

Strasbourg, 16 September 2003

T-DO (2003) 22

Anti-Doping Convention (T-DO)

Compliance with Commitments project

Report of the Monitoring Group's Consultative visit to Croatia on the implementation of the Anti-Doping Convention

Zagreb, 9-10 April 2003

The consultative visit was organised at the request of the Ministry of Education and Sport of Croatia and the team was welcomed by the Minister, Mr Vladimir STRUGAR. The composition of the team and the programme of the visit are set out in the Appendices.

Observations and recommendations through the articles of the Convention

Article 1 : Aim of the Convention

Croatia acceded by succession to the Anti-Doping Convention on 27 January 1993 (with entry into force on 01/03/93). According to the Croatian Constitution, the Convention itself has the status of a national law. However, the provisions of the Convention have not been put into practice, due mainly, according to the Croatian authorities, to the period of war and political instability during the 1990s. Given the process of integration of Croatia into European institutions and the international context of anti-doping initiatives, the Croatian authorities show a great interest in and realises the importance of adopting an anti-doping policy. For the implementation of the Convention, the Government wishes to take new steps by putting in place a national anti-doping structure, adopting new legislation and making financial resources available. In this sense, the consultative visit was considered by all representatives present in Zagreb as very timely and important.

Article 2 : Definition and scope of the Convention

Sport in Croatia is regulated by the Sports Act adopted in 1997 and covers the health care of athletes, doping and sports competitions. This act does not refer especially to doping issues and has no appropriate definition of doping. It does not refer to the definition nor to the list of

banned substances of the Convention. It only mentions that athletes should be fit to take part in a sports competition.

The Consultative team recommends that the new legislation in preparation should give a definition of doping in the sense of the Convention and should allow the adoption of the list of banned substances approved by the Monitoring Group (IOC/WADA list) and also to define clearly those liable to be subject to the law.

Article 3 : Domestic coordination

In Croatia, sport is mostly run by governmental agencies. With regard to doping issues, only the Croatian Olympic Committee (COC) performs some doping controls, with little implication of the National Sports Federations.

At the time of the visit, there was no structure of coordination at national level. The creation of a national anti-doping body was one of the topical matters of discussion at national level. All consultative help from the team was welcomed by the Croatian authorities in this field.

The Consultative team recommends to consider at two level the domestic coordination of the anti-doping policy. Firstly a coordinating initiative should be taken between different ministries (Sports, Health, Interior, Justice, Police, Customs, etc) in particular to combat the traffic in doping agents and to help the preparation of a comprehensive anti-doping legislation. Secondly, the Consultative team encourages Croatia to put in place a national anti-doping body for the implementation of a national anti-doping programme. This body should have full power and authority for planning, coordinating, implementing and monitoring the anti-doping programme. It is also recommended that the national anti-doping organisation should involve in its structure and work the relevant governmental bodies and sports organisations.

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

There is no legislation in Croatia to restrict the availability and use of doping substances and methods. The Croatian Penal Code regulates the use of narcotics in general. The provisions of the Penal Code refer to a list established by the Ministry of Health. The Consultative team was told that this list includes psychotropic substances. The Ministry of the Interior indicated that the quantity of substances seized was on the increase. Every year, the laboratory of the Ministry has found more substances which are not included on the drug list, but are mainly anabolic. Most of them are not forbidden by the legislation.

At the time of the visit, the new Sports Law was in discussion in the Croatian Parliament. It was therefore not clear yet what place the doping provisions would have in the draft law. It addresses several different issues such as sport structure, violence, doping etc.

The Consultative team considers that it is difficult to cover all aspects of anti-doping in such a general law. As the draft law was already before the parliament for a new reading, one option would be the following, in the immediate future : the new Sports Law could address the doping question in general terms by referring to the Anti-Doping Convention. Afterwards, a more comprehensive and consistent anti-doping legal act could be introduced.

With regard to the question of restriction of availability and use of doping substances and methods, the Consultative team recommends adopting a comprehensive legislation including a revision of the existing legal measures on the basis of the Recommendation No. 2/94 of the Monitoring Group and Recommendation (2000) 16 of the Committee of Ministers of the Council of Europe.

Article 5 : Laboratories

Croatia has no doping control laboratory. The samples collected in Croatia are sent to accredited foreign laboratories (Cologne, Lausanne, etc.). Given the number of samples collected each year in Croatia and the population of the country, it is not seen as necessary to create a laboratory in Croatia. *The samples could continue to be sent to an accredited foreign laboratory, providing that conditions of transport are good, especially in terms of security and conservation of samples.*

Article 6 : Education

The COC and some National Federations (for example the Croatian Football Federation) have some regular informative and educational initiatives such as seminars for the education and training of Doping Control Officers, seminars for the education of medical doctors, paramedical staff, coaches and officials, and the distribution of leaflets containing anti-doping information. These initiatives seem mainly targeted at the professional athletes and carry no evaluation of their results.

