



Strasbourg, 16 September 2008

T-DO (2008) 24 prov

Anti-Doping Convention (T-DO)

Compliance with Commitments project
Respect by Iceland of the Anti-Doping Convention

Advisory visit in Iceland
Reykjavik, 25-26 October 2007

Report by the Evaluation Team

Contents:

The consultative visit was organised at the request of the Iceland Ministry of Education, Science and Culture.

The team was welcomed by Ms. Karitas H. Gunnarsdóttir, Head of Department of Cultural Affairs from the part of the Iceland Ministry of Education, Science and Culture and by Mr Ólafur Rafnsson, president of the National Olympic and Sport Association of Iceland (NOC) and Ms Líney Rut Halldórsdóttir Secretary General of the NOC.

Taking into consideration the Iceland national report as well as the discussions having taken place during the consultative visit, the consultative team understood that the Icelandic Government strives to create an environment that stimulates and supports a free and independent sports movement, accessible to the whole population.

Regarding the Iceland sport organisation the consultative team took note that all sports organizations in Iceland are democratic and voluntary non-profit organizations. The overwhelming majority of organized sport in Iceland is united in the **National Olympic and Sports Association of Iceland** (in Icelandic: *Ithrotta- og Olympiusamband Islands; ISI*), which serves a double role as both a confederation of sports and as the National Olympic Committee of Iceland. ISI is recognized in national law as the supreme body of sports in Iceland.

ISI is the association of 25 sports federations and 27 district federations, which in turn are made up of about 430 sports clubs.

Concerning the legislation the consultative team understood that all ISI regulations, including those governing the anti-doping activities of the organization, also apply to the member federations, associated clubs and individual members. The anti-doping activities of ISI are the responsibilities of

two committees: the Anti-Doping Committee and the Doping Control Committee. The member federations of ISI do not conduct anti-doping activities of their own, but have an obligation to abide by the ISI anti-doping rules and assist the anti-doping activities of ISI. In the same time, those sport organizations that are not affiliated with ISI are obviously not governed by the rules of ISI, with regard to anti-doping or otherwise. No comprehensive overview exists as to whether sports organizations not affiliated with ISI have anti-doping regulations of their own or whether they are bound by anti-doping regulations of international organizations that they are affiliated with.

After discussions held during the visit with the delegates of the Ministry of Education, Science and Culture, the National Olympic and Sports Association of Iceland, the Ministry of Health and Social Security Icelandic Medicines Control Agency, the Directorate of Customs, the Environment and Food Agency of Iceland, the consultative team consider necessary the continuation of their efforts in a view to improving their national anti-doping policy and in this sense the following observations and recommendations were made

Observations and recommendations through the articles of the Convention

Article 1 – Aim of the Convention

The Parties, with a view to the reduction and eventual elimination of doping in sport, undertake, within the limits of their respective constitutional provisions, to take the steps necessary to apply the provisions of this Convention.

By signing the European Anti Doping Convention in 1991 (on March 25th 1991) and the Additional Protocol to the Convention, the Icelandic Government formally accepted the responsibility to coordinate policies and actions concerned with the fight against doping in sports in Iceland (on 30th March 2004).

In 1993, the Government signed an agreement with **National Olympic and Sports Association of Iceland** (in Icelandic: *Ithrotta- og Olympiusamband Islands; ISI*), whereby the conducting of doping control within sports in Iceland was delegated to ISI.

As a consequence of the abovementioned agreement between the Government and ISI, the Doping Control Committee of ISI has since 1993 fulfilled the function of a national anti-doping organisation. However, the anti-doping activities of ISI are solely concerned with the sports organized within ISI and there are currently no anti-doping activities directed at sports outside the organization of ISI. All regulations of ISI, including those governing the anti-doping activities of the organization, also apply to all member federations, associated clubs and individual members.

Recommendation

The Consultative Team recommends to the Icelandic authorities to adopt governmental policy and legislation.

Article 2 – Definition and scope of the Convention

1 For the purposes of this Convention:

a “doping in sport” means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;

b “pharmacological classes of doping agents or doping methods” means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;

c “sportsmen and sportswomen” means those persons who participate regularly in organised sports activities.

2 Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the monitoring group under the terms of Article 11.1.b, the reference list in the appendix to this Convention shall apply.

