

Strasbourg, 16 December 2002

T-DO (2002) 45

Anti-Doping Convention (T-DO)

Compliance with Commitments project

Report of the Monitoring Group's Consultative Visit to Bulgaria on the implementation of the Anti-Doping Convention

Sofia, 28-29 October 2002

Introduction

The consultative visit was organised on the request of the Ministry of Youth and Sports of the Republic of Bulgaria and the team was welcomed by Mr Vassil IVANOV, Minister, Mrs Stefka KOSTADINOVA, Vice-Minister, and by the members of the Parliamentary Commission for Youth and Sport (Mrs Maria GUIGOVA, Ms Vessela LETCHEVA and Mr Atanas GEORGIEV).

The composition of the team and the programme of the visit are set out in the Appendix.

Two days before starting the consultative visit, a training session and seminar for doping control officers of the Balkan countries was organised on the occasion of the Balkan Tae Kwon Do Championships. This training session took place in Universiada Hall in Sofia where the Tae Kwon Do competitions were being held. Very practical and useful information was provided by the Bulgarian experts to the participants of the seminar and the members of the Consultative Team. This included a visit of the doping control rooms of the Universiada Hall.

However, there were no real doping controls during these Balkan Championships. The competition was organised by the national federations affiliated to the International Tae Kwon Do Federation (ITF), which is not recognised by the IOC. Only the World Tae Kwon Do Federation (WTF) is recognised by the IOC and has accepted the Olympic Movement Anti-Doping Code (OMADC). In Bulgaria, only the national federation affiliated to the WTF is recognised by the National Olympic Committee. The ITF had not adhered to the OMADC and would therefore not have doping control obligations in its rules.

Observations and recommendations through the articles of the Convention

Article 1 of the Convention: Aim of the Convention

The governmental body in charge of sport in Bulgaria was the State Agency for Youth and Sports which was transformed into the Ministry of Youth and Sport in October 2002, just some days before the consultative visit. The new structure and appointments were just being organised.

The question of doping is a politically sensitive issue in Bulgaria. The cases of Bulgarian weightlifters testing positive during the Sydney Olympic Games seem to have further increased this sensitivity. The Bulgarian authorities consider that the situation of Bulgarian weightlifters has affected the prestige of Bulgarian sport and athletes. The Consultative team was pleased to hear that the Bulgarian Minister was committed to taking action against doping.

The Republic of Bulgaria signed the Anti-Doping Convention on 24 March 1992 and ratified it on 1 June 1992 (with entry into force on 01/08/92). Since this ratification, several anti-doping initiatives have been taken in Bulgaria. In 1995, a National Commission for Doping Control (NCDC) was set up with rules governing the activities of the Commission. By the law of ratification, the Anti-Doping Convention became a part of the national legislation in Bulgaria. There is also a Law on Sport and other legal regulations concerning some prohibited substances.

The Consultative team learnt during their meeting with the Parliamentary Commission for Youth and Sport that a new Law on Sport was recently adopted by the National Assembly and entered into force two months ago. However the team did not receive a copy of this new law. The regulations for the implementation of this new law will be adopted by the Committee of Ministers before the end of 2002.

The budget for the NCDC is, for 2002, equivalent to 20 000 €, and an additional sum of 52 000 € is allocated to the doping control laboratory (including the salaries of the laboratory staff and money for equipment and analysis costs). In the budget for the year 2003, the Minister was envisaging to propose a sum equivalent to 600 000 €. The Consultative team appreciates the increase in funding, making it possible for the NCDC to increase its activities for the next year, and especially for increasing the out-of-competition testing programme. Government will also give special attention to reinforcing the legal framework for restricting illegal trafficking, selling and manufacturing doping substances. The Minister seemed to be especially concerned about the possibilities of children having doping-free sports in the future. He also understood the need to fight against doping on a global level.

Article 2 of the Convention: Definition and scope of the Convention

The NCDC has the responsibility to update annually the list of prohibited substances in sport. It adopts in principle the IOC/WADA list and the National Olympic Committee of Bulgaria communicates this list to its affiliated sport branches.

