

MONITORING GROUP (T-DO)

ANTI-DOPING CONVENTION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 2 November 2016

T-DO (2016) 40

Anti-Doping Convention (T-DO)

Project on Compliance with Commitments

Compliance by Georgia with the Anti-Doping Convention

Report adopted by the 45th meeting of the Monitoring Group of the Anti-Doping Convention on 7 November 2016 in Kyiv, Ukraine

Table of Contents

Acknowledgements	3
Glossary	4
Executive Summary	5
Chapter 1: Introduction, Methodology and Scope	8
Chapter 2: Article 1- Aim of the Convention	11
Chapter 3: Article 2 - Definition and scope of the Convention	13
Chapter 4: Article 3 - Domestic coordination	19
Chapter 5: Article 4 - Measures to restrict the availability and use of banned doping agents and methods	23
Chapter 6: Article 5 – Laboratories	34
Chapter 7: Article 6 – Education	36
Chapter 8: Article 7 - Cooperation with sports organisations and measures to be taken by them	42
Chapter 9: Article 8 - International cooperation	61
Chapter 10: Article 9 - Provision of information	64
Chapter 11: Overview of Monitoring Team’s Recommendations	65
Annex 1: Composition of the Monitoring Team	72
Annex 2: Programme of the Monitoring Visit	73
Annex 3: Data from ADAMS on the GADA Testing for 2014 and 2015 to the date of the Monitoring Visit	77
Appendix 1: National Report (Auto-evaluation report on compliance with the commitments under the Convention)	78
Appendix 2: Comments on the Report by the Georgian authorities	91

Acknowledgements

The Monitoring Team would like to thank all those who contributed to the preparation of the Visit and the Visit itself. In particular, the Team would like to thank Mr. Tariel Khechikashvili, Minister, and Mr. Shalva Gogoladze and Mr. Revaz Javelidze, Deputy Ministers of Sport and Youth Affairs as well as the members of the Sport and Youth Affairs Committee of Georgia of the Georgian Parliament for the hearing and Mr Anatoli Korepanov at the Ministry of Sport and Youth Affairs for the coordination of the Visit and his support and readiness to provide the Monitoring Team with the best information.

Glossary:

ADAMS	Anti-Doping Administration and Management System
CAHAMA	Ad Hoc European Committee for the World Anti-Doping Agency
CDDS	Committee for the Development for Sport
EERADO	Easter European Regional Anti-Doping Organisation
EPO	Erythropoietin
GADA	Georgian Anti-Doping Agency
iNADO	Institute of National Anti-Doping Organisations
ISTI	International Standard for Testing and Investigations
NADO	National Anti-Doping Organisation
NOC	National Olympic Committee
T-DO	Monitoring Group of the Anti-Doping Convention of the Council of Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
WADA	World Anti-Doping Agency

EXECUTIVE SUMMARY

1. As part of the Compliance with Commitments project of the Council of Europe and on the request of the Ministry of Sport and Youth Affairs of Georgia, a Monitoring Team held a Visit to Tbilisi, Georgia on the 2nd and the 3rd of December 2015.
2. The aim of the Monitoring Visit was to assess compliance with the Anti-Doping Convention of the Council of Europe (the Convention) and in particular, to evaluate those articles of the Convention that place obligations on state parties.
3. Summarised below are the principal findings and outcomes of the Monitoring Team on each of the Convention Articles that have been evaluated whereas background and detailed findings are provided in subsequent chapters of this Report.
4. Article 1- Aim of the Convention: Georgia has ratified the Convention in 2003. State Parties are required to take measures to reduce and eliminate doping in sport, including legislation and commit themselves towards this responsibility. The Law of Georgia on Sports and the other policy documents in place in Georgia make no reference to the Convention.
5. Article 2 – Definitions and scope of the Convention: Under the Georgian legislation there is no comprehensive and exhaustive definition of doping in sport and no reference to the List of banned pharmacological classes of doping agents and doping methods and the role of the Monitoring Group on its adoption. Moreover, the definition of athlete in the Georgian legislation is incomplete.
6. Article 3 – Domestic co-ordination: State parties should ensure the practical implementation of the Convention which includes cooperation between the governmental departments and agencies involved in the fight against doping. Moreover, state parties should establish a national body with the responsibility of the implementation of the Convention.
7. In Georgia, the body responsible for the fight against doping in sport (competent authority) is the Georgian Anti-Doping Agency (GADA) even though it has not been officially (e.g., by law or other legal act) entrusted by the Georgian Government with this mission and responsibility. GADA is a Signatory to the World Anti-Doping Code and its Anti-Doping Rules are Code-compliant. GADA is established by the Federation of Sports Medicine of Georgia, the Federation of Sport Journalist of Georgia and private persons which raises concerns about the apparent conflicts of interest. The role of Police, Customs and of the other governmental agencies in the fight against doping in Georgia is limited and there is no cooperation, collaboration or coordination in place between these agencies and GADA.
8. Article 4 – Measures to restrict the availability and use of banned doping agents and methods: Georgia has no specific legislation, regulations or administrative measures aiming to restrict the availability of doping agents and methods. However, the accessibility to certain groups of doping substances and methods may be considered as restricted on the basis of pharmaceutical laws and regulations.

9. Article 5 – Laboratories: GADA, acting as the national anti-doping organisation of Georgia conducts testing and has access to WADA-accredited laboratories for the analysis of the samples that are collected with funding from the Ministry of Sport and Youth Affairs.
10. Article 6 – Education: GADA, acting as the national anti-doping organisation of Georgia, is active in anti-doping information and education, mainly through seminars for athletes and their support personnel. However, GADA's education/ information activities are not based on a strategic plan and has never been evaluated. Moreover, the funds available for the education/ information activities of GADA (provided mainly by the Ministry of Sport and Youth Affairs) are very limited.
11. Article 7 – Cooperation with sports organisations on measures to be taken by them: GADA, acting as the national anti-doping organisation of Georgia has developed its Anti-Doping Rules in line with the 2015 Code. However, the Rules are not nationally enforced across all sports in Georgia, and to the date of the Visit only 13 national federations have entered into agreement with GADA to abide by its Anti-Doping Rules. GADA conducts testing but its testing programme is very limited, in some extent predictable and with apparent organisational and individual conflicts of interest.
12. State parties are required to put in place regulations about their disciplinary and appeal procedures. The Anti-Doping Rules of GADA determine the disciplinary and appeal procedure and refer to Doping Hearing Panel and the National Anti-Doping Appeal Panel, respectively. The Doping Hearing Panel is established by GADA and its members are appointed by GADA. This raises concerns about its impartiality and contradicts the principle of the Convention which requires the prosecuting/ sanctioning body (i.e., GADA) to be distinct from the disciplinary body (i.e. the Doping Hearing Panel). Up to the date of the Visit, no arrangements were made for the establishment of the National Anti-Doping Appeal Panel. The aforementioned arrangements apply only for those national federations that have accepted the Anti-Doping Rules of GADA. All the other federations retain jurisdiction for the results management and the hearing using their own disciplinary panels which again raises concerns about the impartiality of the panels and contradicts the principle of the Convention which requires the prosecuting and sanctioning bodies to be distinct from one another.
13. Article 8 – International Cooperation: Representatives of GADA and the Ministry of Sport and Youth Affairs regularly attend the meetings of the Monitoring Group and CAHAMA at the Council of Europe. GADA is a member of the Eastern European regional Anti-Doping Organisation. Regardless of the above, it is the opinion of the Monitoring Team that the anti-doping programme of GADA is isolated from that of other countries, with a well-established national anti-doping organisation in place. This limits access of GADA to innovation and best practices that could benefit the fight against doping in Georgia.
14. Article 9 – Provision of Information: The Georgian authorities attend the Monitoring group meetings and report on the legislative and other measures taken for the purposes of the implementation of the Convention.
15. In conclusion, it is the opinion of the Monitoring Team that Georgia has not yet satisfactorily fulfilled the obligations under the Anti-Doping Convention even though the political commitment has been shown by the ratification of the Convention. The Team believes that

the Ministry of Sport and Youth Affairs should undertake its responsibility and principal role for the fight against doping in sport and establish a national anti-doping authority (the competent authority), with mandate and sufficient funding from the government and jurisdiction across all sports and ensure its impartiality and operational independence.

- 16.** The Monitoring Team's Recommendations on each of the Convention Articles that have been evaluated are provided in Chapters 2 to 10 of this Report, whereas an overview of all of the Recommendations is presented in Chapter 11.
- 17.** The below key Recommendations are proposed by the Monitoring Team:
- a. The Georgian authorities should develop a national policy for the elimination of doping in sport, to set the legal framework regulating all aspects of anti-doping, including (a) the competent authority for the fight against doping and (b) the roles and responsibilities of the stakeholders involved.
 - b. The Georgian authorities should either amend the Law of Georgia on Sport or adopt a comprehensive anti-doping law to introduce a comprehensive and exhaustive definition of doping in sport and athlete and make reference to the List of banned pharmacological classes of doping agents and doping methods and the role of the Monitoring Group on its adoption. Moreover, the Georgian authorities should publish the List of banned pharmacological classes of doping agents and doping methods in effect in the Official Gazette of Georgia.
 - c. The Georgian authorities should ensure that the competent authority for the fight against doping at the national level is given the legal status and financial support to serve its role sufficiently, including, as a minimum, the enforcement of its anti-doping rules across all sports, permanent funding, and operational independence.
 - d. The Georgian authorities should ensure that the competent authority for the fight against doping is free of organisational and individual conflicts of interest.
 - e. The law enforcement and customs agencies should include the fight against doping in their scope of activities, especially the control of availability of doping substances and methods, and cooperate, collaborate and coordinate with the competent authority, including sharing of information.
 - f. The Georgian authorities should adopt comprehensive legislative measures to control the trafficking of doping substances.
 - g. The Ministry of Sport and Youth Affairs should ensure that the Anti-Doping Rules of GADA (or other national anti-doping legal framework) are fully operational and nationally enforced across all sports in Georgia;
 - h. GADA should develop its testing programme to maximise the chances of catching athletes who may dope;
 - i. The Ministry of Sport and Youth Affairs should consider the establishment of a national anti-doping disciplinary panel and a national anti-doping appeal panel, with jurisdiction over all sports in Georgia and ensure that the panels are independent, impartial and free of organisational and individual conflicts of interest, secured by law or other legislative act, as necessary.

CHAPTER 1: Introduction, Methodology and Scope

1.1 Introduction

1.1.1 The Compliance with Commitments project was developed in 1997 by the Steering Committee for the Development for Sport (CDDS) with the main aim to help participating countries to determine how “*the European Sports Charter, the Anti-Doping Convention and the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches*” are applied in their countries.

1.1.2 The preferred working method involves interactions between a national team who prepare a detailed report on compliance with the commitments entered into under the Convention or Charter (National Report) and a Monitoring Team appointed by the Council of Europe. Following a visit by the Monitoring Team, a second report is prepared detailing their findings, suggestions, and possible recommendations for improved compliance with the commitments.

1.2 Methodology

1.2.1 On 11 December 2014 a letter signed by Mr Tamaz Tevzadze, Deputy Minister of Sport and Youth Affairs of Georgia was addressed to Mr. Sergey Khrychikov, Head of Sport Conventions at the Council of Europe stating that “*The Ministry (of Sport and Youth affairs of Georgia) refers to the Compliance with Commitments project and has the pleasure to invite the Monitoring Group of the Anti-Doping Convention (T-DO) to pay an evaluation visit to Georgia with a view to propose improvements in anti-doping policy*”.

1.2.2 The Secretariat of the Sport Conventions of the Council of Europe and the Chair of the Advisory Group on Compliance of the Monitoring Group of the Anti-Doping Convention appointed the Monitoring Team for the Monitoring Visit to Georgia (herein after the “Visit”). The Monitoring Team was comprised of Dr. Michael Petrou, Chair of the Advisory Group on Compliance of the T-DO and President of the Cyprus Anti-Doping Authority as the Head of Delegation and Rapporteur, Mr. Rafal Piechota, President of CAHAMA and Deputy Director of the Department of Strategy and International Cooperation at the Polish Ministry of Sport and Tourism, Mr. Yves Defoort, Jurist at the National Anti-Doping Organisation (NADO) Flanders, Belgium, Mrs. Christina Friis Johansen, Senior Consultant at the Anti-Doping Denmark and Dr. Maryam Gafar-Zada from the Secretariat of the Sport Conventions of the Council of Europe as Coordinator. The composition of the Monitoring Team is shown in Annex 1.

1.2.3 The Visit was organised by the Ministry of Sport and Youth Affairs of Georgia jointly with the Secretariat of the Sport Conventions of the Council of Europe and the Monitoring Team. Ahead of the Visit, the Georgian authorities provided to the Secretariat of the Sport Conventions of the Council of Europe a National Report (Appendix 1) and additional documents. In addition, a list of questions was prepared and submitted by the Monitoring Team and answered by the Ministry of Sport and Youth Affairs of Georgia prior to the Visit. Moreover, several teleconferences between the Rapporteur and the Ministry of Sport and Youth Affairs of Georgia were held.

1.2.4 The aim of the Monitoring Team was to be as prepared as possible for the Visit in order to have efficient and constructive meetings. In other words, the Monitoring Team wanted to familiarise

itself as much as possible with the anti-doping work in Georgia prior to the Visit in order to conduct an in-depth evaluation of the anti-doping policies and actions in the country and provide recommendations accordingly.

1.2.5 The study of the National Report and the additional documents provided to the Monitoring Team by the Ministry of Sport and Youth Affairs of Georgia and the answers to the Monitoring Team's questions gave the Monitoring Team an insight into the country's anti-doping programme. The teleconferences with the Ministry of Sport and Youth Affairs of Georgia provided further information and guidance.

1.2.6 The Monitoring Team benefited particularly from the draft "Anti-Doping Strategy of Georgia 2016-2020" that was shared with the Team, by the Ministry of Sport and Youth Affairs, in the lead up of the Visit. The draft Strategy was developed by the "Expert Group formed to Support Anti-Doping Policy Development and Creation of Respective Legal Regulations" set up by Decree of the Minister of Sport and Youth Affairs¹. The aim of the draft Strategy was to examine the reasons for the problem of doping in Georgian sport and develop the country's anti-doping policy.

1.2.7 For the preparation of the Visit to Georgia, the Monitoring Team reviewed the information on Georgia from the Council of Europe's annual questionnaire on national anti-doping policies. In addition, the Monitoring Team requested and received information from WADA.

1.2.8 As part of its preparation, the Monitoring Team convened in the day before the Visit to discuss about the agenda, the approach to the meetings and the interviews and the key questions and issues per Convention article.

1.2.9 The Visit of the Monitoring Team in Tbilisi, Georgia was held on 2 and 3 of December 2015 and included meetings with the Minister, the Deputy Ministers and officials of Sport and Youth Affairs, representatives from the Ministry of Labour, Health and Social Affairs, the Ministry of Internal Affairs and the Customs Department of the Revenue Service of the Ministry of Finance, the President of the National Olympic Committee of Georgia, the Georgian Anti-Doping Agency, representatives of national sport federations, athletes and other stakeholders. The programme of the Visit is shown in Annex 2.

1.2.10 In order to ensure that every stakeholder and interviewee was informed about the Anti-Doping Convention of the Council of Europe as well as the aim of the Visit and the expectations from the interviews, the Monitoring Team agreed to structure the interviews as below:

- a. To provide each interviewee with a brief introduction about the Anti-Doping Convention, the members of the Monitoring Team and the purpose of the Visit;
- b. To explain to each interviewee that the objective of the Monitoring Team was to assess the implementation of the Convention in Georgia and the actions taken by each stakeholder in that respect;
- c. To ask each interviewee about the strengths, weakness and challenges that they face towards the implementation of the Convention and to identify areas of improvement; and

¹ Minister of Sport and Youth Affairs' Decree N01/446 on establishing experts group for development anti-doping policy in Georgia and supporting development of relevant legal mechanisms, dated 01 May 2015.