The Legislative Act on Sports (no.64/1998) and the Statutes of the THE NATIONAL OLYMPIC AND SPORTS ASSOCIATION OF ICELAND defines sport as any physical training intended to improve physical and mental prowess, health and fitness. The only reduction is that the law does not apply to sports practised as part of the activities of health institutions or fitness centres. The Icelandic Olympic and Sports Association (ISI) is the supreme authority regarding the voluntary practice of sports in the country. ISI organises all anti-doping work in Iceland. As all organised sports in Iceland are not members of ISI the anti-doping work that is intended in the Convention does not reach all athletes as defined in the Convention – sportsmen and sportswomen who participate regularly in organised sport activities.

This is also remarked in the Auto-evaluation report by Iceland, dated in 2005. If the ongoing investigation about moving the NADO out from under ISI will result in a new organisation this minor deviation from the Convention could be taken into consideration,

The definition of pharmacological classes of doping agents or doping methods refers solely to the WADA Prohibited List. The List automatically enters into force within ISI three months after it has been issued by WADA. The decision of the Monitoring Group on the list is not a prerequisite to its entering into force in Iceland.

There won't be any problem with the compliance towards the Convention as long as the Monitoring Group validates the same list as adopted by WADA, as it is its usual practice. The evaluation team does not think it is appropriate to make a recommendation on this possible deviation from the Convention.

Recommendation

Taking into consideration Iceland's own proposals regarding a new organisational structure of Anti-Doping in Iceland, the Consultative Team recommends to the Icelandic authorities to continue to include in the future sports legislation clear definitions of “doping in sport”, “pharmacological classes of doping agents or doping methods” and “sportsmen and sportswomen” that are least compliant (if not more demanding) with the Convention's definitions. Through the definition of “sportsmen and sportswomen”, it should be clarified that anti-doping policies are targeting all “persons who participate regularly in organised sports activities” including activities organised by commercial companies.

Article 3 – Domestic co-ordination

1 The Parties shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.

2 They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organisation.

The Consultative Team took note that in Iceland, doping issues are coordinated by the Ministry of Education, Science and Culture who declined their responsibilities to the National Olympic Sports Association of Iceland. At the same time, there are many other governmental agencies who are involved in doping issues. During the visit the Consultative Team had the opportunity to exchange views with some of them, specifically the delegates of the Ministry of Health and Social Security–Icelandic Medicines Control Agency, the Directorate of Customs, the Environment and Food Agency of Iceland.

Regarding the national policy, the Consultative Team recorded that in Icelandic law there is no defined anti-doping policy. The Sport Act (64/1998) does not include any reference to the doping problem or anti-doping activities and no law specifically addresses the doping problem and ways to fight against it. A number of other laws and regulations touch upon this subject from various angles, but a comprehensive Governmental policy and framework for national anti-doping activities has not been established.

Even if in the last few years the Government increase the provided annual funding to ISI, the sum allocated to for training, education and research programs was very low.

On the other side, the Consultative Team was also informed about a project regarding: A vision for a new organizational structure of Anti Doping in Iceland.

Recommendation

Taking into consideration the Iceland anti-doping policy and projects, the Consultative Team recommends to the Iceland authorities to continue their efforts to set up a specialised national body to be in charge with all specific activities linked to the fight against doping. Among other tasks, this body should coordinate activities linked to the doping control program, prosecution of cases, education training, and advice research on anti-doping issues. This body should be able to operate in an autonomous way and its steering committee should include persons which activities reflect the mission of the body and include legal, medical and educational competencies.

In the same time, it is recommended regular meetings be organized with all governmental or non-governmental institutions that are involved in anti-doping issues.

Article 4 – Measures to restrict the availability and use of banned doping agents and methods

1 The Parties shall adopt where appropriate legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and in particular anabolic steroids.

2 To this end, the Parties or, where appropriate, the relevant non-governmental organisations shall make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

3 Furthermore, the Parties shall:

a assist their sports organisations to finance doping controls and analyses, either by direct subsidies or grants, or by recognising the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organisations;

b take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen and sportswomen who have been suspended following a doping offence in sport, during the period of their suspension;

c encourage and, where appropriate, facilitate the carrying out by their sports organisations of the doping controls required by the competent international sports organisations whether during or outside competitions; and

d encourage and facilitate the negotiation by sports organisations of agreements permitting their members to be tested by duly authorised doping control teams in other countries.

4 Parties reserve the right to adopt anti-doping regulations and to organise doping controls on their own initiative and on their own responsibility, provided that they are compatible with the relevant principles of this Convention.

