_A_1912 Claudia Pechstein vs ISU](#) 25 Nov 2009

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