A question arose about which list would be valid for the sanctioning of an athlete who tests positive for a substance, in this case lidocaine, which could be used in certain circumstances. This substance was not considered a prohibited substance by the International Federation because of the circumstances under which it was given to the athlete in question, but would, according to the IOC list, be prohibited. As the IOC list is approved by the Monitoring Group

and such a list is valid for all sports in Bulgaria, the Consultative team had to take the view that for national purposes the athlete would have been considered to have given a positive sample.

Article 3 of the Convention: Domestic coordination

There seemed to have been difficulty in co-ordinating policies and actions between different ministries who deal with questions on health, law, youth and sport. The Bulgarian authorities consider that, with the recent forming of a Ministry of Youth and Sport, these difficulties should diminish or even be minimised. Some inter-governmental projects are working in this field, among others a project aimed at the reduction of the use of narcotics and other drugs.

The Consultative team recommends that inter-ministerial co-ordination should be ensured on a regular basis, in particular to prevent the trafficking of doping substances and the misuse of pharmacological products.

The national sport system is a centralised one in Bulgaria. The sports organisations are in the framework of the Ministry of Youth and Sports. It seems that all responsibilities are not quite clear between the Ministry, the NCDC and the sports organisations. *The role and responsibilities of these bodies involved in the fight against doping should be reviewed and better defined. The future World Anti-Doping Code and standards would also help for this purpose.*

The implementation of some of the provisions of the Convention has been handed over to the NCDC. The Minister for Youth and Sport appoints the members of the NCDC which has eleven members (seven medical doctors/scientists, two lawyers, one athlete and one press attaché), which seems a suitable number.

The NCDC is financed from the state budget. Rules exist for the activity of the NCDC as well as regulations for the doping control in training and competitive activities. The NCDC, according to the rules, has the responsibility and power to decide on a yearly doping control plan and to carry it out. More comments are given under article 7.

Article 4 of the Convention: Restriction of the availability and use of doping substances and methods

The Consultative team is uncertain as to what extent there is legislation that restricts the availability of prohibited doping agents, in particular anabolic steroids. In the Penal Code, trafficking of certain drugs listed in an appendix to the code, is forbidden. Anabolic steroids are not specifically listed – if they are not contained in a recent amendment to that list. However, it was stated by the members of the Parliamentary Commission for Youth and Sport, which the Consultative team had the possibility to meet, that importation and exportation of anabolic steroids are forbidden by law, but that it is a difficult task to stop prohibited substances at the borders.

In discussions with the Parliamentary Commission for Youth and Sport it appeared that Bulgaria is geographically very open to illegal trafficking. The members of the Committee were very concerned about the protection of young athletes and the availability of illegal substances and they were prepared to take action in this matter. Co-operation between neighbouring countries is envisaged upon the recommendation taken by the Committee of

Ministers of the Council of Europe. There will also be articles in the new Law on Sport to cover the intentions of Article 4 of the Convention.

The Consultative team recommends an overview of the legislation to meet the demands of Article 4 of the Convention and of the Recommendation R(2000) 16 of the Committee of Ministers of the Council of Europe, and to make it known to all who take part in the fight against doping to know what actions are prohibited by law. This legislative review should also address the labelling of medicines and dietary supplements.

The Consultative team is not aware if the new Law on Sport includes a provision on the withholding of public funding to the sports organisations if they do not effectively apply the anti-doping regulations. If this is not the case, this should be included in the law or regulations.

The doping controls are financed by the NCDC, which decides on a yearly plan for carrying out doping controls. This year 300-350 controls will be carried out. Only football has asked and paid for more controls to be allotted to them.

If an athlete is found guilty of a violation against the doping rules, he loses his subsidies from public funds. Top athletes have to sign an agreement with their national federation which states that this will happen if they are sanctioned.

Article 5 of the Convention: Laboratories

The two members of the Consultative team (Kristina Olinder and Mesut Özyavuz) had the opportunity to visit the doping laboratory on the occasion of the regional seminar on 26 October. Dr Geyer then visited the laboratory in a parallel programme of the Consultative visit on 28 October for a in depth study.

The Bulgarian Doping Control Laboratory is a department of the Directorate of "Sport and Health" of the Bulgarian Ministry of Youth and Sport. The laboratory is situated in the complex of buildings of the directorate of "Sport and Health" in the "Diana" sports complex in Sofia. In the laboratory only doping analyses are performed. The laboratory is not accredited to the IOC and it has not reached ISO 17025 accreditation.