The auto-evaluation report provides an account of the existing legislation and regulations on handling doping substances. There is no law against doping in sport, but the legal restrictions on handling certain doping substances in the society of course also applies to those who take part in sports. The use of forbidden substances in sport is regulated by the Statutes of The Icelandic Olympic and Sports Association (ISI).

The evaluation team had the possibility to meet and discuss with representatives of Customs and Police.

The Customs have many times stopped people trying to smuggle androgen anabolic steroids into the country. The smugglers did not seem to be part of organised sports. There were few seizures on growth hormone. The importation in ordinary post deliverance is countered by using x-ray machines. No manufacturing of anabolic steroids is thought to exist in Iceland as there would be very small money in such a business.

At a random basis gyms have been visited, sometimes together with the police and some seizures has been managed.

Food substances, contaminated with forbidden substances, are thought to be a problem. The move of this question to the Ministry of Environment will not help in the desirable cooperation in this field.

The Customs would like to see more severe sentences on trafficking and other handling of forbidden substances and that the use of anabolic steroids should be criminalised, with a priority on more severe sentences. Also information between Customs, Police and sport would be useful.

The evaluation team was given a presentation by Ms Regina Hallgrimsdóttir, from the Icelandic Medicines Control Agency, on the importation by individuals of medicinal products for personal use. The problem of food supplements was stressed.

Recommendation

The evaluation finds that there is legislation and regulations in place to the fulfilment of this part of the Article but would like to encourage the cooperation between Customs, Police and the ISI and other governmental organisations to combat the illegal handling of forbidden substances.

Article 5 – Laboratories

1. Each Party undertakes:

a. either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the monitoring group under the terms of Article 11.1.b; or

b. to assist its sports organisations to gain access to such a laboratory on the territory of another Party.

2. These laboratories shall be encouraged to:

a. take appropriate action to employ and retain, train and retrain qualified staff;

b. undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;

c. publish and circulate promptly new data from their research.

The Doping Control Laboratory at Huddinge University Hospital in Sweden is used for analysing the doping control specimens.

Article 6 – Education

1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport. Such programmes and campaigns shall be directed at both young people in schools and sports clubs and their parents and at adult sportsmen and sportswomen, sports officials, coaches and trainers. For those involved in medicine, such educational programmes will emphasise respect for medical ethics. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person.

The Consultative Team took notes that in the above mentioned Agreement between the Government and ISI the conducting of doping control in Icelandic sports was delegated to ISI, while other aspects of the anti-doping work, such as information and education, were not mentioned. Taking into consideration this situation, the last Anti-Doping Committee initiative to take responsibility for an educational module on anti-doping at the Icelandic University of Education, Programme for Sports and Physical Education is much appreciated.

The Consultative Team appreciates that specific activities linking information, prevention, education and research in the anti doping field are not sufficient and also they do not cover all targets groups involved in the Island sport movement.

Regarding the anti-doping research activities the Consultative Team appreciates that this field should receive Iceland's future attention.

Recommendation

The Consultative Team recommends to the Icelandic authorities increasing the educational and prevention programs and campaigns; the implementation of the educational guidelines adopted by the Monitoring Group and WADA may help to develop an educational strategy.

The Consultative Team appreciates that a hotline which could be combined with another one specialising in public health issues could help more of Iceland's population get answers to questions and enquiries regarding banned substances and different aspects of its anti-doping activities.

On the other hand, the Consultative Team considered that it could also be useful for the Icelandic authorities to establish research programs that could also be put into practice in collaboration with other national and/or international governmental and non-governmental institutions

Article 7 – Co-operation with sports organizations on measures to be taken by them

1 The Parties undertake to encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their

As stated before the Ministry supports the The Icelandic Olympic and Sports Association (ISI) for its work within sports. ISI is a private association and, but for the subsidies, totally independent of the government. Members are 28 national sports federations as well as regional associations and sport unions. It has its own statutes which apply to all member federations, associated clubs and individual members. The member federations do not conduct anti-doping activities of their own, but have, according to the Statutes, an obligation to abide by those Statutes. ISI is recognised as Iceland's NADO. The Statutes regulates how the anti-doping activities shall be executed.

The anti-doping work is regulated in Chapter 5 of the Statutes for ISI. As one can read in the report there are two committees, responsible for the activities. The Anti-Doping Committee and the Anti-doping Control Committee. Their respective responsibilities are described in the report.