- d. To invite each interviewee to engage in an open discussion with the Monitoring Team.

1.2.11 All the meetings were conducted in a friendly and open way, and all of the governmental and sport representatives with whom the Monitoring Team met shared their concerns and showed great interest to hear how their anti-doping programme could be improved.

1.2.12 At the end of the Visit, the Monitoring Team met and discussed with the Deputy Minister of Youth and Sport Affairs of Georgia the Team's preliminary findings and conclusions and the most important recommendations.

1.2.13 The Monitoring Team prepared the Report "Respect by Georgia with the Anti-Doping Convention" with the aim to provide the Monitoring Group with the following, on each article of the Convention: (a) a short introduction; (b) summary of the findings and analysis; (c) conclusion in relation to the question whether Georgia complies with its commitments under the Anti-Doping Convention of the Council of Europe; and (d) recommendations. The Report includes also an Executive Summary and an overview of the Team's important recommendations.

1.2.14 A draft version of the Monitoring Team's Report was provided to the Ministry of Youth and Sport Affairs of Georgia for review and their comments are included in Appendix 2.

1.2.15 The Monitoring Team's Report is prepared for review and approval by the Monitoring Group of the Anti-Doping Convention.

1.3 Scope

1.3.1 The aim of the Visit to Georgia is to monitor compliance with the Anti-Doping Convention. In that respect, the Monitoring Team evaluated the following Convention articles that place obligations on state parties:

- Article 1: Aim of the Convention;
- Article 2: Definition and scope of the Convention;
- Article 3: Domestic coordination;
- Article 4: Measures to restrict the availability and use of banned doping agents and methods;
- Article 5: Laboratories;
- Article 6: Education;
- Article 7: Cooperation with sports organisations and measures to be taken by them;
- Article 8: International cooperation; and
- Article 9: Provision of information.

1.3.2 Taking into account that (a) the Georgian authorities have ratified the International Convention against Doping in Sport of UNESCO and signed the Copenhagen Declaration on Anti-Doping in Sport that refer to the World Anti-Doping Code; and (b) the Convention requires from states parties to harmonise their anti-doping rules which can only be achieved under the umbrella of the Code, the Monitoring Team agreed that a comparison between the Anti-Doping Rules of the Georgian Anti-Doping Agency and the World Anti-Doping Code fell within the Scope of the Visit.

CHAPTER 2:
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.

2.1 Introduction

2.1.1 The Convention, under this introductory article, requires State Parties to take measures to reduce and eliminate doping in sport, including legislation, and commit themselves towards this responsibility.

2.1.2 The Additional Protocol to the Anti-Doping Convention entered into force in 2002 with the aim to enhance and reinforce the application of the provisions Convention.

2.2 Findings

2.2.1 Georgia has ratified the Anti-Doping Convention of the Council of Europe in 2003 (Resolution of the Parliament N2113-11, dated 24.04.2003). In addition, Georgia accessed the International Convention against Doping in Sport of UNESCO (Presidential Decree N747, dated 23.10.2009). However, the Additional Protocol to the Anti-Doping Convention of the Council of Europe has not yet been signed.

2.2.2 The Georgian authorities have also signed the Copenhagen Declaration against Doping in Sport² and accepted the World Anti-Doping Code: first, in 2005, the National Anti-Doping Commission (that was in place at the time) and again in 2011, the Georgian Anti-Doping Agency (GADA) signed the Code Acceptance Form. As required by the Code, GADA, as a Signatory to the Code and acting as the National Anti-Doping Agency of Georgia developed its Anti-Doping Rules in line with the Code. For more comments about GADA and its Anti-Doping Rules, see paragraphs 4.2.8-4.2.14 and 8.6.5, respectively.

2.2.3 The Law of Georgia on Sport that came into effect in 1996 makes no reference to the Convention.

2.2.4 The Ministry of Sport and Youth Affairs developed the “Programme for Development of Sports”. One of its seven main sub-programmes with the title “Implementation of national anti-doping

² The Copenhagen Declaration on Anti-Doping in Sport (Copenhagen Declaration) was drafted and agreed to by governments at the Second World Conference on Doping in Sport held in Copenhagen, Denmark, in March 2003. The Copenhagen Declaration was the political document through which governments signalled their intention to formally recognize and implement the World Anti-Doping Code. This initiative was the first step taken by governments towards the preparation of the UNESCO International Convention against Doping in Sport. (Source: www.wada-ama.org/en/governments#CopenhagenDeclaration; accessed: 9.9.2016).

measures” makes reference to the International Convention against Doping in Sport of UNESCO but not the Anti-Doping Convention of the Council of Europe, as below:

“The subprogram aims to safeguard the principles set forth by the International Convention against Doping in Sport”

2.2.5 Both the Anti-Doping Convention of the Council of Europe and the International Convention against Doping in Sport are international instruments that stipulate governmental support for the fight against doping in the state parties’ countries. However, it is the opinion of the Monitoring Team that the Council of Europe’s Anti-Doping Convention should always be explicitly mentioned in all policy related documents.

2.2.6 In 2016, the Ministry of Sport and Youth Affairs with the support of an expert group prepared a draft “Anti-Doping Strategy of Georgia 2016-2020” aiming to examine the reasons for the problem of doping in Georgian sport and develop the country’s anti-doping policy. The draft Strategy contains 25 recommendations; however, the implementation of the Anti-Doping Convention of the Council of Europe is not mentioned in the proposed recommendations.

2.2.7 As mentioned in paragraph 1.2.1 above, with letter dated 11 December 2014, the Georgian authorities invited the Monitoring Group of the Council of Europe *“to pay an evaluation visit to Georgia with a view to propose improvements in anti-doping policy.”* Even though the invitation does not refer explicitly to the implementation of the Convention, the Monitoring Team is convinced about the Georgian authorities’ intention and commitment to fully implement the Anti-Doping Convention of the Council of Europe.

2.3 Conclusion

2.3.1 The Monitoring Team concludes that the obligation of Georgia under Convention Article 1 is not fully implemented.

2.4 Recommendations

2.4.1 The Georgian authorities should consider either modifying the Law of Georgia on Sports or adopting a comprehensive anti-doping law in which the obligations of the GADA as the country’s National Anti-Doping Organisation, the country’s sports organisations and the governmental departments and public bodies towards the implementation of the Council of Europe’s Anti-Doping Convention as well as the Code and the International Convention against Doping in Sport of UNESCO will be defined.

2.4.2 The Georgian authorities should ratify the Additional Protocol to the Anti-Doping Convention of the Council of Europe.

CHAPTER 3:

Article 2 - Definition and scope of the Convention

2.1 *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.*

3.1 Introduction

3.1.1 This article provides for the definitions of “doping in sport”, “pharmacological classes of doping agents and doping methods” and “sportsmen and sportswomen”.

3.1.2 With the entry into force of the World Anti-Doping Code in 2004 and its consecutive revisions in 2009 and 2015, a broader definition of doping is established. The Code-based definition of doping has been adopted by the International Convention against Doping in Sport of UNESCO.

3.1.3 Similarly, since the entry into force of the World Anti-Doping Code, the list of banned doping agents and doping methods has been revised at least once a year and is published by WADA instead of the International Olympic Committee.

3.1.4 Unlike with the definition of doping in sport, the list of pharmacological classes of doping agents and doping methods is reproduced in the appendix to the Convention and is approved by the Monitoring Group whenever is revised by WADA. This mechanism allows for a speedy approval by the Monitoring Group of new lists, so that they become legally applicable for the Parties’ own purposes.

3.1.5 Article 2.1.c provides the definition of “sportsmen” and “sportswomen” as *“those persons who participate regularly in sports”*. As it is clarified in the Explanatory Report to the Anti-Doping Convention³,

“It is not the drafters’ intention that the Convention is to be applied indiscriminately to all sports and to all levels of sports. National authorities will decide their own priorities and make appropriate selections and decisions: (...) The Convention will be applied realistically, concentrating firstly on sports where doping is known to exist. (...) The use of the adverb “regularly” in Article 2.1.c is designed to bring

³ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 48.

these participants within the merit of the Convention where it is appropriate, while not prescribing an unduly heavy obligation to control purely casual participants”.

3.2 Findings

3.2.1 There is a lack of comprehensive and exhaustive definition of “doping in sport” under the Georgian legislation. There is only a general clause on prohibition of doping in Article 27 of the *Law of Georgia on Sport*, dated 20.09.1996, which reads as follows:

“While serving in the field of sports and for the purpose of achievement of high results by athletes, it is forbidden to use such methods and stimulating means that are prohibited by the Georgian legislation, regulations of the national sports federations and international sports federations or any other legal acts. A person who knowingly facilitates the use of such means shall be held responsible according to the Georgian legislation.”

3.2.2 The aforementioned clause of the Law of Georgia on Sport is very general and refers only to the “use” not to the “administration” of doping agents or doping methods that are prohibited in sport. Thus, it cannot be considered as the definition of doping in line with the Convention.

3.2.3 Moreover, the aforementioned clause of the Law of Georgia on Sport refers to “knowing use” and the “aim of achievement of high results in sports” (also known as “intent”). None of these terms is found in the definition of doping under Convention Article 2.1.a. In addition, this contradicts the principle of the Code, as well as the Code-based Anti-Doping Rules of GADA (see paragraph 3.2.4 below) under Article 2.1, which states that:

“It is not necessary that intent, Fault, negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation under Article 2.1”.

3.2.4 GADA, acting as the NADO of Georgia adopted its own Anti-Doping Rules. The Rules were developed based on the 2015 WADA Model Rules for NADOs and following review by WADA were deemed Code Compliant. Article 2 of the Anti-Doping Rules of GADA contains a definition of “doping in sport” as follows:

*“ARTICLE 2 DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS
Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of these Anti-Doping Rules.*

(...)

The following constitute anti-doping rule violations:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample

(...)

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method

(...)

2.3 Evading, Refusing or Failing to Submit to Sample Collection

(...)

2.4 Whereabouts Failures

(...)

2.5 Tampering or Attempted Tampering with any part of Doping Control

(...)

2.6 Possession of a Prohibited Substance or a Prohibited Method

(...)

2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method

2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition

2.9 Complicity

(...)

2.10 Prohibited Association.”

3.2.5 The Code-based definition of doping that is found in the Anti-Doping Rules of GADA covers the respective definition of doping in sport of the Convention and is even broader. However, the Anti-Doping Rules of GADA are not enforced at the national level, but only on certain sport federations and therefore the definition of doping that applies in the various sports in Georgia differs. (For more comments about the status of the Anti-Doping Rules of GADA see paragraph 8.6.5).

3.2.6 The Law of Georgia on Sport does not establish sufficient and explicit links to the Anti-Doping Convention of the Council of Europe, or the International Convention against Doping in Sport of UNESCO, or the World Anti-Doping Code and the International Standards of WADA. Thus, the Law on Sport makes no reference to the list of prohibited substances and methods adopted by the relevant organisations as outlined in Article 2 of the Convention. Moreover, the role of the Monitoring Group of the Convention in approving the List of banned substances and methods is not mentioned under the Law of Georgia on Sport.

3.2.7 The Anti-Doping Rules of GADA under Article 4.2.1 contain a standard clause on the WADA’s Prohibited List stating that:

“Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by GADA.”

3.2.8 However, as mentioned elsewhere in this Report, the legal nature of the Anti-Doping Rules of GADA is questionable and their applicability across sports in Georgia is limited to only a few federations that have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA (See paragraph 8.6.5). Thus, the list of banned substances and methods that apply among the various sports in Georgia might be different.

3.2.9 In addition, the issue of compatibility of the lists should be raised. The WADA’s Prohibited List is beyond doubt compliant with the Convention. However, if the Monitoring Group of the Convention adopts a prohibited list that differs from the WADA’s Prohibited List, which is fairly

improbable, then Georgia -as well as many other State Parties to the Convention- would have to deal with such a peculiar situation.

3.2.10 Another issue that relates to the List of banned substances and methods is its publication in the Official Gazette of Georgia. The Monitoring Team is of the opinion that, the List of banned substances and methods as an Appendix to the Anti-Doping Convention of the Council of Europe (and similarly the Prohibited List of WADA as an Annex to the International Convention against Doping in Sport of UNESCO) should be published in the Official Gazette after its adoption by the Monitoring Group of the Anti-Doping Convention of the Council of Europe or WADA, respectively and that the publication should occur prior to its entry into force.

3.2.11 However, in accordance with the information received by the Monitoring Team, neither the Council of Europe's List of banned substances and methods nor the Prohibited List of WADA is published in the Official Gazette of Georgia. Timely publication of the List is of particular importance, not only for the prevention of possible legal challenges regarding the version of the List that is in effect but also for its prompt communication to the public, and in particular to the athletes and their support personnel. It is even more important when knowing that WADA publishes its Prohibited List in limited number of languages and Georgian is not among them.

3.2.12 Article 21 of the Law on Sport provides the definition of "athlete" as *"a person who follows a sport and participates in competitions"*. As it is further explained in subsequent paragraphs of Article 21, *"an athlete for whom sport is the main source of income is a professional"*; *"being an athlete is a profession"*; and *"professional activity (training and participation in competition) of the athlete, coach, referee, and other specialists, which is the main source of their income, is carried out according to the Labor Law"*.

3.2.13 The Monitoring Team is of the opinion that, the aforementioned definition of athlete is complex, and it does not refer directly to the elements of "regular participation" and "organized sports" which are found in the definition of athlete in the Council of Europe's Convention. Thus, the definition of athlete found in the Law on Sport is incomplete from the Convention perspective.

3.2.14 The Anti-Doping Rules of GADA introduced the standard definition of "athlete" of the World Anti-Doping Code which reads as follows:

"Athlete: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of "Athlete".(...) For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete."

3.2.15 In line with the definition of Athlete of the Anti-Doping Rules of GADA, Article 1.3 of the Rules defines the persons that fall into the scope of the Rules, as below:

"Application to Persons"

1.3.1 These Anti-Doping Rules shall apply to the following Persons (including Minors), in each case, whether or not such Person is a national of or resident in Georgia:

1.3.1.1 all Athletes (...) who are members or license-holders of any National Federation in Georgia, or of any member or affiliate organization of any National Federation in Georgia (including any clubs, teams, associations or leagues);

1.3.1.2 all Athletes (...) who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by any National Federation in Georgia, or by any member or affiliate organization of any National Federation in Georgia (including any clubs, teams, associations or leagues), wherever held;

1.3.1.3 any other Athlete (...) who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of any National Federation in Georgia, or of any member or affiliate organization of any National Federation in Georgia (including any clubs, teams, associations or leagues), for purposes of antidoping;

1.3.1.4 all Athletes (...) who participate in any capacity in any activity organized, held, convened or authorized by the organizer of a National Event or of a national league that is not affiliated with a National Federation; and

1.3.1.5 all Athletes who do not fall within one of the foregoing provisions of this Article 1.3.1 but who wish to be eligible to participate in International Events or National Events.

(...)

1.3.2 These Anti-Doping Rules shall also apply to all other Persons over whom the Code gives GADA jurisdiction, including all Athletes who are nationals of or resident in Georgia, and all Athletes who are present in Georgia, whether to compete or to train or otherwise.”

