

Strasbourg, 15 November 2002

T-DO (2002) 15

## **Anti-Doping Convention (T-DO)**

### **Opinion on the Dutch Auto-Evaluation Report**

*Adopted by the Monitoring Group at its 16<sup>th</sup> meeting on 14-15 November 2002*

The Anti-Doping Convention of the Council of Europe entered into force in 1990. In 1998 the Monitoring Group of the Convention decided to implement the “Compliance with Commitments” project to follow up different parties’ development according to the articles of the Convention. For different countries there is a possibility for full evaluation, consultative visits and an auto-evaluation.

The Netherlands ratified the Convention in 1995. In 2001 the Netherlands Centre for Doping Affaires (NeCeDo) with assistance from the Dutch Government decided to go through an auto-evaluation process. The purpose of auto-evaluation is to give information to the Monitoring Group on anti-doping activities of the target country and during the process of going through their own system, the target countries receive information on the functioning and possibilities to develop their own anti-doping activities.

The opinion of the Monitoring Group is based solely on the report submitted by the Dutch delegation to the T-DO in March 2001 and the views of its Coordinating Group developed at its meeting on 27 May 2002.

#### **Article 1 Aim of the Convention**

The role of the Dutch Government within anti-doping is based on three principles: self-regulation of sports federations, actions against illegal trafficking and counterfeiting of doping substances, international co-operation and agreements within doping in sports. The Dutch sports federations in their anti-doping policy should have at least three activities; they should have accurate anti-doping regulations, they are obliged to conduct a minimum number of doping controls yearly and they must provide information to the athletes.

NeCeDo was established in 1989 to co-ordinate, in co-operation with the Government, anti-doping policy in the Netherlands. Doping controls and sanctioning of athletes still remained the responsibility of sports federations until 1999 when the Doping Control Netherlands (DoCoNed) was established to take over the responsibility of doping controls and their quality control in the country. International affairs remained mostly the responsibility of the Dutch Government.

It seems from the report that the Dutch Government is very strongly supporting all anti-doping activities in the country by financial and political means.

## **Article 2 Definition and scope of the Convention**

The Dutch Government agrees with the definition of doping. However they recommend that the list of prohibited substances will, in the future, be developed more on the basis of scientific research.

## **Article 3 Domestic co-ordination**

Domestic co-ordination is very clear in the Netherlands. International affairs being the responsibility of the Government, information, education and services the responsibility of NeCeDo and from 1999 doping controls and the quality control the responsibility of DoCoNed. It would be more informative if the activities of DoCoNed would have been described more deeply. Some questions have been raised by the report. What exactly is the responsibility of sports federations in doping control and would it be more fruitful if NeCeDo and DoCoNed could work under the same umbrella. For example, the quality control and training of the DCOs would possibly gain if it were the responsibility of one unit and not divided like it is now.

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

In the Netherlands the legislation adjusting the producing and trafficking of doping substances has been changed fundamentally in May 2001. Since then, these acts are subject of substantially increased penalties. The maximum fine nowadays is €45.300 (that was before € 4.530) and the maximum imprisonment 6 years (was 6 months). Even more important is another result of the law-change: more competences of criminal investigation (like confiscation and visitation), not only for the regular law-enforcement authorities, but also for particular ones as inspectorates for health and custom-officers.

So, as in a lot of other countries of Europe, also the Netherlands tightened up legislation in this area, towards more severe actions against the criminality around doping substances.

In general, the prescription by physicians of (regular) drugs for doping purposes is not a subject of criminal law, but of disciplinary law. An important instrument are the guidelines of the Royal Dutch Medical Association. As a part of those guidelines the Netherlands Association of Sports Medicine formulated in 1996 the "Guidelines for professional conduct of physicians working in sports". Those specific rules contain an injunction on prescribing drugs for doping purposes and instructions on informing sportspeople about (the risks of) doping. In case of violation of those guidelines (including the specific rules) sanctions can vary from an official reprimand to a definitive disqualification to practice medicine.

Regarding measures to restrict the use of doping, the Dutch Government has developed financial sanctioning methods on national sports federations. The sports federations shall have a proper regulation, be responsible for some of the doping controls, as well as reporting them and informing athletes adequately on different aspects of doping use. If failing to fulfil these responsibilities there is a possible sanction of losing 5 % of governmental financing. Financing of athletes who have committed a doping offence is also cut immediately when the case occurs. This is very important and follows the ISO/PAS 18873 recommendations.