2 To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their:

a anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;

b lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;

c doping control procedures;

d disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:

i the reporting and disciplinary bodies to be distinct from one another;

ii the right of such persons to a fair hearing and to be assisted or represented;

iii clear and enforceable provisions for appealing against any judgment made;

e procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;

f procedures for the mutual recognition of suspensions and other penalties imposed by other sports organisations in the same or other countries.

The regulations on anti-doping within the Statutes are aligned with the World Anti Doping Code and its Standards. Thus the regulations are the same for all international sports organisations, who have signed the Code. This goes for the banned substance and methods list, the doping control procedures and for therapeutic use exemptions. The athlete has the right to be heard and to get the

B-sample analysed during the results management investigation. When the circumstances show a possible anti-doping violation the case is “prosecuted” to the ISI Sports Court.

The Sports Court consists of six judges, elected by the ISI General Assembly.. One judge shall hear each case, but shall call in two assessors if there is a defence presented and may do the same if he deems this to be appropriate.

If the court deems that one of the parties is not capable of representing himself the chairman of the court can inform the ISI general director who shall then appoint someone to protect the interests of the person involved in the proceedings.

The athlete and the Doping Council can file a case because of a doping violation to the Appeals Court. The Appeals Court consists of six justices, elected at a General Assembly. Three justices shall hear each case.

The Sports Court and the Appeals Court are independent of the ISI and distinct from each other.

The system for result management, prosecution and applying of sanctions allows the athlete the civil rights mentioned in the Convention.

The provisions in the Statutes on anti-doping violations pertain, not only to athletes, but also to all people assisting the athletes. If such an assistant is not a registered club member within an ISI member association the organisation in which the person involved works must enter into an agreement, ensuring that he acknowledges and agrees to abide by the provisions of the ISI Statutes on drug use.

The period of ineligibility applied should be recognised by all members of ISI and according to the WADC by every other signatory to the Code.

The conditions in Article 7.2 are well met.

3 Moreover, the Parties shall encourage their sports organisations:

a to introduce, on an effective scale, doping controls not only at, but also without advance warning at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;

The Doping control Committee has the obligation to monitor athletes’ use of drugs. An annual plan is drawn up regarding the distribution of doping controls between different sports and target groups. During 2006 146 doping controls were performed, 145 of them on behalf of ISI. By the time of the team visit in late October 2007 137 controls had been performed. Out of the performed controls about 60 % were in competition. Sports engaged were 14 during 2006 and 19 during 2007. Adverse analytical findings were two in 2006 and three in 2007.

The doping control is carried out according to the International Standard for Testing by doping control officers, duly educated by the Doping Control Committee.

b to negotiate agreements with sports organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;

By signing the Additional Protocol to the Convention and by being a signatory to the WADC there is no problem for Icelandic athletes to be controlled in another country by a duly authorised doping control team of that country.

c to clarify and harmonise regulations on eligibility to take part in sports events which will include anti-doping criteria;

Through the adherence to the WADC this condition is fulfilled.

d to promote active participation by sportsmen and sportswomen themselves in the anti-doping work of international sports organisations;

e to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;

f to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.

Article 8 – International co-operation

1. The Parties shall co-operate closely on the matters covered by this Convention and shall encourage similar co-operation amongst their sports organisations.

2. The Parties undertake:

a. to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;

b. to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and

c. to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.

3. The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.

The Consultative Team took notes that the Doping Control Committee of ISI participates in the Nordic co-operation on anti-doping issues and ISI is party to the Nordic agreement regarding mutual rights to testing of athletes from other Nordic countries as well as in UNESCO Anti Doping Convention.

Recommendation

The Consultative Team recommends to extend the development of the bilateral relations with other signatory Convention' countries or European countries in different subjects linked to all the anti-doping issues (ex. member's states who participate in the Games of Small States of Europe).

Conclusion

The Consultative Team noted that the Icelandic authorities have a strong determination to take further action in the field of anti-doping. The Consultative Team hopes that its recommendations will help to prioritise the work and to organise the anti-doping policy in a comprehensive way in Iceland.

Order of priority in the implementation of recommendations

Following the proposal of the Group on Commitments, 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 suggests the order of priority (see below) in the implementation of these recommendations.

These suggested priorities do not judge the importance of each related action.