3.2.16 The Monitoring Team is of the opinion that the definition of athlete that is found in the Convention (i.e., “*those persons who participate regularly in sports*”) is broader than the definition of athlete that is found in the Anti-Doping Rules of GADA. However, the Team finds that, under the circumstances, Article 1 of the Rules provides for a realistic application of the Convention in Georgian sports. (See also paragraph 3.1.5 above)

3.2.17 As mentioned elsewhere in this Report, the legal status of the Anti-Doping Rules of GADA is questionable and their applicability across sports in Georgia is limited to only a few federations that have accepted the Rules (see paragraph 8.6.5). Thus, the definition of doping in accordance with Article 1.3.1 is applied only to persons that are affiliated with federations that have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA.

3.3 Conclusion

3.3.1 The Monitoring Team concludes that Convention Article 2.1 is not fully implemented.

3.3.2 The most prominent non-conformities under this sub-article are: (a) the lack of comprehensive and exhaustive definition of “doping in sport” under the Georgian legislation; (b) the lack of any reference in the Georgian legislation to the List of banned pharmacological classes of

doping agents and doping methods and the role of the Monitoring Group in its adoption; and (c) the incomplete definition of “athlete” in the Georgian legislation.

3.4 Recommendations

3.4.1 The Georgian authorities should consider introducing comprehensive and exhaustive definitions of “doping in sport” and “athlete” in their legislation, so as to ensure that they cover the respective definitions of the Council of Europe’s Anti-Doping Convention and the 2015 version of the Code.

3.4.2 The Georgian authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in Georgia is the one adopted by the Monitoring Group; it does not mean, however, that it cannot be the WADA Prohibited List since the two Lists are identical.

3.4.3 The Georgian authorities should publish the List of banned pharmacological classes of doping agents and doping methods in the Official Gazette of Georgia, prior to its entry into force.

* * *

2.2 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.

3.5 Introduction

3.5.1 The list of banned pharmacological classes of doping agents and doping methods that was in effect at the time when the Convention came into force was in appendix to the original text of the Convention. When the Monitoring Group of the Convention approved a new list, it is reproduced in the appendix so that it becomes legally applicable for the Parties’ own purposes (and the previous version cease to be effective).

3.6 Findings

3.6.1 The Parliament of Georgia ratified the Convention in 2003 with Resolution of Parliament of Georgia N2112-II, 24.03.2003.

3.6.2 The Monitoring Team has not been advised of any process in place on amending the Appendix of the Convention to incorporate the applicable version of the list, as approved by the Monitoring Group.

3.7 Conclusion

3.7.1 The Monitoring Team concludes that Convention Article 2.2 is not fully implemented.

3.8 Recommendations

3.8.1 See recommendations 3.4.2 and 3.4.3 above.

CHAPTER 4:

Article 3 - Domestic co-ordination

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

3.2 *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.*

4.1 Introduction

4.1.1 The fight against doping in sport involves several governmental departments or agencies like the departments responsible for public health, medical care, customs, police, sport, education, etc. They all need to work together constructively to achieve best results. Even though the Convention does not propose a single operative method, Parties should ensure the practical implementation of the Convention and –in that respect- establish a national responsible body, with some degree of authority over individual sports so as to ensure consistency across all sports at the national level.

4.1.2 The World Anti-Doping Code requires each country to designate a National Anti-Doping Organization (NADO) defined as an entity “(...) *possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples, the management of test results, and the conduct of hearings at the national level.*”

4.2 Findings

4.2.1 The legal framework that regulates sport in Georgia, including anti-doping, is the Law of Georgia on Sport, dated 20.09.1996. As stated in the preamble of the Law:

“The Law of Georgia on Sport sets the overall legal, social, economic, and organisational basis for the sport activities conducted on the territory of Georgia.”

4.2.2 According to Article 4.2 of the Law of Georgia on Sport:

“The State governing body in the field of sport is the Ministry of Culture, Monument Protection and Sport of Georgia and its authority in the field is defined by this Law, other legislative and normative acts and the regulations of the Ministry.”

4.2.3 The Monitoring Team was advised that based on the amendments to the Law of Georgia “On structure, authority and rules of procedures of the Government of Georgia” which was adopted by the Parliament of Georgia on 26.06.2010, the Ministry of Sport of Youth Affairs of Georgia was established. Moreover, the aforementioned Law abolished the State’s Sport and Youth Affairs Department under the Ministry of Culture, Monument Protection and Sport of Georgia and delegated its functions and competences to the Ministry of Sport and Youth Affairs of Georgia. However, until the date of the Monitoring Visit, the Law of Georgia on Sport was not corrected to reflect the

abovementioned amendments and replace the “Ministry of Culture, Monument Protection and Sport” with the “Ministry of Sport and Youth Affairs of Georgia.”

4.2.4 According to article 4.3 of the Law of Georgia on Sport, in the autonomous Republics of Adjara and Abkhazia, the state policy in the field of sports is carried out by the relevant governmental agencies of Adjara and Abkhazia, respectively. In the autonomous Republic of Adjara, anti-doping activities are very limited and include mainly educational seminars organised by GADA. The autonomous Republic of Abkhazia is occupied by the Russian Federation’s military forces and therefore out of the effective control of the Georgian authorities to implement the Anti-Doping Convention of the Council of Europe.

4.2.5 Article 27 of the Law of Georgia on Sport provides for the definition of doping (see paragraph 3.2.1 of this Report) which is the only national legal provision referring to doping in sport. However, neither the Law of Georgia on Sport nor any other legal document in Georgia specify the competent authority for the fight against doping in sport or define the roles and responsibilities of those departments or agencies involved in anti-doping in Georgia.

4.2.6 Since 2010, the Ministry of Sport and Youth Affairs has been running the “Programme for Development of Sports” including its sub-programme “Implementation of national anti-doping measures”. The sub-programme “Implementation of national anti-doping measures” refers to “National Anti-Doping Agency” -without specifying which organization this is- and its “coordinated and efficient collaboration” in the area of sport with the National Olympic Committee of Georgia, the national sport federations, the World Anti-Doping Agency, national anti-doping organisations, the International Olympic Committee and international federations. However, nothing is mentioned about the involvement of governmental departments or agencies and the need to coordinate with the “National Anti-Doping Agency”.

4.2.7 In the National Report (under Article 3) it is stated that *“in practice, (the) activities of the sub-program ‘Implementation of national anti-doping measures’ are mainly implemented by GADA”* and that *“besides the Ministry of Sport and Youth Affairs, GADA is the most significant stakeholder in the fight against doping in sport and (the) organisation responsible for implementation of anti-doping policy in Georgia”*.

4.2.8 In accordance with its Statute, GADA was established on 27.01.2006 by the Federation of Sports Medicine of Georgia, the Federation of Sport Journalists and private persons and *“represents a public, non-governmental, non-profit legal entity, which does not aim at commercial activities, however shall be able to conduct such activities and the profit obtained as a result of these activities shall not be shared among the members, but utilized for Association purposes”*.

4.2.9 GADA is a signatory to the World Anti-Doping Code (see paragraphs 2.2.2 and 9.2.3) and thus the National Anti-Doping Organisation of Georgia. As such, GADA prepared its Anti-Doping Rules and, following review by WADA, they were deemed compliant with the 2015 World Anti-Doping Code. However, the Anti-Doping Rules of GADA are not nationally enforced across all sports in Georgia and, up to the date of the Monitoring Visit, only 13 national federations have entered into agreement with GADA to abide by the Rules (see paragraph 8.6.5).

4.2.10 In accordance with the definition of NADO (see paragraph 4.1.2, above), GADA, possesses the primary authority and responsibility to direct the collection of samples and management of test

results, and the conduct of hearings, at the national level. The Monitoring Team is concerned about the apparent conflicts of interest from the involvement of the Federation of Sports Medicine (which, by definition, is the union of medical doctors supporting athletes and athletic teams and/or working with national federations) in anti-doping, especially testing and results management. (See also paragraphs 8.30.12 and 8.30.13).

4.2.11 In the National Report (under Article 3) it is stated that *“The Ministry of Sport and Youth Affairs of Georgia, since its establishment in 2010, as part of its international commitment, has been providing financial support to GADA’s activities. Nevertheless, GADA is entirely independent in its decisions”*. However, the Monitoring Team is of the opinion that (a) the funding provided to GADA to support GADA’s anti-doping programme is limited and insufficient; (b) the practical application of financing GADA, especially doping controls, is against the basic principle of operational independence of GADA as the NADO of Georgia; and (c) the funding for GADA is not secured by law or regulations. For more comments about financing GADA see paragraphs 5.10.4 – 5.10.7.

4.2.13 The Monitoring Team understood that, regardless of the aforementioned statement found in the National Report about the role of GADA and its importance for the sub-programme “Implementation of national anti-doping measures” or the funding provided to GADA by the Ministry of Sport and Youth Affairs, GADA has not been officially (by law or other legal act) entrusted by the Georgian Government with the responsibility to implement the country’s anti-doping programme.

4.2.14 Moreover, the Monitoring Team understood that currently, GADA in its role as NADO of Georgia, has not put in place memoranda of understanding or any arrangements with law enforcement and other public agencies, to facilitate the implementation of the Convention, as required by Article 3 of the Convention.

4.2.15 The Monitoring Team met with representatives from the the Ministry of Labour, Health, and Social Affairs and understood that their role in the fight against doping is mainly limited to the control of those groups of banned doping agents and doping methods that fall into the scope of the different pharmaceutical laws and regulations (see also paragraph 5.2.2). Moreover, the Team understood that there is no cooperation, collaboration, or coordination of any kind taking place between GADA and the Ministry of Labour, Health, and Social Affairs regarding the control of doping agents and methods or the health aspects of doping, in general.

4.2.16 The Monitoring Team met with representatives from Police and Custom authorities and understood that there is no cooperation, collaboration, or coordination in place between GADA and the law enforcement and custom authorities. (See also paragraph 5.2.5)

4.2.17 GADA collaborates with two academic institutions (i.e. the Physical Education and Sports State Teaching University, and the Tbilisi State Medical University) to deliver courses and seminars related to anti-doping for university students. (For more comments, see paragraph 7.2.7)

4.3 Conclusion

4.3.1 The Monitoring Team concludes that Convention Article 3 is not fully implemented.

4.4 Recommendations

4.4.1 The Georgian authorities should develop a national policy for the elimination of doping in sport, to set the legal framework regulating all aspects of anti-doping work, including: (a) the competent authority for the fight against doping at the national level; and (b) the roles and responsibilities of the stakeholders involved in anti-doping.

4.4.2 The Georgian authorities should ensure that the competent authority for the fight against doping at the national level is given the legal status and financial support to serve its role sufficiently, including the enforcement of its anti-doping rules across all sports, permanent finding, operational independence, etc.

4.4.3 The Georgian authorities should ensure (by law or other legislative act, as necessary) that, the competent authority for the fight against doping at the national level is free of organisational and individual conflicts of interest.

4.4.4 The law enforcement and custom agencies should include the fight against doping in their scope of activities, especially the control of availability of doping substances and methods; and cooperate, collaborate and coordinate with the competent authority, including sharing of information.

4.4.5 The health authorities should include the fight against doping in their scope of activities, especially the control of availability of doping substances and methods as well as the prevention of doping in society; and cooperate, collaborate and coordinate with the competent authority, including sharing of information.

CHAPTER 5:

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

4.1 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.

5.1 Introduction

5.1.1 Under Convention sub-article 4.1, States Parties are required to adopt measures to restrict the availability, including trafficking of the banned substances and methods and in particular anabolic steroids. As it is explained in the Explanatory Report to the Anti-Doping Convention⁴, most of the classes of banned substances and methods are under pharmacists' regulations or strict medical control and the main area of further restrictions lies in the anabolic steroids.

5.1.2 In addition to the above provision of the Convention, the Monitoring Group adopted the *Recommendation Rec (94/2) on Measures to Restrict the Availability of Anabolic Steroids* that recommends the Parties to ensure –among other- that a legislative framework that provides for (a) efficient control of the unauthorised possession, supply and transfer of anabolic androgenic steroids; and (b) appropriate penalties is in place for such conduct.

5.2 Findings

5.2.1 Georgia has no specific legislation, regulations or administrative measures adopted aiming to restrict the availability of doping agents and doping methods. However, the accessibility to certain groups of doping substances may be considered as restricted on the basis of different legislative and administrative measures which have been adopted in Georgia. These measures are mostly based on different pharmaceutical laws and regulations and are limited to certain groups of banned doping agents and doping methods, only. It is worth pointing out that, these measures aim to restrict the use of banned substances or methods, in general, and are not limited to sports.

5.2.2 The National Report contains a list of legislative instruments in place in Georgia with respect to restricting the availability of doping substances and methods. The most important of these legislative instruments, are:

- a. the *Law of Georgia on Medication and Pharmaceutical Drugs* which classifies the pharmaceutical products in three groups that are subjected to different level of control and policies regarding their advertisement and sale;
- b. the *Law of Georgia on Narcotic Drugs, Psychotropic Substances, Precursors and Drug Assistance* which defines a four-level list of narcotic drugs, psychotropic substances and precursors that are subject to special control in terms of import and sale;
- c. the *Law of Georgia on New Psychotropic Substances*; and

⁴ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 52.

- d. the Decree on *“Approval of the rules on legal traffic regarding the list of medical remedies equivalent to pharmaceutical products that are subject to special control”* of the Minister of Labour, Health and Social Affairs of Georgia.

5.2.3 In addition to the abovementioned legislation, the Monitoring Team was informed that certain administrative measures have been implemented in Georgia to sanction health professionals (medical doctors and pharmacists) involved in illicit trade of pharmaceutical drugs. However, the Team was not provided with any further information on this.

5.2.4 The Monitoring Team did not evaluate the aforementioned legislation in depth since it was not provided with the English translation of the texts. However, the Monitoring Team discussed this topic with the representatives from the Ministry of Labour, Health, and Social Affairs and it is the opinion of the Team that certain provisions of the legislation in place in Georgia could be seen as facilitating the trafficking of doping substances. Such examples include: (a) the Decree on *“Approval of the rules on import and export of narcotic drugs and psychotropic substances for individual purposes”* (N01/32, 15 June 2011) based on which a person can import to Georgia pharmaceutical products (listed under group I in the *Law of Georgia on Medication and Pharmaceutical Drugs*), including unregistered ones, for their own use and in line with the provisions of the said Decree; and (b) the Decree on *“Determining the amount of remedies to be imported to the territory of Georgia or to be exported from the territory of Georgia”* (N01/31/N, 15 June 2011) based on which a person is allowed to import up to 10 standard packages of remedies, including unregistered ones (except from pharmaceutical products listed under group I by the *Law of Georgia on Medication and Pharmaceutical Drugs*) without any medical documentation.

5.2.5 The role of law enforcement agencies and customs for the restriction of the availability and the use in sport of banned doping agents and doping methods is of great importance. Moreover, the cooperation between national anti-doping organisations and law enforcement agencies and customs has proved to be an effective measure in the fight against doping in sport, and governments should find ways to facilitate and promote such cooperation. However, the Monitoring Team understood that, there is no sharing of information or any other type of cooperation, collaboration or coordination in place between the relevant authorities (e.g., law enforcement agencies, Customs, Ministry of Health etc.) and GADA in case of violation of the abovementioned legislation that involves illegal importation, trafficking, or distribution of doping substances and/or athletes or athlete support personnel. Such sharing of information could help the fight against doping in Georgia.

5.2.6 According to the draft *“Anti-Doping Strategy of Georgia 2016-2020”*, nutritional supplements and particularly the *“easy access to (nutritional supplements) containing doping substances on Georgia’s consumer market (...) including the fitness centres and shops”* has been identified as one of the causes of doping in Georgia. The authors of the draft Strategy acknowledged the need to look into the legislation regulating nutritional supplements in Georgia and recommended *“a research in order to study and generalise the European experience regarding food-additives and put it into practice in Georgia, using the resources available at the international level”*. The Monitoring Team discussed this issue and understood that nutritional supplements remain unregulated in Georgia in terms of quality controls and availability in the market.