The 1999 ESPAD (The European School Survey Project on Alcohol and other Drugs) report published by the Pompidou Group of the Council of Europe demonstrated that the use of banned substances among young people (16 years of age) in Croatia was as follows:

Lifetime experience of anabolic steroids use – 4% of the population;

Lifetime experience of marijuana or hashish – 16% of the population;

Lifetime experience of any illicit drug other than marijuana or hashish (amphetamines, LSD, crack, cocaine, ecstasy and heroin) – 6% of the population.

The ESPAD report showed also that in terms of lifetime experience of anabolic steroids the values obtained in Croatia were 4%.

The Consultative team recommends the adoption of a comprehensive and integrated approach for education and information on anti-doping. The implementation of an informative and educative anti-doping programme could use the principles of the Clean Sports Guide. The objectives and target groups should be clearly defined in the educational strategy. This strategy should include, in particular, young people, gym users, top-level athletes, the entourage of athletes, etc., and use the technological means such as information centres, the Internet and hot-line to reach the target population.

It is also recommended that the future National Anti-Doping Organisation should define the criteria for approving the therapeutic use of banned and restricted substances and create an easy way for a national system to receive and store medical notifications.

Article 7 : Cooperation with sports organisations on measures to be taken by them

Croatia is a country with a great tradition of sport. One example of this is the gold medal in the World Handball Championship this year and the good performances of national selections and athletes in the Winter and Summer Olympic Games, and in European and World Championships (football, basketball, handball, rowing, athletics, swimming, etc.).

The implementation of an anti-doping programme is essential to the sports policy of Croatia. However, the responsibilities are not defined between relevant bodies, for example the Ministry, the COC and Sports Federations in the field of anti-doping. The controls are carried out by two Doping Control Officers, one designated by the COC and the other by the relevant National Sports Federation. In some cases, the doping control officers takes samples with doctors from certain federations.

In 2002, around 240 anti-doping control samples were collected in Croatia. This number is very approximate as there is no database to gather and to centralise such statistics in Croatia. It seems that all of them are in competition tests, including the international ones.

There are no general domestic doping controls rules applicable to all sports organisations in Croatia. The same observation is valid for the disciplinary procedures. National Sports Organisations seem to abide to the rules of the International Federations to which they are affiliated. The disciplinary body of each federation imposes any sanctions. The possibility of appeal is not totally clear. Some National Federations seem to have an appeal body in their own organisation. There is also an Arbitration Council within the COC but it is not clear if and how the National Sports Federations could use it. In any case, there is no possibility of appeal by the sports organisations.

In this context, the Consultative team congratulates the Croatian public authorities for the decision to create an anti-doping control system in Croatia. The creation of a completely new system is a good opportunity to begin the construction of a programme according to the proposed ISO International Standard for Doping Control (ISO ISDC) based on the ISO PAS 18873.

The Consultative team deems it useful to reiterate that according to the proposed ISO ISDC, the National Anti-Doping Organisation should respect the following seven steps:

- Test Distribution Planning*
- Selection and Notification of Athletes*
- Preparing for and Conducting the Sample Collection Session*
- Handling of samples*
- Sample Analysis*
- Results Management*
- Disciplinary Procedures, Sanctions and Appeals.*

The conformity of the national anti-doping system with these quality standards is very important to preserve the rights of the athletes and the solidity of the system and to prevent conflicts.

The National Anti-Doping Organisation should annually produce the national anti-doping plan with the help of the national sports federations, dividing the sports into different risk

groups and defining criteria to calculate the number of in and out-of-competition controls to perform in each sport as well as the total number of controls to be carried out in Croatia.

Given the high number of elite and non-elite athletes participating in national competitions, the Consultative team urges Croatian authorities to increase the number of anti-doping controls in particular at national level and out of competition tests.

Each national sport federation should have anti-doping regulations approved by the National Anti-Doping Organisation and in conformity with the national anti-doping legislation. The national anti-doping legislation and the anti-doping regulations of each sport federation should define the criteria and the procedures that warrant the fulfilment of the international quality standards.

The National Anti-Doping Organisation should define criteria for the selection of the athletes and competitions to be controlled mainly by random selection. The national anti-doping legislation and anti-doping regulations of each national sport federation should define the procedures for the notification of the athletes to ensure that the out-of-competition doping controls are carried out without any notice.

The National Anti-Doping Organisation should have a training programme for doping control officers. These officers should be completely independent from the sport that they are controlling. All the athletes, coaches, support personnel and officials should be informed about their rights and duties during a doping control. The national anti-doping legislation should define an anti-doping form to be used in all the doping controls performed in Croatia.

The transport of the samples between the doping control station and the laboratory should be carried out in accordance with the ISO standards. The National Anti-Doping Organisation should create documentation on the chain of custody of the bag and samples and provide a contract with a transport supplier with ISO certification.

The results management should be carried out with the co-operation of the anti-doping laboratory, the National Anti-Doping Organisation and the national sport federations, preserving confidentiality.