The laboratory staff consists of 8 people: the head of the laboratory (PhD in Chemistry), 4 senior chemists (Masters in Chemistry), 2 technicians (High School of Chemistry) and an assistant technician (High School). The head of the laboratory and the senior chemists have a high reputation in the international community of the members of doping control laboratories. Their high level of knowledge is demonstrated by contributions and in discussions during the annual meeting of doping analysts in Cologne (Cologne Workshop on Doping Analysis). At least two members of the laboratory attend this meeting annually.

The laboratory processes about 250-350 samples a year (2000: 272; 2001: 338); about 30% to 50% of the samples are out-of-competition samples (2000: 86; 2001: 161). The samples derive from several Bulgarian federations, which are listed in table 1. The analyses are financed by the Ministry of Youth and Sports (2000: 187 samples; 2001: 190 samples) and by the sports federations (2000: 85 samples; 2001: 148 samples). All laboratory reports are sent to the National Anti-doping Committee. In positive cases the IOC is not informed.

The instrumentation in the laboratory is of moderate quality, with:

- 1 gas chromatograph with NP/FID detector;
- 1 very old high-pressure liquid chromatograph;
- 2 old GC-MS systems; spare parts are no longer available or available only with difficulty.

With one of the two GC/MS systems, several screening procedures (diuretics, beta-blockers; narcotics) are performed. This situation makes it necessary to change the conditions of this GC/MS system (change of columns, cleaning of insert liners etc.) often. Such manipulations are time-consuming and make it difficult to maintain the quality of the analyses.

The capacity of the general (old) laboratory equipment is very low (centrifuge only for about 8 samples, evaporating apparatus for about 6 samples, heating block for about 12 samples). The laboratory is lacking equipment for some basic procedures of doping control laboratories, for example, an enzymimmunosassay for the measurement of hCG and a high resolution mass spectrometer or a GCQ for the detection and confirmation of low concentrations of anabolic steroids. The laboratory also lacks an LC/MS system, which will be absolutely necessary in the near future as basic equipment for doping control laboratories. Some prohibited substances are not tested in the screening procedures because of missing reference material (e.g. carboxy-THC).

Many safety requirements are not fulfilled (e.g. the gas cylinders are not closed in special safety units). Additionally the laboratory is not sufficiently protected against unauthorized access (e.g. no metal bars in front of the windows, no control at the entrance).

Table 1: Analysed samples in the Bulgarian laboratory for Bulgarian Sports Federations in the years 2000 and 2001

Sport federations	Analysed samples -2000	Analysed samples - 2001
Basketball	16	8
Football	36	72
Boxing	6	-
Weightlifting	82	94
Judo	14	-
Gymnastic	18	11
Shooting	7	-
Wrestling	10	20
Volleyball	4	-
Rowing	25	10
Swimming	13	7
Canoeing	16	-
Athletic	16	83
Fencing	3	2
Power lifting	6	12
Badminton	-	10
Cycling	-	9
Total	272	338

Results of a non-accredited laboratory cannot be accepted in the international sports community and may lead to unjustified suspicions against Bulgarian athletes. For the athlete there is a danger of false negative.

The fact that samples from Bulgarian athletes are tested in a non-accredited laboratory may damage the reputation of the Bulgarian anti-doping system. As the actual visit has shown, the staff are able to perform such an accreditation. The problem is the old equipment and the missing ISO 17025 accreditation.

To implement the ISO 17025 accreditation and to reach the IOC/WADA accreditation a time interval of about 1,5-2 years is estimated. The implementation of the ISO 17025 accreditation is also connected with additional costs (reconstruction and reorganisation of the laboratory building, payment of accreditation organisation etc.).

To reach the actual standard in doping analysis it would be necessary to purchase the following additional equipment:

- 2, preferably 3 new desktop GC/MSD systems
- automatic samplers for the above and for existing instruments
- new HPLC system
- a high-resolution mass spectrometre or a GCQ
- Enzymimmunoassy system for hCG
- modern general laboratory equipment (centrifuge, evaporation apparatus etc).

Additionally the laboratory constantly needs money to maintain the quality of the analytical procedures, e.g. money for GC columns, reference substances, etc.