5.3 Conclusion

5.3.1 The Monitoring Team concludes that Convention Article 4.1 is not fully implemented.

5.3.2 The most prominent non-conformity under this sub-article is the lack of comprehensive legislation and other measures in place to limit the availability of banned substances and methods, particularly anabolic steroids.

5.4 Recommendations

5.4.1 The Georgian authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the departments to be involved, and the applicable sanctions.

* * *

4.2 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.

5.5 Introduction

5.5.1 As a form of encouragement to sport organisations to fight doping, Article 4.2 of the Convention requires the States or the relevant non-governmental organisations to make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

5.6 Findings

5.6.1 Article 1.2.1 of the Anti-Doping Rules of the GADA provides as follows:

“1.2.1 As a condition of receiving financial and/or other assistance from the Government of Georgia and/or the National Olympic Committee of Georgia, each National Federation of Georgia shall accept and abide by the spirit and terms of Georgia’s National Anti-Doping Program and these Anti-Doping Rules, and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants”.

5.6.2 The comment annotating the aforementioned provision of the Anti-Doping Rules of GADA expressly reads as follows:

“[Comment to Article 1.2.1: GADA shall work cooperatively with its Government and National Olympic Committee to ensure that recognition of GADA and acceptance and application of these Anti-Doping Rules represents a precondition to a National Federation's receipt of any financial and/or other assistance from the Government and/or the National Olympic Committee.]”

5.6.3 In addition, Article 23 of the Law of Georgia on Sport provides as follows:

“Article 23. Sport funding

1. The State shall promote and assist the development of sport and provides budgetary funding for this purpose.

(.....)

3. On the basis of proposals of sports organizations, State funds for the fields of sports are distributed by the Ministry (of Sport and Youth Affairs) and the relevant local authorities.”

5.6.4 As it is explained further in the National Report, *“there are about 50 national sport organisations (federations, associations, unions), which on regular basis cooperate with the Ministry of Sport and Youth Affairs of Georgia and receive public funds for targeted programs.”*

5.6.5 The Monitoring Team was advised that, regardless of the aforementioned provisions of the Law of Georgia on Sport and the Anti-Doping Rules of GADA, in practice, the application of anti-doping rules is not requested from the sport organisations as a pre-condition for receiving public funds.

5.6.6 The Monitoring Team was presented by, and discussed with the representatives of the Ministry of Sport and Youth Affairs of Georgia an initiative in the field of integrity and good governance in sports. Starting from January 2016, a decree (N01/1061, 4 November 2015) adopted by the Minister of Sport and Youth Affairs will enter into force, through which each sport organisation that promotes good governance and is actively involved in the fight against doping, violence and discrimination in sport, will get increased State’s subsidies. The Monitoring Team finds this initiative interesting and believes that it can serve as an incentive to sport organisations to undertake responsibility and actively fight against doping as well as violence and discrimination in sport; however, this cannot replace the obligation of the states to make it a criterion for the grant of public subsidies to sport organisations that they effectively apply anti-doping rules.

5.7 Conclusion

5.7.1 The Monitoring Team concludes that Convention Article 4.2 is not implemented.

5.8 Recommendations

5.8.1 The Ministry of Sport and Youth Affairs should introduce criteria related to anti-doping for the funding of national sport federations and other sport organisations allowing withholding of public funds from the sport federations or sport organisations that do not effectively apply anti-doping regulations.

* * *

4.3 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;

5.9 Introduction

5.9.1 Under this article of the Convention, governments may underwrite the entire cost of doping controls and analyses or offer partial grants to the sport organisations, as a form of encouragement to undertake testing on a worthwhile scale.

5.10 Findings

5.10.1 The obligation of the Georgian Government to finance doping controls is reflected in the statute of the Ministry of Sport and Youth Affairs of Georgia. According to the Ministry's statute which is approved by Decree N183 dated 07/07/2010 of the Government of Georgia, the Ministry of Sport and Youth Affairs is responsible for "*Implementation of measures in order to eliminate use of illegal stimulating substances in sport*".

5.10.2 Doping controls in Georgia are financed through the "Implementation of national anti-doping measures" which is a sub-programme of the "Programme for Development of Sports" administered by the Ministry of Sport and Youth Affairs.

5.10.3 As it is described in the National Report (under Article 3), in accordance with the sub-programme "Implementation of national anti-doping measures", state's funding is allocated "*for the implementation and promotion of anti-doping policy in Georgia as well as for ensuring compliance with international commitments*" including "*expenditures coming from doping tests*". The budget of the "Implementation of national anti-doping measures" is decided on an annual basis by the Ministry of Sport and Youth Affairs.

5.10.4 In practice, the activities of the sub-programme "Implementation of national anti-doping measures" including doping controls are implemented by GADA, with funding provided by the Government of Georgia through the Ministry of Sport and Youth Affairs.

5.10.5 According to the financial accounts of the Ministry of Sport and Youth Affairs for the sub-programme "Implementation of national anti-doping measures" (provided by the Ministry), the Ministry's expenditures for testing and analyses under the said sub-programme were 71,563.76 GEL (equivalent approximately 27,552 Euros) in 2013 and 70,165.38 GEL (equivalent approximately 27,013 Euros) in 2014. The total amount provided to GADA under the said sub-programme was 116,630.44 GEL (equivalent approximately 44,902 Euros) in 2013 and 116,129.19 GEL (equivalent approximately 44,709 Euros) in 2014.

5.10.6 According to GADA's financial accounts for 2014 (provided by GADA), its annual budget was 237,400 GEL (equivalent to approximately 91,450 Euros). The Ministry of Sport and Youth Affairs contributed with the amount of 195,849 GEL (equivalent to approximately 75,440 Euros) and international federations contributed with the amount of 41,558 GEL (approximately 16,000 Euros) for testing conducted by GADA at international events in Georgia based on service agreements. The total amount allocated for testing and analyses of the samples collected for doping controls was 143,417 GEL (equivalent to approximately 55,244 Euros) that represents approximately 60% of GADA's annual budget.

5.10.7 The Monitoring Team examined the following issues regarding funding of doping controls and analyses and the implementation of Article 4.3.a:

- a. Is the obligation of the Government of Georgia to finance doping controls and analyses fulfilled?

The Monitoring Team is of the opinion that the obligation of the Government of Georgia to finance doping controls and analyses is fulfilled via GADA, with funding for GADA provided through the Ministry of Sports and Youth Affairs (paragraph 5.10.4).

- b. Is the obligation of the Government of Georgia to finance doping controls and analyses on a worthwhile scale fulfilled?

As mentioned above, the obligation of the Government of Georgia to finance doping controls and analyses is fulfilled via GADA, with funding provided through the Ministry of Sports and Youth Affairs (paragraph 5.10.4). For the year 2014, the budget allocated to GADA by the Ministry of Sport and Youth Affairs was 195.849 GEL (equivalent to approximately 75.440 Euros) (paragraph 5.10.5). Based on the 2014 Anti-Doping Testing Figures Report published by WADA⁵, (see Annex 3) GADA collected 105 samples in total as Testing Authority⁶, which is comparatively a small number of tests considering the sporting activity in Georgia and the successful participation of Georgian athletes in international events. Thus, the Monitoring Team is of the opinion that the obligation of the Government of Georgia to finance doping controls and analyses on a worthwhile scale is not fulfilled.

- c. Is funding for GADA for doping controls and analyses secured?

As mentioned above (paragraph 5.10.3), the budget of the sub-programme “Implementation of national anti-doping measures” is revised on an annual basis by the Ministry of Sport and Youth Affairs. The Monitoring Team understood that there are no national legal provisions or other regulations ensuring state’s permanent funding for GADA and thus, this Convention requirement is not implemented.

- d. Is the practical application of financing of doping controls and analyses satisfactory?

The Monitoring Team understood that in practice, GADA must apply to the Ministry of Sport and Youth Affairs for financial support for each planned doping control testing mission, including analyses and sample collection equipment. In the opinion of the Monitoring Team, this is against the basic principle of operational independence of GADA as the NADO of Georgia and a weakness of the country’s testing programme.

5.11 Conclusion

- 5.11.1 The Monitoring Team concludes that Convention Article 4.3.a is not fully implemented.

5.12 Recommendations

- 5.12.1 The Ministry of Sport and Youth Affairs of Georgia should ensure –by law or other legislative act, as necessary- that:

- a. Sufficient budget is allocated to finance doping control tests and analysis on a worthwhile scale; and

⁵ Available at: www.wada-ama.org/en/resources/laboratories/anti-doping-testing-figures (accessed 20.8.2016).

⁶ Testing Authority means the organisation that has authorised a particular sample collection.

- b. The procedures in place for the approval and release of funding for doping control tests and analysis will not undermine the operational independence of GADA as the NADO of Georgia.

* * *

- 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;***

5.13 Introduction

5.13.1 This article of the Convention is to be interpreted in the sense of withholding financial support from public funds, whether directly from the state or indirectly through sport organisations, to sportsmen and sportswomen who have been suspended for doping, during the period of their suspension.

5.14 Findings

5.14.1 The Ministry of Sport and Youth Affairs provides financial support and other benefits to athletes and athlete support personnel through the programme “Grants for Georgia’s National, Olympic and youth team members, coaches, administrative and medical staff as well as for prospective athletes” with the aim –as stated in the programme- of improving living and social conditions of those athletes and their support personnel who are included in this programme. The national sport organisations and the National Olympic Committee of Georgia submit draft lists of their athletes and athletes’ support personnel to the Ministry of Sport and Youth Affairs for approval. The grants for each athlete and other person are decided based on their sporting achievements and results. Under this programme, grants may be withheld for several reasons including the use of prohibited substances, violation of disciplinary rules, and violation of general moral norms as well as when a beneficiary commits criminal or administrative offence.

5.14.2 The Monitoring Team was assured by the officials of the Ministry of Sport and Youth Affairs that, the terms of the programme “*Grants for Georgia’s National, Olympic and youth team members, coaches, administrative and medical staff as well as for prospective athletes*” are fully respected and under no circumstances suspended athletes or athlete support personnel receive financial support or any other benefits during the period of their suspension.

5.14.3 Article 21.6 in Law of Georgia on Sport reads as follows:

“The contract of the athlete shall be signed and other forms of the agreement shall be established, conditions for sports activities and for participation in competitions on professional basis shall be determined by the legislation of Georgia, regulations of the International Sports Organizations, and other legal documents.”

5.14.4 The Monitoring Team enquired about the aforementioned provision of the Law on Sport and understood that it refers to the contracts that are signed between the athlete and his/her sport organisation and/or the National Olympic Committee under the Labor Law regulating the

(employment) relationship. It was understood further that, the contracts signed by the parties make no reference to anti-doping provisions. (The Team requested to be provided with examples of such contracts but it was not made possible).

5.14.5 Article 10.12.4 of the Anti-Doping Rules of the GADA provides as follows:

*“10.12.4 Withholding of Financial Support during Ineligibility
In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport related benefits received from such person will be withheld by GADA, the Georgian Government, and the National Federations.”*

5.14.6 The aforementioned provision of the Anti-Doping Rules of GADA is a standard WADA’s Code clause. The Monitoring Team finds that the said is of great importance since it creates the obligation to the national federations to withhold subsidies granted to suspended athletes and athlete support personnel, from public but also non-public funding (e.g., sponsors, etc.). However, as it is mentioned in other parts of this Report, the Anti-Doping Rules of GADA (including the above provision) apply to only a small number of sport federations that have entered into agreement with GADA (see paragraph 8.6.5).

5.15 Conclusion

5.15.1 The Monitoring Team concludes that Convention Article 4.3.b is not fully implemented.

5.16 Recommendations

5.16.1 The Ministry of Sport and Youth Affairs should:

- a. enforce the Anti-Doping Rules of GADA (including article 10.12.4 - Withholding of Financial Support during Ineligibility) at the national level, across all sport federations; and/or
- b. Introduce policies, regulations or legislation (as necessary) allowing withholding of public funds from athletes 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

5.17 Introduction

5.17.1 The Convention requires from states to take measures to reduce the use of doping in sport. In addition to the direct measures (restrict of availability required in Article 4.1), states may offer different forms of encouragement to reduce the use of doping, such as financial encouragement and/or penalisation (Articles 4.2, 4.3.a and 4.3.b). Article 4.3.c of the Convention requires from states more practical forms of encouragement such as in facilitating doping control testing, both in-, and out-of-competition.

5.18 Findings

5.18.1 As it is mentioned in more details in paragraph 6.2.4 of this Report, the Monitoring Team became aware that the transportation of samples to WADA-accredited Laboratories out of Georgia, that is an important part of doping control testing, has repeatedly encountered challenges with the customs process.

5.19 Conclusion

5.19.1 The Monitoring Team concludes that Convention Article 4.3.c is not fully implemented.

5.20 Recommendations

5.20.1 The Ministry of Sport and Youth Affairs of Georgia should coordinate with all relevant authorities so as to facilitate doping controls, including access to international doping control officers for testing in Georgia, and unobstructed transportation of samples through customs, as necessary.

* * *

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.

5.21 Introduction

5.21.1 The aim of this provision of the Convention is to ensure that athletes continue to be subject to testing even when they are out of the country, for training or competition.

5.21.2 The above provision is of particular importance for those countries that do not have in place a sound anti-doping programme in terms of testing of athletes, like Georgia is.

5.22 Findings

5.22.1 The Monitoring Team understood that there are no official agreements in place between the Georgian authorities or the sport organisations of Georgia and other anti-doping organisations or private sample collection companies for testing of athletes from Georgia when training in other countries. In addition, the Team was not presented with any data showing that Georgian athletes are tested out of the country on the request of GADA or any sport organisation, like the respective national federation or the National Olympic Committee.

5.23 Conclusion

5.23.1 The Monitoring Team concludes that Georgia has not fulfilled its obligation under Article 4.3.d of the Convention.

5.24 Recommendations

5.24.1 GADA and the Ministry of Sport and Youth Affairs should enter into agreements with other anti-doping organisations or private sample collection companies for testing of Georgian athletes when training in other countries.

* * *

4.4 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.

5.25 Introduction

5.25.1 This Article of the Convention acknowledges the right of states to adopt legislation by virtue of which, inter alia, public authorities may themselves organise doping controls. As it is explained in the Explanatory Report to the Anti-Doping Convention⁷ this is particularly the case where the public authorities feel that the sport organisations are not fulfilling their responsibilities adequately.

5.26 Findings

5.26.1 The Law of Georgia on Sport does not indicate the competent authority for combating doping in sport. This means that, under the current version of the Law, both the Ministry of Sport and Youth Affairs and sport organisations -in theory- are competent to combat doping in sport, including prevention, doping controls and, where applicable, sanctioning the athletes.

5.26.2 In the National Report (under Article 3) it is stated that, besides the Ministry of Sport and Youth Affairs “(...) GADA is the most significant stakeholder in the fight against doping in sport and (the) organisation responsible for implementation of anti-doping policy in Georgia.” It is further stated that “In practice, (GADA) is the only body responsible for conducting doping tests in Georgia”, as well as that “(the Ministry of Sport and Youth Affairs) has been providing financial support to GADA’s activities” and that “Once the document “Georgia’s Anti-Doping Strategy: 2016-2020” is adopted by the Government of Georgia, it will provide recommendation for the stakeholders to prepare amendments to the Law of Sport recognizing GADA as the only authorised body for conducting doping tests on national level”.