Also the regular work of NeCeDo and DoCoNed is highly important in preventing the use of doping in sport. With the establishment of DoCoNed the Dutch Government made it possible to conduct independent doping controls in the country, while before it was only the responsibility of the federations. DoCoNed also guarantees the high quality of the doping controls being certified against ISO/PAS 18873 and ISDC. .

### **Article 5 Laboratories**

The Netherlands has not an IOC accredited laboratory. Most of the samples are analysed in Los Angeles, at the UCLA Olympic Analytical Laboratory. Occasionally, when needed, Cologne and London laboratories are used. However, the experts of doping control analysis are very actively taking part in various scientific activities internationally.

### **Article 6 Education**

The education programme of NeCeDo is very extensive and well designed. There has been large surveys and research on the basis of the programme. Two major target groups have been chosen on the basis of the analysis; elite athletes and athletes in gyms and fitness clubs.

A considerable amount of material has been published to elite athletes and constant evaluation has been completed to measure the level of knowledge of athletes on doping related issues. Target athletes have been divided into A and B categories according to their level of performance. Also, the entourage of the athletes is among the target groups. Basic information for the athletes consists of ethics, risks of doping substances, athletes as role models to youth and the negative influence of doping on sports in general. Special emphasis has been put on sports federations by offering guidance according to the model of the Council of Europe Clean Sports Guide.

Information for elite athletes is at a very good level according to the report. It is completed in a very systematic way and research and evaluation are both used to further develop this area.

In a special way, great emphasis is put on research and information for athletes in gyms and fitness centres. A basic study has been made to map the characteristics of the gym users and use of doping substances among them. Strong social, cultural and subcultural roots were found and information on healthy training and nutrition was urgently needed, as well as knowledge on the health risks of doping substances. Regional and national education seminars and processes were organized on the basis of this information. A special project of Healthy Fitness Centres was established in 2000.

Additional research has been promoted in different areas, for example, “Mind Sports and Doping” and “Doping Trade”. In both areas very valuable research has been made which is almost unique in the world. It gives internationally information on phenomenon which is very

little studied. Various materials to different target groups has been produced based on these studies.

In conclusion, the education programme of NeCeDo is at a very excellent level. Careful research and studies are promoted to find out in which way education should be targeted. A large amount of education material has been built on the knowledge gained from the research. Constant evaluation is completed to further develop education programmes. Internationally, a special contribution has been made in the field of athletes in gyms and fitness centres.

#### **Article 7 Co-operation with sports organizations and measures to be taken by them**

At the domestic level, the Dutch Government is responsible for international relations. Sports organizations are obliged to have proper anti-doping regulations and to conduct some controls, as well as informing the athletes. NeCeDo is responsible for research, information and education and DoCoNed for doping controls and their quality system. Co-ordination and its functioning have already been considered in Articles 1, 3 and 4. Also, the recommendations are concluded in these paragraphs.

#### **Article 8 International co-operation**

The Netherlands actively participates and supports all international parties within anti-doping in sports. In the Monitoring Group, the Dutch have been playing a major role in creating the Clean Sports Guide. Actively participating in the working parties on Legal Issues and Science. Having responsibility and participating in European Union projects is a sign of commitment.

The Netherlands have participated in the work of IADA and the IPT II quality process. The Dutch Government has strongly supported the work of WADA from the beginning of its existence. Also bilateral agreements have been established to facilitate testing activities between countries. Special emphasis in bilateral contacts has been put on the development of South Africa.

#### **Article 9 Provision of information**

Information has been properly provided to the Monitoring Group of the Convention. Internationally, vital contributions have been made in producing scientific information within anti-doping.

#### **Articles 10-15**

The work of the Monitoring Group is strongly supported by the way in which the Dutch Government, NeCeDo and DoCoNed are fulfilling the requirements of the Anti-Doping Convention.

#### **Summary and conclusions**

In the Netherlands anti-doping policy is at a high level in the consideration of all international recommendations. The Netherlands is invited to complete their report, especially concerning doping controls, and are recommended to apply for an evaluation visit by the Council of

Europe Anti-Doping Convention Monitoring Group. Enforcing the status of DoCoNed could bring about more independence from sports federations in the doping control process. The education programme has produced very valuable research results and working methods to be widely used, also in other countries.