The National Anti-Doping Organisation should have a technical commission for approving the therapeutic use of banned and restricted substances and to advise the National Anti-Doping Organisation about technical and scientific issues.

The disciplinary procedures should be harmonised between the different national sports federations and the national anti-doping system should provide a court of second instance where the athletes can appeal against any judgement made. This court of second instance can be provided by the national sport federations, by the Croatian Olympic Committee or by a governmental institution.

Croatia is also invited to reinforce the mutual recognition of anti-doping controls performed by national anti-doping organisations of other countries and to sign/ratify for this purpose the Additional Protocol to the Convention.

Article 8 : International Co-operation

International co-operation is essential in the phase Croatia currently finds itself. Close co-operation with the Council of Europe, WADA and IOC is important for the development of a good anti-doping system in Croatia as is the exchange of knowledge, experience and best practices. The development of bilateral relations should also be considered, in particular with neighbouring countries like Slovenia, in order to create and implement the Croatian anti-doping programme and possibly to set up joint projects.

Conclusion

It is clear that the Croatian Government has a strong political willingness to take further action in the field of anti-doping. The adoption of an anti-doping policy is considered at the highest political level. The Parliamentary Commission for Family, Youth and Sport seems also to see the importance of the legislative reform to be introduced in the field of sport and in particular on anti-doping. The Consultative team hopes that the observations and recommendations outlined in this report will provide help in the adoption and implementation of a comprehensive and consistent anti-doping policy and programme in Croatia.

Order of priority in the implementation of the recommendations

Following the proposal of the Group on Commitments and given the number of recommendations formulated in this report and the limited resources of the country, the Consultative team considers that it would be worthy to advance step by step and suggest the indicative order of priority below in the implementation of the recommendations. These suggested priorities do not judge the importance of each related action.

1. Article 7: putting in place rules and procedures for doping controls and for their subsequent disciplinary phases.
2. Article 2: definition and list of substances.
3. Article 7: putting in place a doping control programme and increasing the number of controls mainly out-of-competitions tests and all work related to the planning, realisation and monitoring of doping controls.
4. Article 3: domestic co-ordination and creation of a national anti-doping body.
5. Article 4: legislation.
6. Article 6: education.
7. Article 7: mutual recognition and ratification of the protocol.

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The Consultative team thanks the Croatian authorities for hosting this consultative visit and for its good organisation and for the very warm hospitality shown to them in Zagreb, in particular to Vice-Prime Minister Prof. Dr. Ante Simoncic, M. D, Minister Mr Vladimir Strugar, President of the Parliamentary Commission Mrs Dubravka Suica, Vice-Minister Mr Stjepan Puhak, president of the COC Mr. Zlatko Matesa, the representatives of the Croatian Football Federation and many others that the team members met in Zagreb. The Consultative team also wishes to express its thanks and gratitude to Dr Ivan Fattorini, Dr Zoran Bahtijarevic and their colleagues for their precious efforts, organisational skills and permanent assistance during the visit.

Appendix

Composition of the Advisory Team

Mr. Kismet Erkiner (Turkey, Chairman of the Legal Commission of the Turkish NOC)
 Dr Luis Horta (Portugal, Sports Medicine Director, National Institute for Sports)
 Dr Josko Osredkar (Slovenia, President of the National Anti-Doping Commission)
 Mr. Mesut Özyavuz (Council of Europe, Sport Department)

Host

Ministry of Education and Sports of Republic of Croatia

Co-ordinators: Mr. Tomislav Stojak, Secretary of the Cabinet of Minister
 Mr Željko Klarić, Senior Adviser for International Relations

Technical organisation

Prim. Ivan Fattorini, M.D., Zoran Bahtijarević, M.D, Zoran Barčot, M.D.

Programme:

Wednesday, April 9, 2003

Morning

- Reception by Minister of Education and Sports of Republic of Croatia,
 Mr Vladimir Strugar, Ph.D, Ministry of Education and Sports

- Meeting at the Croatian Olympic Committee

Mr Zlatko Mateša, President of COC

Mr Ivica Miočić Stošić, General Secretary

Mr Bozidar Fučkar, M.D., Doping Control

- Business lunch with Mrs. Dubravka Šuica,

President of Parliamentary Commission for Family, Youth and Sports

Home of Croatian Parliament

Afternoon

- Meeting in Ministry of Education and Sports

Prof. Stjepan Puhak, Vice-Minister for Sports

Prof. Ivo Mirošević, Head of Department of Sports

Mr Željko Klarić, dipl. iur., Senior Adviser for International Relations

Prof. Juraj Turner, Senior Adviser for School Sport

- Official Dinner with Prof. Dr Ante Simonic, Vice-Prime Minister

Thursday, April 10, 2003

Morning

- Meeting in Ministry of Internal Affairs with M. Berislav Mance, Head of the Department for International Relations and other officials

- Meeting with representatives of major national sports organisations

Home of Croatian Football, Croatian Football Federation

(Representatives of football, basketball, athletic, handball and swimming federation)

- Press Conference at the Home of Croatian Football, Croatian Football Federation