5.26.3 Regarding the national sport federations and the possibility of conducting doping tests, the Monitoring Team during the meetings with different sport organisations heard about the limited resources available by the national sports federations in Georgia that make it difficult to perform activities like anti-doping education and information; it is therefore questionable whether the national sport federations in Georgia themselves are in position to implement and run an effective testing programme. Moreover, the involvement of national sports federations in in-, and out-of-competition testing of their athletes has been well-debated worldwide. Hence, the Team is of the opinion that the national sports federations should not have the right to conduct testing and that if, for any reasons, they wish to test certain athletes, they should do so through GADA. As stressed in other parts of this

⁷ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 58.

Report, GADA should be the only organisation in Georgia that both directs testing and manages the results of doping controls, save for the comments made in paragraphs 4.2.10, 8.30.12 and 8.30.13.

5.27 Conclusion

5.27.1 The Monitoring Team concludes that Georgia has not fulfilled its obligation under Article 4.4 of the Convention.

5.28 Recommendations

5.28.1 The Ministry of Sport and Youth Affairs should modify the existing legislation and regulations to specify the single entity responsible for doping controls in Georgia. This body could be GADA (save for the comments under paragraphs 4.2.10, 8.30.12 and 8.30.13).

CHAPTER 6:
Article 5 – Laboratories

5.1 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.*

5.2 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.*

6.1 Introduction

6.1.1 In accordance with Article 5 of the Convention, it is recognised that not all states will either wish or need a laboratory in their territory; however, in such cases, access to an accredited laboratory in another country must be sought and subsidised.

6.2 Findings

6.2.1 As mentioned in Chapter 5 (article 4.3.a), the obligation of the Government of Georgia to finance doping controls and analyses is fulfilled via GADA, with funding provided to GADA through the Ministry of Sports and Youth Affairs under the “Implementation of national anti-doping measures” which is a subprogram of the Programme for Development of Sports administered by the Ministry of Sport and Youth Affairs.

6.2.2 For the analysis of samples, GADA is using only WADA-accredited Laboratories. The most commonly used Laboratories, based on the information provided to the Monitoring Team, are: the Seibersdorf Labor GmbH Doping Control Laboratory (Seibersdorf, Austria), the Institute of Biochemistry – German Sports University Cologne (Cologne, Germany), the Laboratoire Suisse d’Analyse du Dopage (Lausanne Switzerland), the Romanian Doping Control Laboratory (Bucharest, Romania), the Doping Control Laboratory of Athens (Athens, Greece) and the Laboratoire de contrôle du dopage INRS - Institut Armand-Frappier (Montreal, Canada).

6.2.3 The Monitoring Team notes the flexibility of GADA on choosing the WADA-accredited Laboratory for the analysis of samples; however, considering the small number of samples that GADA collects per year and its limited annual budget, the Team is of the opinion that GADA should limit the number of laboratories (based on the type of analyses to be requested and other criteria such as

geographic location etc.). This would allow the establishment of a closer collaboration between GADA and the WADA-accredited Laboratory or Laboratories and gaining advantage of the analytical capacities and expertise the laboratories offer to benefit the country's anti-doping programme.

6.2.4 The Monitoring Team became aware that the transportation of samples to WADA-accredited Laboratories out of Georgia has repeatedly encountered challenges with the customs process. Such challenges may have an impact on the integrity and security of samples, or cause sample degradation due to factors such as time delays and extreme temperature variations and constitute a violation of the requirements under the International Standards for Testing and Investigation of WADA⁸. Thus, it is of great importance for this issue to be addressed with the relevant authorities.

6.2.5 More comments about the laboratories can be found under Convention Article 7.3.e.

6.3 Conclusion

6.3.1 The Monitoring Team concludes that Georgia has fulfilled the commitments described in Article 5 of the Anti-Doping Convention of the Council of Europe.

6.4 Recommendations

6.4.1 GADA should consider using a smaller number of laboratories (based on the type of analyses to be requested and other criteria such as the geographic location etc.) which could allow a closer collaboration between GADA and the laboratories and gaining advantage of the analytical capacities and expertise the laboratories offer.

6.4.2 GADA and the Ministry of Sport and Youth Affairs should authorise a transport system and coordinate with all relevant authorities (e.g., the Customs Department) to ensure that the samples and the accompanying documentation are transported in a manner that protects their integrity, identity and security and minimises the potential for sample degradation due to factors such as time delays and extreme temperature variations.

⁸ The World Anti-Doping Code International Standard for Testing and Investigations (ISTI) is a mandatory International Standard developed as part of the World Anti-Doping Programme.

**CHAPTER 7:
Article 6 – Education**

6.1 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.

7.1 Introduction

7.1.1 The Anti-Doping Convention of the Council of Europe acknowledges the importance of education and information for the prevention of doping in sport and requires from both the state parties and the sport organisations to cooperate in that respect. Educational and informational programmes should be comprehensive and be directed mainly to athletes and their support personnel.

7.1.2 Apart from the Convention, the importance of education for the fight against doping in sport is reflected by the World Anti-Doping Code, and the International Convention against Doping in Sport of UNESCO.

7.1.3 The Monitoring Group developed the *Model Guidelines for Core Information/Education Programmes to prevent Doping in Sport*, as a methodological tool, for the development, implementation, delivery, and evaluation of information and education programmes. These Model Guidelines are annexed to the *Recommendation Rec (2011) 1 of the Monitoring Group on the use of the model guidelines for core information/education programmes to prevent doping in sport*.

7.2 Findings

7.2.1 As mentioned elsewhere in this Report, the Ministry of Sport and Youth Affairs administers the Programme for Development of Sports, a part of which is the sub-programme “Implementation of national anti-doping measures” that, in practice, is implemented by GADA with funding from the Ministry. The sub-programme “Implementation of national anti-doping measures” includes the following actions:

“6. Conduction of educational trainings and seminars for medical staff, athletes and coaches in Tbilisi and different districts of Georgia; (...) preparation anti-doping materials for electronic and printed media and propaganda of doping-free sporting events (...)”

7.2.2 The role of GADA on anti-doping education is reflected in its Anti-Doping Rules. Article 10.12.4 provides as follows:

“GADA shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the Code, and shall support active participation by Athletes and Athlete Support Personnel in such programs.”

7.2.3 The Monitoring Team discussed about the work of GADA in the field of anti-doping education/ information and prevention. The most important points are summarised below:

- a. The aim of GADA's work is to promote doping free sport and raise awareness against doping;
- b. GADA organises training sessions (e.g., workshops, educational seminars, etc.);
- c. GADA's work is addressed to athletes, their coaches and trainers, the medical stuff (e.g., sport physicians, physiotherapists etc.) as well as the media; and
- d. GADA produced and distributed informational leaflets and other material including the World Anti-Doping Code, the 2015 Prohibited List and WADA's Athlete's Guide translated into the Georgian language.

7.2.4 GADA has developed a webpage to support, among other things, GADA's work in the field of anti-doping education/ information. However, the Monitoring Team understood that the available information on its website is very limited. For example, the Monitoring Team note that the 2015 Anti-Doping Rules of GADA are not available on GADA's website and, thus, not easily accessible for athletes and sport organizations. (For more comments about GADA's website, see paragraph 7.2.11 below)

7.2.5 GADA's work in the field of anti-doping education/ information and prevention is mainly funded by the Ministry of Sport and Youth Affairs under the subprogram “Implementation of national anti-doping measures”. The Monitoring Team was informed that the NOC of Georgia also supports GADA for the implementation of its educational programs and information campaigns; however, from GADA's financial reports for the years 2013-2015, it has not been possible to confirm a financial contribution from the NOC of Georgia to GADA.

7.2.6 In 2013, GADA has received a grant from the UNESCO Fund for the Elimination of Doping in Sport for the programme “Nutritional supplements – related doping and health risks and the benefits of a healthy diet”. A leaflet that was produced as part of this programme was distributed among sport organisations and sport practitioners in Georgia and is available on GADA's website.

7.2.7 GADA has entered into partnership with two academic institutions in Georgia that have included topics on anti-doping in their courses, as below:

- a. the Physical Education and Sports State Teaching University which includes the module “Doping and Sport”, a 75-hour course (lectures and seminars) for undergraduate students; and
- b. the Tbilisi State Medical University which includes lectures on anti-doping for undergraduate students at the Faculty of Medicine (4 hours), Physical Medicine and Rehabilitation (4 hours) and Public Health (4 hours) as well as the module “Sport Pharmaceuticals and Doping in Sports”, a 60-hour course at the Faculty of Physical Medicine and Rehabilitation.

7.2.8 The NOC of Georgia jointly with GADA organise education and information seminars and workshops for the members of the teams to participate in major events like the Olympic Games etc.

7.2.9 In accordance with article 16.5 of the Anti-Doping Rules of GADA “*all National Federations shall be required to conduct anti-doping education in coordination with GADA.*”

7.2.10 The national federations either rely on GADA for training of their athletes and athletes support personnel or organise such training on their own. The Monitoring Team understood that GADA’s work with the national sport federations is performed on a request basis instead of a strategic plan from GADA. Moreover, the Team understood that certain national federations (e.g., the Rugby Union of Georgia) are active in the field of anti-doping education and information whereas other federations show very limited activity in the field or remain inactive.

7.2.11 The use of the Internet by the sports organisations in Georgia as a means to provide information against doping was examined by the “Group of Experts formed to Support Anti-Doping Policy Development and Creation of Respective Legal Regulation”. Their findings (as of 14 July 2015) are presented in the Group’s draft “Anti-Doping Strategy of Georgia 2016-2020” and are summarised below:

- a. From the analysis of 64 registered websites of sport federations, it was concluded that doping related material is available only on the website of Rugby Union of Georgia;
- b. GADA's website which -as the abovementioned Group pointed out- “is the only place where interested parties have the opportunity to receive information about doping issues in the Georgian language” remained suspended for several months; and
- c. The official web-site of the NOC of Georgia has no information regarding doping.

7.2.12 The Federation of Sports Medicine of Georgia and GADA (which is established by the Federation of Sports Medicine of Georgia, as described under Chapter 4: Article 3 - Domestic co-ordination) work together for training of sport physicians on a regular basis (with seminars organised twice-a-year etc.).

7.2.13 The Monitoring Team having reviewed the information about anti-doping education and prevention programmes provided by the Ministry of Sport and Youth Affairs, GADA, the NOC of Georgia, the representatives from national sport federations and the Federation of Sports Medicine of Georgia, finds the following:

- a. the financial and other resources available for anti-doping education and prevention programs are very limited;
- b. GADA's anti-doping education and prevention work with the national sport federations and their athletes and athlete support personnel is not based on a strategic plan to cover the priorities based on risk assessment but rather on a request basis;
- c. the anti-doping education and prevention work has never been evaluated which could help GADA and the Ministry of Sport and Youth Affairs to discover more about its implementation and effectiveness and adjust accordingly;
- d. GADA's education programmes provide basic information on almost all of the issues listed under article 18 of the World Anti-Doping Code;
- e. GADA's education and prevention work is mainly directed to national team's athletes and their support personnel;
- f. The prevention programmes that are directed at young athletes, in school and sport clubs, are limited;
- g. The information available on GADA's website is limited; and

- h. The use of GADA's website and/or other tools that could make the material available to all athletes, sport officials, coaches, medical personnel, parents, etc. is limited.

7.3 Conclusion

7.3.1 The Monitoring Team concludes that Georgia has fulfilled its obligations under Article 6.1 of the Convention; however, the Team is of the opinion that the anti-doping information, education, and prevention programmes need to be improved further.

7.4 Recommendations:

7.4.1 GADA should prepare long-, and short-term anti-doping educational and information strategies and constantly evaluate their implementation and effectiveness and adapt accordingly.

7.4.2 GADA should develop education and information programmes for all level of athletes, especially for young athletes, athletes' parents, coaches, sports managers and officials, sports doctors, journalist etc. To succeed with this, it is recommended to start out by using already developed resources from WADA and/or other sources, like -for example- the Information, Communication and Education (ICE) principle which can be found in the "*Model Guidelines for Core Information/Education Programs to Prevent Doping in Sport*" developed by the Monitoring Group of the Council of Europe.

7.4.3 The anti-doping educational and information programmes should be comprehensive and cover all aspects of anti-doping programmes, as listed in the Convention and Article 18.2 of the World Anti-Doping Code: Substances and methods on the Prohibited List; anti-doping rule violations; consequences of doping including sanctions, health and social consequences; doping control procedures; athletes' and athlete support personnel's rights and responsibilities; Therapeutic Use Exemptions; managing the risks of nutritional supplements; harm of doping to the spirit of sport; applicable whereabouts requirements.

7.4.4 GADA and the sports institutions involved in anti-doping educational and information programmes should use several ways to disseminate anti-doping information. Possible communication channels are: GADA's website (www.gada.net); the social networks (e.g., Facebook, Twitter); the Outreach Program; annual conferences on anti-doping, etc.

7.4.5 GADA should make its Anti-Doping Rules and the specific protocols on Therapeutic Use Exemption and Testing and Investigation available on its website (as specified in the said Rules under articles 4.4.2 and 5.1, respectively).

7.4.6 Athletes and athlete support personnel (e.g., trainers, coaches, sports doctors, physiotherapists etc.) should be encouraged to participate actively in the anti-doping work of GADA as well as the work of the national and international sports federations.

7.4.7 The Ministry of Sport and Youth Affairs should consider introducing anti-doping education and prevention programmes in schools, in physical education classes in line with Recommendation Rec (2011) 1 on the use of the model guidelines for core information/education programmes to prevent doping in sport, adopted by the Monitoring Group.

7.4.8 The Ministry of Sport and Youth Affairs should advise the relevant academic institutions in Georgia to develop, implement and deliver effective anti-doping education in tertiary education, in line with Recommendation Rec (2016) 2 on *Anti-Doping Education Guidelines for Tertiary Education Institutions*, adopted by the Monitoring Group.

7.4.9 The Ministry of Sport and Youth Affairs should provide the necessary funds to ensure that the educational and information programmes can be implemented as planned.

* * *

6.2 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.

7.5 Introduction

7.5.1 Research in the field of anti-doping as well as the physiological and psychological training and the legitimate search of improved performance is of great importance. This is reflected not only by the provisions of the Anti-Doping Convention of the Council of Europe but also the World Anti-Doping Code, and the International Convention against Doping in Sport of UNESCO.

7.6 Findings

7.6.1 Article 25.6 of the Law of Georgia on Sport contains the following regarding the scientific support of athletes:

“The Ministry of Sport and Youth Affairs of Georgia together with the Ministry of Education and Science of Georgia and the Ministry of Labour, Health and Social Affairs of Georgia carries out scientific provision of State programs for sports development with the assistance of leading scientific research centres, highest educational institutions, and scientific-research institutes.”

7.6.2 In Georgia there are several (state and private) universities, including universities that offer courses on sport science and it is beyond doubts that these universities are active in research in the field of sport; however, the Monitoring Team was not presented with any research studies on anti-doping.

7.7 Conclusions

7.7.1 The Monitoring Team concludes that Georgia has not fulfilled its obligations under Convention Article 6.2.

7.8 Recommendations

7.8.1 The Georgian authorities should encourage and fund research studies related to anti-doping by academic and other interested institutions in the country.

7.8.2 GADA and/or the Ministry of Sport and Youth Affairs of Georgia should play a role on the coordination of the research activities on anti-doping in the country.

CHAPTER 8:

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

7.1 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 competence, against doping in sport.

8.1 Introduction

8.1.1 The Convention, with article 7.1 and a series of other article (7.2 and 7.3) aims to encourage sport organisations to -within their competence- adopt and implement effective programmes against doping in sport but also to indicate the strong desire for national and international compatibility and harmonization of these programmes between sports and countries.

8.2 Findings

8.2.1 The Law of Georgia on Sport does not contain any provisions to encourage sport organisations to -within their competence- take measures against doping in sport.