Bulgaria is a famous sporting nation with many successes in so-called “high-risk sports” for doping such as weightlifting. ***Therefore the annual sample amount should be increased. An increase of the sample amount is also necessary to maintain the proficiency of the laboratory.***

According to WADA’s draft recommendations, a sample amount of 1500 samples per annum should be achieved.

To enhance the capacity and to fulfil requirements of the near future the following equipment should be purchased:

- laboratory data system
- LC/MS
- centrifuge with higher capacity
- heating blocks with higher capacity

The total cost for the above mentioned purchase of equipment, the education of the staff and the accreditation processes can be estimated to be about 1-1.5 million Euros (quite beyond of the current budget allotted to anti-doping including laboratory running cost mentioned under the Article 1). The installation of very new and very expensive analytical techniques as the methods for the detection of recombinant erythropoietin in urine or the installation of the Isotope Ratio Mass Spectrometry (GC/C/IRMS) should not have the first preference. For these techniques co-operation with other laboratories is possible.

The Consultative team draws the Bulgarian authorities' attention to the cost of an accredited laboratory which is only one element of a comprehensive anti-doping programme and reminds them of the possibility and the economic benefits of having access to an accredited laboratory on the territory of another Party or to set up a laboratory as a joint venture between the other parties to the Convention. At the meeting with Minister Vassil IVANOV, the Consultative team heard that he was quite aware of the situation; in the current economic circumstances, the accreditation of the laboratory was not a priority and some agreements have been made with other laboratories.

Article 6 of the Convention: Education

The main target groups for education are young athletes, trainers and medical personnel. Sports medical centres are a central source of information. Material (posters, etc.) for young athletes has been produced and is distributed to sports halls and clubs. TV is also used for promotion of anti-doping work. Some anti-doping lessons are also provided for schools. Training for physical education teachers has been organised. Telephone contacts are taken care of by the experts of NCDC.

Plans to organise a seminar on anti-doping issues for sports federations has been considered recently. It seems that no section of any sports organisation takes direct responsibility for informing the top athletes. The Bulgarian NOC is organising seminars on doping issues and sports injuries. The banned list is sent to all athletes who get financial contributions by the NOC.

The information material is mainly focused on the list of banned substances and on the doping rules, but not on the ethical view on doping in sport nor on the health risks of using doping substances or methods.

Doping Control officers are trained for one month in a sports medical centre before entering any mission.

With regard to education and information, the Consultative team recommends that the responsibilities of different bodies involved in anti-doping (Ministry, NCDC, NOC and other sports organisations) should be clearly defined. A comprehensive long term strategy, including fitness centre users should be adopted.

Articles 7: Co-operation with sports organisations on measures to be taken by them

The Bulgarian NCDC has 11 members and 3 sub-committees:-

- sub-commission on appeals
- sub-commission on health and promotion
- sub-commission on technical issues.

Twenty-six licences are issued to doping control officers, 6 of them working full time, 10 as deputies, and 10 as technical assistants. The health and promotion sub-commission's responsibility is to take care of preventive issues and the sub-commission on technical issues takes care of doping control issues. Athletes' appeals are handled by the sub-commission on appeals. The appeals body should be separate and distinct from the NCDC.

The national sports federations responsibilities in the fight against doping are not described in the regulations but may be described in the Law on Sport. From what the Consultative team has gathered, the responsibilities of the federations in the fight against doping should be strengthened, in accordance with the article 7 of the Convention.

The Consultative team has read the regulations for the doping control in training and competitive sports activities, adopted in July 1995, but has not seen the existing Law on Sport, nor the new law.

The Consultative team assumes that the law gives the NCDC the right to carry out doping controls on members of sports organisations and the athletes the obligation to undergo such doping controls.

The simulated control that the team had the possibility to see at the Tae Kwon Do championship was conducted in a good way under the regulations. Nothing could be seen to endanger the validity of the control in ordinary circumstances. ***If the regulations are going to be amended, the Consultative team recommends that the international standards for doping controls be considered.***

A positive A-sample should be confirmed by an accredited laboratory and if the athlete demands an analysis of the B-sample, this should also be carried out in an accredited laboratory, before finding that there is a positive case.