- 1. To continue their efforts to set up an autonomous national body to be in charge with all specific activities linked to the fight against doping. (article 3);**
- 2. To adopt a specific legislation in compliance with the Convention provisions (article 2);**
- 3. To increase the number of educational and prevention programs and campaigns; to develop activities for different target groups; to increase the number of internal training programs for all those who are involved in the Icelandic sports movement; to involve in the above mentioned activities all other governmental and non governmental national sports organizations concerned and also Iceland's 'mass media and international sports movement's partners (article 6);**
- 4. To extend the development of the bilateral relations in different fields linked to the anti-doping issue (article 8).**

The Consultative Team thanks the Icelandic authorities and the National Olympic and Sports Association of Iceland for hosting this consultative visit.

Appendix

Composition of the Advisory Team

Mr Klaus Müller - Chair of the Monitoring Group (Germany)
Ms Kristina Olinder (Sweden)
Ms Irena Aradavoaipei, Seconded Official, Council of Europe

Hosts

Ministry of Education, Science and Culture

Ms. Karitas H. Gunnarsdóttir, Head of Department of Cultural Affairs
Mr. Óskar Ármannsson, Advisor in the Department of Cultural Affairs, Division of Sports and Youth
Ms. Karitas H. Gunnarsdóttir, Head of Department of Cultural Affairs
Ms. Helga Þórisdóttir, lawyer

The National Olympic and Sports Association of Iceland, ÍSÍ

Mr. Ólafur Rafnsson president of the National Olympic and Sport Association of Iceland (NOC)

Ms. Líney Rut Halldórsdóttir Secretary General of the NOC

Mr. Skúli Skúlason, chairman of the Anti-doping Council

Mr. Reynir Björnsson member of the Anti-doping Council

Ms. Áslaug Sigurjónsdóttir chairman of the Anti-doping Committee

Mr. Örvar Ólafsson employee of the Anti-doping Committee

Mr. Halldór Halldórsson judge in the ISI Sports Court

ProgrammeThursday October 25*Morning*

Ministry of Education, Science and Culture

Meeting with :

Ms. Karitas H. Gunnarsdóttir, Head of Department of Cultural Affairs

Mr. Óskar Ármannsson, Advisor in the Department of Cultural Affairs, Division of Sports and Youth

Ms. Karitas H. Gunnarsdóttir, Head of Department of Cultural Affairs

Ms. Helga Þórisdóttir, lawyer at the Ministry of Education, Science and Culture

Meeting with Ms. Hólmfríður Grímsdóttir and Mr. Ingolf J. Petersen, chief pharmacist, Pharmaceutical affairs, Ministry of Health and Social Security, heilbrigðis- og tryggingamálaráðuneyti

Meeting with Ms. Regína Hallgrímsdóttir, Head of inspection unit, Icelandic Medicines Control Agency, Lyfjastofnun

*Afternoon*The National Olympic and Sports Association of Iceland, ÍSÍ

Mr. Ólafur Rafnsson, president of the National Olympic and Sport Association of Iceland (NOC)

Ms. Líney Rut Halldórsdóttir, Secretary General of the NOC

Mr. Skúli Skúlason, chairman of the Anti-doping Council

Mr. Reynir Björnsson, member of the Anti-doping Council

Ms. Áslaug Sigurjónsdóttir, chairman of the Anti-doping Committee

Mr. Örvar Ólafsson, employee of the Anti-doping Committee

Mr. Halldór Halldórsson, judge in the ISI Sports Court

Friday October 26*Morning*

Meeting with Mr. Hörður Davíð Harðarson, Directorate of Customs, Tollstjórinn í Reykjavík

Meeting with Mr. Kári Gunnlaugsson, Customs at Leifsstöð Airport, Tollgæslan í Leifsstöð

Meeting with Ms. Sesselja Bjarnadóttir, advisor, Ministry for the Environment, Umhverfisstofnun

Meeting with the Ms. Elín Guðmundsdóttir, advisor, Environment and Food Agency of Iceland, Umhverfisstofnun

Any comments:

The person that will be responsible for following up specific activities of the consultative visit is **Óskar Ármannsson**. He was present at the meetings but officially started his activity in the Ministry of Education, Science and Culture after the official consultative visit.

Among other tasks, this body should co-ordinate: the legal issues linked to the fight against the traffic of doping substances; informational programs, prevention and educational programs; research programs on the doping issue; international collaboration in the doping control program; research in the doping field programs; training programs; prevention and educational programs.