8.2.2 The Anti-Doping Rules of GADA under Article 16 (Incorporation of GADA Anti-Doping Rules and Obligations of National Federations) requires all national federations and their members to comply with the Anti-Doping Rules of GADA and incorporate them into each federation's rules.

8.2.3 As mentioned in other part of this Report (see paragraph 8.6.5) up to the date of the Visit, 13 national federations have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA. All of the other national federations, theoretically, abide by the anti-doping rules of their respective international federation. However, the Monitoring Team was not in a position to confirm how, and if, each national federation in Georgia incorporate the Anti-Doping Rules of GADA or the anti-doping rules of their respective international federation into their statutes.

8.3 Conclusion

8.3.1 The Monitoring Team concludes that Convention article 7.1 is not fully implemented.

8.4 Recommendations

8.4.1 The Ministry of Sport and Youth Affairs of Georgia should use its authority to encourage all of the sport organisations in the country to adopt and implement effective programmes against doping in sport, and ensure the harmonization of these programmes across all sports in Georgia. (See also recommendations in paragraphs 8.8.1, 8.12.1, 8.16.1, 8.20.1, 8.28.1 and 8.32.2)

* * *

7.2 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;

8.5 Introduction

8.5.1 The Convention requires governments which are state parties to the Convention to encourage their sport organisations to have harmonised anti-doping regulations, as a principle of fair justice and due process for all athletes.

8.5.2 The harmonisation of anti-doping regulations of national anti-doping organisations and national and international sport federations is achieved under the umbrella of the World Anti-Doping Code considering that their anti-doping rules are Code compliant.

8.6 Findings

8.6.1 The aforementioned obligation of the Ministry of Sport and Youth Affairs is reflected in “Implementation of National Anti-Doping Measures” (a subprogram of the Ministry’s “Programme for Development of Sports”) that -in practice- is carried out by GADA with governmental funding.

8.6.2 GADA has prepared the Anti-Doping Rules of the Georgian Anti-Doping Agency based on the Model Rules for NADOs provided by WADA. Following reviewed by WADA the Rules were deemed in line with the 2015 World Anti-Doping Code.

8.6.3 Article 1.2.1 of the Anti-Doping Rules of GADA provides as follows:

“1.2 Application to National Federations

1.2.1 As a condition of receiving financial and/or other assistance from the Government of Georgia and/or the National Olympic Committee of Georgia, each National Federation of Georgia shall accept and abide by the spirit and terms of Georgia’s National Anti-Doping Program and these Anti-Doping Rules, and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.”

8.6.4 Similarly, Article 16.1 of the Anti-Doping Rules of GADA provides as follows:

“16.1 All National Federations and their members shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federation’s rules so that GADA may enforce them itself directly as against Athletes and other Persons under the National Federation’s jurisdiction.”

8.6.5 Despite the aforementioned provisions of the Anti-Doping Rules of GADA, based on the information the Monitoring Team has received from the Ministry of Sport and Youth Affairs on

25.12.2015, (a) only 13 national federations⁹ have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA; and (b) none of these 13 national federations or any other national federation in Georgia has provisions or references in their statutes for the Anti-Doping Rules of GADA. The only exception is Rugby Union of Georgia which, based on the draft “Anti-Doping Strategy of Georgia 2016-2020” is the only national sport federation with reference to anti-doping rules in its statute.

8.6.6 In the absent of any provisions in their statutes or rules about the Anti-Doping Rules of GADA, national federations apply the anti-doping rules of their respective international federations.

8.6.7 Both the Anti-Doping Rules of GADA and the rules of international sports federations are Code-based tools for harmonising the anti-doping regulations of the national sports organisations. However, the different sets of rules differ in their application and therefore, the harmonisation required by the Convention at the national level across all sports in Georgia can be achieved only if the Anti-Doping Rules of GADA are operational and nationally enforced.

8.7 Conclusion

8.7.1 The Monitoring Team concludes that Convention article 7.2.a is not fully implemented.

8.8 Recommendations

8.8.1 The Ministry of Sport and Youth Affairs should ensure that the Anti-Doping Rules of GADA (or other national anti-doping legal framework) are operational and nationally enforced across all sports in Georgia, either (a) by introducing proper provisions into the national legislation; or (b) by using the Ministry’s authority and require from the national sport federations to sign cooperation agreement with GADA and incorporate the Anti-Doping Rules of GADA either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.

* * *

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;

8.9 Introduction

8.9.1 The required harmonisation on the list of banned pharmacological substances and methods is achieved under the umbrella of the Code and WADA’s Prohibited List International Standard that applies to all signatories to the Code including the international federations and national anti-doping organisations.

⁹ The 13 national federations that have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA are: Archery; Basketball; Boxing; Cycling; Gymnastics; Rugby Union; Skating; Shooting; Sumo; Volleyball; Weightlifting; Wrestling; and Wushu.

8.10 Findings

8.10.1 As mentioned under Article 2 in this Report (paragraph 3.2.6), the Georgian legislation contains no reference to the List of banned pharmacological classes of doping agents and banned doping methods adopted by the Monitoring Group of the T-DO or WADA's Prohibited List.

8.10.2 The only reference on the List of banned pharmacological classes of doping agents and banned doping methods is found in the Anti-Doping Rules of GADA under Article 4, which reads as follows:

“ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

These Anti-Doping Rules incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code.

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three months after publication by WADA without requiring any further action by GADA. (...)”

8.10.3 As mentioned under paragraphs 8.6.5 and 8.6.6 above, only 13 national federations have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA and –with the exception of Rugby Union of Georgia- none of these 13 national federations or any other national federation in Georgia has provisions or references in their statutes for the Anti-Doping Rules of GADA. Moreover, in the absent of any provisions in their statutes or rules about the Anti-Doping Rules of GADA, national federations apply the anti-doping rules of their respective international federations.

8.10.4 Both the Anti-Doping Rules of GADA and the rules of international sports federations incorporate WADA's Prohibited List. However, the harmonisation of the List of banned pharmacological classes of doping agents and banned doping methods required by the Convention at the national level, across all sports in Georgia can be achieved only if it is nationally enforced either through the Anti-Doping Rules of GADA (considering that the said Rules are nationally enforced) or other national anti-doping legal framework. (For more comments about the List of banned pharmacological classes of doping agents and banned doping methods see paragraphs 3.2.6 – 3.2.11).

8.11 Conclusion

8.11.1 The Monitoring Team concludes that Convention article 7.2.b is not fully implemented.

8.12 Recommendations

8.12.1 The Ministry of Sport and Youth Affairs should ensure that the List of banned pharmacological classes of doping agents and banned doping methods that is adopted by the T-DO is nationally enforced across all sports in Georgia either through the Anti-Doping Rules of GADA or other national anti-doping legal framework.

* * *

c. doping control procedures;

8.13 Introduction

8.13.1 Similarly to the aforementioned issues, the harmonisation on doping control procedures -in principle- is achieved under the umbrella of the Code.

8.14 Findings

8.14.1 The Anti-Doping Rules of GADA are in line with the 2015 Code. Article 5 of the Rules establishes a detailed doping control procedure consistent with the standards set up in the Code and the International Standard for Testing and Investigations, including the authority to test, test distribution plan, in-, and out-of-competition testing, athlete whereabouts requirements and selection of athletes to be tested.

8.14.2 The Georgian legislation contains no legal base providing for the enforcement of the Anti-Doping Rules of GADA or the recognition of the GADA's authority for testing and sanctioning the athletes across all sports in Georgia. Therefore, GADA relies on cooperation agreements with the national sport federations. However, as it is described in paragraphs 8.6.5 and 8.6.6 above, only 13 national federations have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA.

8.15 Conclusion

8.15.1 The Monitoring Team concludes that Convention article 7.2.c is not fully implemented.

8.16 Recommendations

8.16.1 The Ministry of Sport and Youth Affairs should ensure that GADA is granted the necessary legal background to conduct testing and its Anti-Doping Rules are enforced across all sports in Georgia either (a) by introducing proper provisions into the national legislation; or (b) by using the Ministry's authority and require from the national sport federations to sign cooperation agreement with GADA and incorporate the Anti-Doping Rules of GADA either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.

* * *

- 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;

8.17 Introduction

8.17.1 This article of the Convention requires from state parties to put in place regulations about their disciplinary and appeal procedures that respect the concept of natural justice and due process.

8.17.2 The Monitoring Group of the Anti-Doping Convention (T-DO) during its conference “*Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future*” (Strasbourg, 4 November 2014)¹⁰ stressed the importance of the following: (a) clear distinction between reporting and disciplinary bodies, (b) independent and impartial disciplinary bodies, free of conflicts of interest; and (c) experienced disciplinary bodies, with members possessing the right skills.

8.18 Findings

8.18.1 The Monitoring Team reviewed the relevant articles of the Anti-Doping Rules of GADA and discussed about the disciplinary and appeal procedures in different meetings during the Visit, including the meetings with GADA, the NOC of Georgia, the Hearing and Appeal Panels for Doping and the Ministry of Sport and Youth Affairs.

8.18.2 The Anti-Doping Rules of GADA describe the disciplinary and appeal procedures under article 8 and 13, respectively. In particular, Article 8.2 determines the principles for fair hearing, including the right to a timely hearing (Article 8.2.1), as well as fairness and impartiality of the hearing panel (Article 8.2.4) and the right of a party to be represented (Article 8.2.3). Similarly, Article 13.1 determines that the decisions taken under the Anti-Doping Rules of GADA may be appealed. According to Article 13.2.1, in cases arising from participation in an international event or in cases involving international-level athletes as defined in the Rules, the decision may be appealed exclusively to CAS in accordance with the rules of CAS. In cases where Article 13.2.1 is not applicable, the decision may be appealed to the National Anti-Doping Appeal Panel.

8.18.3 In accordance with Article 8 (Right to a Fair Hearing) of the Anti-Doping Rules of GADA, the body responsible for the hearings following GADA’s result management is the Doping Hearing Panel, as follows:

8.1.1 The GADA Executive shall appoint a Doping Hearing Panel consisting of a Chair and two Vice-Chairs, each of whom shall be legal practitioners (...), three medical practitioners (...) and three additional members, each of whom shall be, or has previously been, a sports administrator or an Athlete.

¹⁰ “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future” [T-DO (2014) 30 rev1]: Draft Summary. Prepared by Mr Anders Solheim, Chair of the Monitoring Group of the Anti-Doping Convention.

8.18.4 The Monitoring Team is of the opinion that the aforementioned composition of the Doping Hearing Panel, comprising of legal and medical practitioners as well as former sports administrators and athletes warrants a fair hearing.

8.18.5 The Anti-Doping Rules of GADA under the same article (Article 8 - Right to a Fair Hearing) requires that the Chair, the two Vice-Chairs and the members of the Doping Hearing Panel:

“(...) all of whom will be appointed on the basis that they are in a position to hear the cases fairly and impartially.”

8.18.6 The Monitoring Team finds that the aforementioned requirements (i.e. fair and impartial) are in line with the principles of the Convention. However, the Convention requires the reporting and disciplinary bodies to be distinct from one another. The Team is of the opinion that the appointment of the Chair, the two Vice-Chairs and the members of the Doping Hearing Panel (disciplinary body) by the GADA Executive to hear a case before the Panel where GADA is the prosecuting party (reporting body) raises concerns about the impartiality of the Panel.

8.18.7 As mentioned in paragraph 8.18.2 (above) the Anti-Doping Rules of GADA under article 13 (Appeals) describe the appeal procedure, and refer to the National Anti-Doping Appeal Panel. However, the Rules do not contain any provisions about the composition and the appointment of the members of the National Anti-Doping Appeal Panel. The Monitoring Team addressed this question to GADA and understood that, up to the day of the Visit no arrangements have been made for the establishment of the National Anti-Doping Appeal Panel.

8.18.8 As mentioned in other parts of this Report (see paragraph 8.6.5 above), the Anti-Doping Rules of GADA apply only to those national federations that have entered into an agreement with GADA to abide by the Anti-Doping Rules of GADA and/or have provisions or references in their statutes for the Anti-Doping Rules of GADA. Thus, the jurisdiction of the Doping Hearing Panel and National Anti-Doping Appeal Panel is limited to these federations only.

8.18.9 Those national sport federations that do not have agreement with GADA to abide by the Anti-Doping Rules of GADA retain jurisdiction to proceed with the results management of possible doping rule violations by their member athletes and athlete support personnel, including the hearing of the case before the federation’s disciplinary panel. Even though the Monitoring Team was not able to explore the disciplinary system each one of these federations has in place, it is the opinion of the Team that this contradicts the principle of the Convention that requires the reporting and disciplinary bodies to be distinct from one another and the disciplinary body to be impartial which cannot be the case since both the reporting and the deciding bodies are linked with the national federation. Moreover, taking into account the small number of cases before each national federation’s panel, the Team is concerned about the experience of these panels to hear cases of doping rule violations.

8.19 Conclusion

8.19.1 The Monitoring Team concludes that Convention article 7.2.d is not fully implemented.

8.20 Recommendations

8.20.1 The Ministry of Sport and Youth Affairs of Georgia should establish a national anti-doping disciplinary panel and a national anti-doping appeal panel, with jurisdiction over all sports in Georgia

and ensure that the panels are independent, impartial and free of organisational and individual conflicts of interest, secured by law or other legislative act, as necessary.

* * *

- 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;*

8.21 Introduction

8.21.1 The role of coaches, trainers, team staff, team officials, medical and paramedical personnel etc. in doping of athletes is well acknowledged. Thus, this Article of the Convention requires from Parties to have procedures in place allowing the imposition of effective penalties against those who are associated with doping infringements. This provision of the Convention includes also the veterinary doctors in order to ensure that they can be sanctioned in cases of doping in animals competing in sport.

8.22 Findings

8.22.1 The Anti-Doping Rules of GADA introduced the Code-based definition of “Athlete Support Personnel” which is broader than the scope of of this Article of the Convention and reads as follows:

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition.

8.22.2 The Anti-Doping Rules of GADA introduced disciplinary sanctions against the Athlete Support Personnel in line with the Code. Moreover, article 10.3.3 of the Rules include the below provisions regarding violations involving Athlete Support Personnel allowing for additional sanctions by the competent administrative, professional or judicial authorities:

“(…) significant violations of Article 2.7 (Trafficking of Prohibited Substances or Methods) or 2.8 (Administration of Prohibited Substances or Methods) which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]”

8.22.3 The Monitoring Team discussed the aforementioned provision of the Anti-Doping Rules of GADA and understood that currently GADA and other authorities concerned (e.g., the Ministry of Labour, Health and Social Affairs which is responsible for medical doctors) have no procedures or

policies in place for GADA to report, and/or the other authorities to impose penal or administrative non-sporting sanctions against athlete support persons committing doping offences.

8.22.4 The Monitoring Team also notes that the Anti-Doping Rules of GADA do not include any provisions about sanctioning veterinary doctors involved in doping or provisions allowing doping controls for animals competing in sport (e.g., in Georgian Equestrian Federation).

8.23 Conclusion

8.23.1 The Monitoring Team concludes that Convention Article 7.2.e is not fully implemented.

8.24 Recommendations

8.24.1 GADA should have policies and procedures in place for reporting to the competent administrative, professional, or judicial authorities of any cases of doping rule violations committed by Athlete Support Persons.

8.24.2 The Ministry of Sport and Youth Affairs should consider introducing penal sanctions against Athlete Support Persons involved in significant doping rule violations such as trafficking of prohibited substances or methods or administration of prohibited substances or methods.

8.24.3 In cases of doping rule violations committed by Athlete Support Persons, the administrative or professional authorities concerned should adopt rules allowing to impose administrative, non-sporting sanctions.