The following up of a positive case within the NCDC seems appropriate. The regulations, however, say that the NCDC's decision on the question of a violation of the doping rules is final. The federation then has the obligation to administer the sanction recommended by the NCDC. If the federation does not comply, it can, according to the Law of administrative offences on penalties, be fined and will also be reported to the Ministry with a possible loss of funding.

This is in serious contradiction to the Article 7.2d.(ii) saying that the reporting and disciplinary bodies are to be distinct from one another. This also does not give the athlete the possibility to a fair hearing and to be assisted or represented. Compared with a criminal case or an administrative procedure, the NCDC should be looked upon as the prosecutor or party, that takes the case to court (or another body with the power to decide the case). The sub-commission on appeals, as the appeal body within the national anti-doping organisation, is not adequately securing the athletes' rights. It should be an outside body assuring integrity, transparency and independence in handling the cases.

There is, after the decision by the federation, only the possibility for the athlete to take his case to a civil court. The regulations do not at all take into account the statutes of the international federations who may have other procedural procurements.

The question could not be answered of what would happen if the federation - according to its international federation rules, with which it has to comply - does not sanction the athlete, ignoring what would happen to the funding of the federation.

The consultative team strongly recommends that the legal rights of the athlete are taken into account in this respect in accordance with the Convention (Article 7 of the Convention

and the Recommendation no 2/98 of the Monitoring Group) and the future World Anti-Doping Code.

The Consultative team hopes that with more means for the anti-doping work more doping controls can be conducted and that most of the controls can be carried out out-of-competition and of course without advance warning. Any non-chaperoned time between a summons to a doping control and the control itself gives the possibility for an athlete to manipulate his sample.

Article 8 of the Convention: International Cooperation

The international co-operation was not a detailed issue of discussion during the visit. Bulgaria hosted a CoE multilateral Sprint seminar on anti-doping policies in 1998 during which the new detection method of EPO developed by the French expert Dr Françoise Lasne and used during the Sydney Olympic Games was revealed first time. As mentioned in the introduction, a second Sprint seminar (a regional one for Balkan countries) was organised just before this consultative visit. The Bulgarian NOC seems to have close contacts with the Olympic Movement, like the federations have to the corresponding international federations. It is recommended, however, that Bulgaria establish close contact in the anti-doping work with some country or countries which have highly-developed anti-doping organisations and further develop their organisation according to the guidelines of the Anti-Doping Convention, the World Anti-Doping Code and the future International Standard for Doping Control.

Conclusion

Bulgaria was one of the first eastern European countries to ratify the Convention. The policy followed in the past deserved to put in place a basic legal framework and anti-doping structure and so some good experiences have been gained since the ratification of the Convention in 1992. However this policy seems to be showing its limits and a new approach seems necessary. In the view of the Consultative team this new approach should put more focus on the development of the ethical value of sport and the protection of the health of athletes. The legislative framework should be revised and supplemented. The national anti-doping body should turn towards a more independent and co-managed system between the public authorities and the sports organisations. The anti-doping programme and controls should follow the high quality standards as recommended in the texts of the Monitoring Group and in the future World Anti-Doping Code. The Consultative team hopes that this report will contribute to these aims.

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The Consultative team thanks their Bulgarian hosts for their good organisation of this visit and for the warm hospitality shown to them.

Appendix

Composition of the Consultative team

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Programme

28 October 2002

Morning:

- Appointment with the National Commission for Doping Control : presentation of the Sports Law concerning doping control and the regulations of the doping control in Bulgaria
- Discussion with the National Commission for Doping Control on the new leading principles in doping control : Anti-Doping Convention, Olympic Movement Anti-Doping Code, draft World Anti-Doping Code

Parallel programme for laboratory expert

- Visit of the Doping Laboratory: discussion of analysis methods; discussion of the new aspects in doping analysis; options and requirements for accreditation; ISO standards.

Afternoon:

- Discussion with the Medical Commission of the Bulgarian Olympic Committee.
- Meeting with members of the Parliament Commission for Youth and Sport.

29 October 2002

Morning:

- Appointment with Mr Vassil Ivanov, Minister for Youth and Sports and Ms Stefka Kostadinova, Deputy Minister for Youth and Sports
- Appointment with Canoe-Kayak federation and Rowing Federation