8.24.4 The Government of Georgia should put in place legislation, regulations, policies or administrative practices (as necessary) allowing for cooperation, collaboration or coordination including sharing of information (including about Athlete Support Persons) between all of its public services or agencies and GADA as the National Anti-Doping Organisation of Georgia which would be useful in the fight against doping¹¹.

* * *

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

8.25 Introduction

8.25.1 The Convention under this article introduces elements of consistency between sports and between nations to ensure that sanctions imposed for doping rule violations are mutual recognised and not seeking alternative jurisdictions.

¹¹ For more about the sharing of information see: (a) Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping; (b) Resolution 2080 (2015) of the Parliamentary Assembly of the Council of Europe “Re-thinking the anti-doping strategy” (Recommendation 6.2); and (c) the 2015 World Anti-Doping Code (Article 22).

8.25.2 Mutual recognition of sanctions is one of the principles of the World Anti-Doping Code.

8.25.3 The principle of mutual recognition of sanctions is enhanced and reinforced by the Additional Protocol to the Anti-Doping Convention which entered into force in 2002.

8.26 Findings

8.26.1 Article 15 of the Anti-Doping Rules of GADA incorporates the Code provisions about the mutual recognition of sanctions, as follows:

“ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

15.1 Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the Code and are within that Signatory’s authority shall be applicable worldwide and shall be recognized and respected by GADA and all National Federations.

15.2 GADA and all National Federations shall recognize the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

15.3 Subject to the right to appeal provided in Article 13, any decision of GADA regarding a violation of these Anti-Doping Rules shall be recognized by all National Federations, which shall take all necessary action to render such decision effective.

8.26.2 The Monitoring Team finds that the above provisions in the Anti-Doping Rules of GADA cover the requirements under the Convention. However, as mentioned elsewhere in this Report, the legal nature of the Anti-Doping Rules of GADA is questionable and their applicability across sports in Georgia is limited to only a few federations that have entered into agreement with GADA to abide by the Anti-Doping Rules of GADA (see paragraph 8.6.5). Thus, the mutual recognition of sanctions differs among the various sports in Georgia.

8.27 Conclusion

8.27.1 The Monitoring Team concludes that Convention Article 7.2.f is not fully implemented.

8.28 Recommendations

8.28.1 The Georgian authorities should ensure that the Anti-Doping Rules of GADA including Article 15 (Application and Recognition of Decisions) are nationally enforced and apply across all sports in Georgia.

* * *

7.3 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;

8.29 Introduction

8.29.1 Under this article, the Convention requires from State Parties to organise doping control testing, and sets certain elements of the testing programmes: on an effective scale, in-, and out-of-competition, and without advance notice.

8.29.2 In addition to the aforementioned elements, the Convention requires testing to be “equitable for all sportsmen and sportswomen”. For this to be achieved, it is important for the organisation responsible for testing and those persons involved, to be independent, impartial and free from any conflicts of interest.

8.29.3 In addition to the Convention, the World Anti-Doping Code requires Code-signatories to conduct testing in conformity with the provisions of the International Standard for Testing and Investigations (ISTI)¹². Among the purposes of the ISTI are, to plan for intelligence and effective testing, both in-competition and out-of-competition. To that end, the ISTI establishes mandatory standards among others, for test distribution planning (including collection and use of athlete whereabouts information) and the conduct of sample collection.

8.30 Findings

8.30.1 The Law on Sport of Georgia makes no reference to doping controls. However, the Ministry of Sport and Youth Affairs’ “Programme for Development of Sports” and particularly its sub-programme “Implementing National Anti-Doping Measures” contains the following provision:

“4. Conduction of drug tests (in-competition and out-of-competition tests) for competitions at domestic or international level.”

8.30.2 Even though there is no official reference to GADA in the Law on Sport of Georgia or the sub-programme “Implementing National Anti-Doping Measures”, the National Report (under Article 3) states that *“in-practice, activities of the sub-program are mainly implemented by GADA”*.

8.30.3 GADA is a Signatory to the World Anti-Doping Code and prepared its Anti-Doping Rules, in line with the Code. In the Introduction of the Rules, it is stated that:

“(…) GADA has the necessary authority and responsibility for:

- *Planning, coordinating, implementing, monitoring and advocating improvements in Doping Control; ”*

8.30.4 GADA’s authority to conduct testing is detailed under Article 5.2 of the Anti-Doping Rules of GADA and includes both in-, and out-of-competition, over all of the athletes falling within the scope of the Rules. However, since the Rules are not nationally enforced across all sports in Georgia,

¹² The World Anti-Doping Code International Standard for Testing and Investigations (ISTI) is a mandatory International Standard developed as part of the World Anti-Doping Programme.

GADA's authority to conduct testing is limited to those athletes who are members of the national federations that have agreement with GADA and/or accepted the Anti-Doping Rules of GADA, only.

8.30.5 The testing figures for the years 2013-2014 as registered on WADA's website¹³ and for the year 2015 (as provided by WADA) where GADA is the testing authority are presented in Table 1 below and are further breakdown per sport in Annex 3:

Table 1. Testing figures for the years 2013-2015 where GADA is the testing authority.

Year	Urine			Blood			Total
	IN	OOO	AAF	IN	OOO	AAF	
2013	84	52	2	-	-	-	141
2014	38	67	1	-	-	-	105
2015*	117	65	**	-	-	-	182

Abbreviations: IN: In-Competition; OOO: Out-of-Competition; AAF: Adverse Analytical Finding.

Remarks: * information as of Dec 22 2015; ** information not available to the Monitoring Team.
(Source: WADA)

(Note: The Monitoring Team had had difficulties on sorting out the number of tests conducted by GADA as part of the national program as there are significant inconsistencies between the number of tests reported in the National Report and by GADA during the Visit on the one hand and the number of tests reported by WADA.)

8.30.6 As mentioned in paragraph 8.30.4 above, doping control in Georgia is conducted on the basis of bilateral agreements between GADA and the national sports federations. In 2014, GADA collected samples in 10 federations under the national doping control program: archery, athletics, basketball, cycling, football, judo, rugby, swimming, weightlifting, and wrestling. However, according to the information provided to the Monitoring Group, GADA has no agreements in place with the national federations for athletics, judo, football and swimming and thus no formal jurisdiction to test and conduct results management on athletes in these sports. Similarly, in 2015 GADA collected samples in the following federations even though (based on the information provided to the Monitoring Team by the Georgian authorities) they have no agreement with GADA in place: aquatics, archery, arm wrestling, athletics, football, judo, karate, and sambo.

8.30.6 The Monitoring Team is of the opinion that the testing programme in Georgia is of extremely small-scale taking into consideration sporting activity in Georgia and the success of Georgian athletes in international competitions.

8.30.7 The Monitoring Team understood that GADA has not developed a Test Distribution Plan, based on intelligent and an overall risk evaluation of the sports and disciplines in Georgian sport.

¹³ <https://www.wada-ama.org/en/anti-doping-statistics>

8.30.8 It was not clear to the Monitoring Group whether GADA has established a Registered Testing Pool and put in place a whereabouts system to match and support its testing program, especially out-of-competition.

8.30.9 In the absence of a whereabouts system in place -as mentioned above- it is doubtful to the Monitoring Team how efficient GADA is when attempting to locate and test athletes out-of-competition.

8.30.9 The Monitoring Team understood that the testing program in Georgia is to some extent predictable. Some federations informed the Monitoring Team that out-of-competition testing in Georgia was always conducted in the three- to four-week period prior to international competitions but only seldom outside this period. In addition, based on GADA's practices, the Team understood that athletes are very rarely tested more than once per year which adds to the predictability of its testing programme. In accordance with the International Standard for Testing and Investigations, GADA, as the testing authority, in order to ensure that testing is conducted on a no-advance notice testing basis, shall ensure that athlete selection decisions are only disclosed in advance of testing to those who need to know for such testing to be conducted (ISTI paragraph 4.6.3).

8.30.10 The testing program in Georgia is conducted by GADA in close cooperation with the national federations. In practice, testing is planned based on the competition calendar of each sport. Based on the information provided to the Monitoring Team, GADA meets annually with each of the federations with whom they have agreement in order to plan the testing program and requests from the federations the names of all of the athletes who will be included on the national team to compete in European or World Championships. The Team understood that the national sport federations are heavily involved in GADA's testing programme. In at least one case that the Monitoring Team became aware of during the Visit, testing plans were decided by the federation both in terms of the timing and selection of the athletes to be tested.

8.30.11 For athletes competing in the Olympic Games, GADA coordinates testing with the National Olympic Committee (NOC) of Georgia. The NOC of Georgia informed the Monitoring Team that the committee allocates funds for target testing of athletes on the Olympic Team prior to the Games. However, the Team notes -for example- that four Georgian athletes participated in 2014 Sochi Winter Olympic Games, in two sports (alpine skiing and figure skating) yet no tests were registered in WADA's statistics for GADA in these sports (see Annex 3).

8.30.12 As it is mentioned in other parts of the Report (see paragraphs 4.2.8 and 4.2.10), GADA is established by the Federation of Sports Medicine, the Federation of Sport Journalists and private persons. The Governing Board of GADA are all members of the Federation of Sports Medicine, either active in the field of sports medicine and/or elected by other sport physicians who are active sport physicians. Sport doctors work with, and treat athletes thus falling into the definition of athlete support personnel. Therefore, the Monitoring Team is of the opinion that GADA's role as the National Anti-Doping Organisation of Georgia could be seen as having possible organisational and individual conflicts of interest.

8.30.13 GADA has contracted 16 doping control officers and 40 chaperones to support its testing programme. The Monitoring Team is not aware of the training program in place for the sample collection personnel and the requirements for their accreditation. Moreover, the Team understood that

member(s) of GADA's Board of Directors are also acting as doping control officers which raises concerns about possible conflicts of interest between the two roles.

8.30.14 Based on the information provided in the National Report, the period from 2010 to 2015 there were 29 cases of Georgian athletes who tested positive for doping substances: 11 cases in Georgia and 18 cases in international events, out of the country. It is the opinion of the Monitoring Team that if GADA had had a more efficient testing programme in place, and the Georgian athletes were more rigorously tested prior to their participation in international events, the number of doping rule violations by the Georgian athletes in international events would not be so high. It is the opinion of the Monitoring Team that these figures, especially the high number of doping rule violations by the Georgian athletes in international events, indicate that the Georgian athletes are not rigorously tested prior to their participation in international events and/or the effectiveness of GADA's testing is limited.

8.31 Conclusion

8.31.1 The Monitoring Team concludes that Georgia has fulfilled its obligations under Article 7.3.a of the Convention; however, the Team is of the opinion that the testing programme in place needs to improve further in order to fully comply with the requirements of the Convention but also the World Anti-Doping Code and the International Standard for Testing and Investigations.

8.32 Recommendations

8.32.1 The Ministry of Sport and Youth Affairs should take the necessary administrative and legislative measures to clarify the status of GADA as the National Anti-Doping Organisation of Georgia and its jurisdiction as the only testing authority in the country.

8.32.2 The Ministry of Sport and Youth Affairs should take the necessary administrative and legislative measures to enforce the Anti-Doping Rules of GADA at the national level, across all sports in Georgia.

8.32.3 GADA should develop its testing programme to maximise the chances of catching athletes who may be doping, based on the following:

- a. Conduct a risk assessment of which sports/ disciplines are more likely to abuse prohibited substances or methods as well as of which prohibited substances or methods are more likely to be abused (as described in the ISTI, article 4.2);
- b. Establish the pool of athletes who are going to be subject to testing, prioritise between the different athletes and develop GADA's Registered Testing Pool (as described in the ISTI, articles 4.3 - 4.5);
- c. Develop and implement an effective, intelligent and proportionate test distribution plan that is based on risk assessment (as above), in line with the Anti-Doping Rules of GADA (article 5.4);
- d. Conduct both in-, and out-of-competition testing and ensure that testing is always conducted on a no advance notice basis, and athlete selection decisions are only disclosed in advance of testing to those who need to know (as described in the ISTI, articles 4.6);
- e. Select both urine and blood samples and implement the Athlete Biological Passport programme (blood and steroid profile modules);
- f. Conduct sufficient number of tests;

- g. Implement a less predictable and more aggressive testing programme; and
- h. Collect whereabouts information from the athletes included in the Registered Testing Pool to support its test distribution plan (as described in ISTI, article 4.8 and in line with the Anti-Doping Rules of GADA, article 5.6).

8.32.4 The Ministry of Sport and Youth Affairs should provide sufficient funding to support GADA's testing plans.

8.32.5 The Ministry of Sport and Youth Affairs and GADA should ensure that testing is free of organisational and individual conflicts of interest.

* * *

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;

8.33 Introduction

8.33.1 Under this article of the Convention the Parties are required to establish agreements (as necessary) with other organisations for testing their athletes when training in other countries.

8.33.2 The lack of testing of athletes when training in other countries has been identified as one of the reasons why the drug testing programmes have been generally ineffective in detecting dopers¹⁴.

8.34 Findings

8.34.1 In the Introduction of the Anti-Doping Rules of GADA, it is clearly stated:

*“The National Anti-Doping Program
(...) GADA has the necessary authority and responsibility for:
(...)
• Encouraging reciprocal testing between National Anti-Doping Organizations.”*

8.34.2 GADA has no agreements in place with other anti-doping organizations and has never arranged for testing of Georgian athletes when they are training or competing outside of Georgia.

8.35 Conclusion

8.35.1 The Monitoring Team concludes that Convention Article 7.3.b is not implemented.

8.36 Recommendations

¹⁴ The Report to WADA Executive Committee on Lack of Effectiveness of Testing Programs prepared by Working group Established Following Foundation Board Meeting of 18 May 2012 was published by WADA on 5 December 2013 and is available at: www.wada-ama.org/en/resources/world-anti-doping-program/lack-of-effectiveness-of-testing-programs

8.36.1 GADA should proceed to make arrangements and request testing of Georgian athletes when training or competing in other countries, taking into account the risk evaluation of the athletes and sports, and the size of the Georgian testing program.

* * *

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

8.37 Introduction

8.37.1 Out-of-competition testing, and in particular testing in the lead up of major sport events, is one of the most important elements of a comprehensive testing programme. It assists anti-doping organisations to detect those athletes who may choose to use prohibited substances or methods in order to enhance their performance during the competition. In addition, if the athletes are aware of the possibility to be tested when they are preparing for competitions, out-of-competition testing has a strong deterrent effect.

8.37.2 At the international level, major event organisers (like, for example the International Olympic Committee) and international federations encourage the national anti-doping organisations to test their athletes prior to their participation in international events. Similarly, at the national level, the national anti-doping organisation should test their athletes prior to their participation in national events, based on risk assessment analysis with the support of the interested national sport federations.

8.38 Findings

8.38.1 Based on the National Report (under Article 4), the years from 2010 to 2015, there were 29 cases of doping rule violations by Georgian athletes, out of which the 18 cases were uncovered from tests conducted during international events.

8.38.2 When confronted with the abovementioned figures, both the Ministry of Sport and Youth Affairs of Georgia and the representatives of the NOC of Georgia stated that they are concerned about the damage on the reputation of their country and the country's sport tradition because of Georgian athletes tested positive in international events.

8.38.3 Under the Ministry of Sport and Youth Affairs' Programme for Development of Sports and particularly its subprogram "Implementation of national anti-doping measures", "*conducting anti-doping testing for the members of national teams of Georgia*" is listed as one of the seven main actions. However, as mentioned in other parts of this Report, anti-doping tests in Georgia, in general, are limited; and, in addition, testing is performed only among the athletes who are members of those national federations having an agreement with GADA and/or accepted the Anti-Doping Rules of GADA (See paragraphs 8.6.5 and 8.30.4 - 8.30.11).

8.39 Conclusion

8.39.1 The Monitoring Team concludes that Convention Article 7.3.c is not fully implemented.

8.40 Recommendations

8.40.1 GADA with the support of the national federations and the NOC of Georgia should have policies in place for testing national team athletes in the lead up of international events, based on risk assessment.

* * *

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

8.41 Introduction

8.41.1 Several international federations run anti-doping information and educational programmes for those athletes who are included in their registered testing pool or competing in their events.

8.42 Findings

8.42.1 The Monitoring Team was not presented with any information on Georgian athletes involved in the anti-doping work of international federations and has no other information on how Georgia meets this requirement. The only exception was the athletes of Rugby Union of Georgia who participate in international events and the anti-doping education and information programmes organised by the respective international federation.

8.43 Conclusion

8.43.1 The Monitoring Team concludes that Convention Article 7.3.d is not fully implemented.

8.44 Recommendations

8.44.1 GADA, the National Olympic Committee, the National Paralympic Committee, and the national sport federations of Georgia should encourage Georgian athletes to participate in anti-doping activities under international federations.

* * *

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;

8.45 Introduction

8.45.1 The analysis of samples for the purpose of anti-doping testing by the WADA-accredited laboratories is constantly evolving with strengthening of the existing analytical methods, as well as the development and implementation of new and more sophisticated methodologies. The Convention under Article 7.3.e requires from the Parties to make full and efficient use of the analytical capacities of the laboratories.

8.46 Findings

8.46.1 In order to examine if GADA makes full and efficient use of the capabilities of the laboratories, the Monitoring Team referred to the 2014 Anti-Doping Testing Figures released by WADA. According to WADA's records for 2014, GADA collected only urine, and no blood samples. All of the collected samples were analysed only for the standard menu of analysis, without requesting from the laboratories to analyse samples additionally for erythropoiesis stimulating agents (e.g. EPO) or growth hormone releasing factors or any other analyses.

8.46.2 In 2015, based on the information provided to the Monitoring Team by WADA as well as the information received from GADA during the Visit, until the date of the Visit, GADA collected only urine samples. Moreover, similar to the situation in 2014, all of the collected samples were analysed for the standard menu of analysis without requesting any additional analyses, to make full and efficient use of the capacities of the laboratories to detect doping in sport.

8.46.3 The above constitute failure to implement Article 7.3.e of the Convention as well as failure to implement WADA's Technical Document for Sport Specific Analysis¹⁵ and limits significantly the effectiveness of GADA's testing programme.

8.47 Conclusion

8.47.1 The Monitoring Team concludes that Convention Article 7.3.e is not fully implemented.

8.48 Recommendations

8.48.1 GADA should make full use of the analytical capacities of the WADA-Accredited Laboratories for the analysis of samples collected for anti-doping testing, based on risk assessment and, as a minimum, to implement the WADA's Technical Document for Sport Specific Analysis.

* * *

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

8.49 Introduction

¹⁵ The Technical Document for Sport Specific Analysis (TDSSA) prepared by WADA is intended to ensure that the Prohibited Substances within the scope of the TDSSA that are deemed to be at risk of abuse in certain sports/disciplines are subject to an appropriate and consistent level of analysis by all ADOs that conduct Testing in those sports/disciplines. A Minimum Level of Analysis (MLA) is specified for the Prohibited Substances within the scope of the TDSSA for each sport/discipline, expressed as a percentage of the total number of eligible Tests and based on a Physiological Risk Assessment of that sport or discipline. Currently, the Prohibited Substances that are within the scope of the TDSSA are: (a) Erythropoiesis Stimulating Agents (ESAs); (b) Growth Hormone (GH); and (c) Growth Hormone Releasing Factors (GHRFs) including Growth Hormone Releasing Hormone (GHRH) and its analogues, Growth Hormone Secretagogues (GHS) and Growth Hormone Peptides (GHRPs). Compliance with the TDSSA is mandatory under the 2015 World Anti-Doping Code.

8.49.1 This article of the Convention is a further reflection of the concern expressed in Article 6.2, namely that athletes need to be provided with scientifically prepared guidelines to support their training and protect them from unnecessary harm and also to prevent them from doping.

8.50 Findings

8.50.1 The Monitoring Team was not presented with the results of any research sponsored or funded by the Georgian sport organisations or any guidelines developed by sport organisations in Georgian related to the protection of the health of athletes. See also comments under Article 6.2.

8.51 Conclusion

8.51.1 The Monitoring Team concludes that Convention Article 7.3.f is not fully implemented.

8.52 Recommendations

8.52.1 The Ministry of Sport and Youth Affairs should encourage and financially and/or otherwise support sports organisations and academic institutions to work together towards the provision of scientific support of the athletes in Georgia.

CHAPTER 9:

Article 8 - International co-operation

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

8.2 *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.*

8.3 *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.*

9.1 Introduction

9.1.1 Articles 8.1 and 8.2.c of the Convention emphasise the importance of coordination and cooperation among states parties to the Convention at the international level.

9.1.2 A main channel for such cooperation is the Monitoring Group set up by virtue of Convention Article 10 as well as the Advisory Groups and the ad hoc groups of experts established by virtue of Convention Article 11.2 to support the work of the Monitoring Group¹⁶.

9.1.3 Another important channel of cooperation under the Council of Europe is the ad hoc European Committee for the World Anti-Doping Agency (Cahama) which is responsible for the coordination of the positions of all Parties to the European Cultural Convention, with regard to questions relating to WADA.

9.1.4 Outside the structures of the Council of Europe, cooperation in the field of anti-doping can be achieved in many fora, like WADA, UNESCO and the Conference of Parties to the International

¹⁶ In accordance with the revised Rules of Procedures of the Monitoring Group of the Anti-Doping Convention, the Monitoring Group is assisted in its work by four permanently functioning Advisory Groups: a. Advisory Group on Compliance (T-DO COMP); b. Advisory Group on Education (T-DO ED); c. Advisory Group on Legal Issues (T-DO LI); and d. Advisory Group on Science (T-DO SCI). In addition, the Monitoring Group establishes ad hoc expert groups to undertake specific tasks that cannot be performed by any of the Advisory Groups.

Convention against Doping in Sport, and the Institute of National Anti-Doping Organisations (iNADO)¹⁷.

9.1.5 Article 8.2.a refers to a regulation that is in place by many international sports organisations based on which they ratify records only if accompanied by a negative doping control. As it is clarified in the Explanatory Report to the Anti-Doping Convention¹⁸:

“(...) The drafters discussed the desirability of obliging national record claims to be subject to a similar requirement, but the practical difficulties of having a doping control team at every event, in every sport at which a national record might be claimed would be too great. In some countries where the emphasis is on out-of-competition controls, it would also be retrograde. However, the drafters considered that it was important that this explanatory report should mention the desirability of having such a condition, where practical, for national records, at least in high profile sports or events.”

9.2 Findings

9.2.1 Georgia signed the Convention on 2 July 2001 and ratified it on 23 April 2003¹⁹. The Convention entered into force on 1 July 2003. The signing and ratification of the Additional Protocol to the Convention is still pending.

9.2.2 Georgia accessed the International Convention against Doping in Sport of UNESCO on 7 December 2009.

9.2.3 The National Anti-Doping Commission that was in place at the time, signed the World Anti-Doping Code Acceptance Form in February 2005. A new Form was signed again, by GADA, in April 2011.

9.2.4 Representatives of GADA and the Ministry of Sports and Youth Affairs regularly attend the meetings of the Monitoring Group of the Anti-Doping Convention (T-DO) and the Ad hoc European Committee for the World Anti-Doping Agency (Cahama).

9.2.5 GADA is a member of the Eastern European Regional Anti-Doping Organisation (EERADO)²⁰. Since 2011, Georgia hosts the EERADO headquarters in Tbilisi.

¹⁷The Institute of National Anti-Doping Organisations (iNADO), established in 2012, is the international member body for National Anti-Doping Organisations (NADOs). www.inado.org

¹⁸ Explanatory Report to the Anti-Doping Convention, Strasbourg, 16.XI.1989, paragraph 78.

¹⁹ The Convention was ratified by the Georgian Parliament on 23 April 2003. However, on the [Chart of Signatures and Ratifications on the Council of Europe’s website \(http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/135/signatures?p_auth=H9Iwz5hI\)](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/135/signatures?p_auth=H9Iwz5hI) the 22nd of May 2003 appears as the date of ratification (which is the date of receipt of the instrument of ratification by the Council of Europe)

²⁰ Regional Anti-Doping Organisation (RADO) is defined in the 2015 Code as “a regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the

9.2.6 Georgia attends the Conference of Parties to the International Convention against Doping in Sport of UNESCO and has benefited from the Fund for the Elimination Doping in Sport.

9.2.7 In addition to the aforementioned fora, GADA collaborates with several international federations, especially for testing services in international events that are held in Georgia.

9.2.8 The Monitoring Team is of the opinion that, regardless of the above, the anti-doping programme of Georgia is isolated from the anti-doping programmes of other countries with a well-established NADO in place. This limits access of GADA to anti-doping innovation and best practices that could benefit the fight against doping in Georgia.

9.2.9 Regarding the regulation based on which sport organisations ratify records only if accompanied by a negative doping control (Convention Article 8.2.a), the Monitoring Team understood that only a few national federations in Georgia have such requirements in place. However, taking into account the limited resources available for testing in Georgia, the Team is of the opinion that this should not be seen as non-conformity. Nevertheless, this requirement should be considered in the future, at least in high profile sports or events.

9.3 Conclusion

9.3.1 The Monitoring Team concludes that Georgia has fulfilled its obligations under Article 8 of the Convention; however, the Team sees a great potential for GADA for cooperation within the structures of the Council of Europe as well as directly with other States Parties to the Convention and/or through other relevant organisations (like, for example, the Institute of National Anti-Doping Organisations (iNADO)).

9.4 Recommendations

9.4.1 The representatives of the Georgian authorities are invited to participate at the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe as well as the meetings of its Advisory Groups (on Education, Science, Legal, and Compliance) as necessary. This will benefit the country's anti-doping programme.

9.4.2 GADA should establish cooperation with other, well-developed national anti-doping organisations in Europe, directly and/or through the Council of Europe or the Institute of National Anti-Doping Organisations (iNADO); such cooperation will help on many aspects of the country's anti-doping programme (like, for example, education, prevention, testing, etc.) especially at this transitional stage.

management of results, the review of TUEs, the conduct of hearings, and the conduct of educational programs at a regional level.” Currently, EERADO's participating countries are: Albania, Armenia, Bosnia & Herzegovina, Georgia, Moldova, Montenegro, and the Former Yugoslavian Republic of Macedonia. (source: www.wada-ama.org/en/regional-anti-doping-organizations-rado#Europe; accessed: 4.9.2016)

CHAPTER 10:
Article 9 - Provision of information

Each Party shall forward to the Secretary General of the Council of Europe, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention.

10.1 Introduction

10.1.1 The Convention requires Parties to exchange information and experiences between Parties and observers about issues related to the implementation of the Convention. The meetings of the Monitoring Group of the Convention serve as a suitable occasion for providing and exchanging such information.

10.2 Findings

10.2.1 The Georgian authorities attend the Monitoring Group meetings and report to the Monitoring Group on the legislative and other measures taken for the purposes of the implementation of the provisions of the Convention as well as of any developments made at the national level for the fight against doping in Georgia.

10.2.2 The Georgian authorities constantly reply to the annual questionnaire that is set up by the Monitoring Group providing information about the implementation of the Convention.

10.2.3 On the request of the then Ministry of Sport, Culture and Monument of Georgia, the Monitoring Group organised a consultative visit to Georgia on 4-5 May 2004 which provided the Monitoring Group with the opportunity to receive on site information about the implementation of the Convention in Georgia.

10.3 Conclusion

10.3.1 The Monitoring Team concludes that Georgia fulfils its obligations under Article 9 of the Convention.

10.4 Recommendations

10.4.1 The Georgian authorities should continuously provide information to the Monitoring Group on the legislative and other measures they take for the purposes of the implementation of the provisions of the Convention as well as the developments, at the national level, for the fight against doping in Georgia.

CHAPTER 11: Overview of the Monitoring Team's Recommendations

11.1 Article 1: Aim of the Convention

11.1.1 The Georgian authorities should consider either modifying the Law of Georgia on Sports or adopting a comprehensive anti-doping law in which the obligations of the GADA as the country's National Anti-Doping Organisation, the country's sports organisations and the governmental departments and public bodies towards the implementation of the Council of Europe's Anti-Doping Convention as well as the Code and the International Convention against Doping in Sport of UNESCO will be defined.

11.1.2 The Georgian authorities should ratify the Additional Protocol to the Anti-Doping Convention of the Council of Europe.

11.2 Article 2: Definition and scope of the Convention

11.2.1 The Georgian authorities should consider introducing comprehensive and exhaustive definitions of "doping in sport" and "athlete" in their legislation, so as to ensure that they cover the respective definitions of the Council of Europe's Anti-Doping Convention and the 2015 version of the Code.

11.2.2 The Georgian authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in Georgia is the one adopted by the Monitoring Group; it does not mean, however, that it cannot be the WADA Prohibited List since the two Lists are identical.

11.2.3 The Georgian authorities should publish the List of banned pharmacological classes of doping agents and doping methods in the Official Gazette of Georgia, prior to its entry into force.

11.3 Article 3: Domestic coordination

11.3.1 The Georgian authorities should develop a national policy for the elimination of doping in sport, to set the legal framework regulating all aspects of anti-doping work, including: (a) the competent authority for the fight against doping at the national level; and (b) the roles and responsibilities of the stakeholders involved in anti-doping.

11.3.2 The Georgian authorities should ensure that the competent authority for the fight against doping at the national level is given the legal status and financial support to serve its role sufficiently, including the enforcement of its anti-doping rules across all sports, permanent funding, operational independence, etc.

11.3.3 The Georgian authorities should ensure (by law or other legislative act, as necessary) that, the competent authority for the fight against doping at the national level is free of organisational and individual conflicts of interest.

11.3.4 The law enforcement and custom agencies should include the fight against doping in their scope of activities, especially the control of availability of doping substances and methods; and cooperate, collaborate and coordinate with the competent authority, including sharing of information.

11.3.5 The health authorities should include the fight against doping in their scope of activities, especially the control of availability of doping substances and methods as well as the prevention of doping in society; and cooperate, collaborate and coordinate with the competent authority, including sharing of information.

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

11.4.1 The Georgian authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include, as a minimum, the list of substances to be controlled, the departments to be involved, and the applicable sanctions.

11.4.2 The Ministry of Sport and Youth Affairs should introduce criteria related to anti-doping for the funding of national sport federations and other sport organisations allowing withholding of public funds from the sport federations or sport organisations that do not effectively apply anti-doping regulations.

11.4.3 The Ministry of Sport and Youth Affairs of Georgia should ensure –by law or other legislative act, as necessary- that:

- a. Sufficient budget is allocated to finance doping control tests and analysis on a worthwhile scale; and
- b. The procedures in place for the approval and release of funding for doping control tests and analysis will not undermine the operational independence of GADA as the NADO of Georgia.

11.4.4 The Ministry of Sport and Youth Affairs should:

- a. enforce the Anti-Doping Rules of GADA (including article 10.12.4 - Withholding of Financial Support during Ineligibility) at the national level, across all sport federations; and/or
- b. Introduce policies, regulations or legislation (as necessary) allowing withholding of public funds from athletes who have been suspended following a doping offence in sport, during the period of their suspension.

11.4.5 The Ministry of Sport and Youth Affairs of Georgia should coordinate with all relevant authorities so as to facilitate doping controls, including access to international doping control officers for testing in Georgia, and unobstructed transportation of samples through customs, as necessary.

11.4.6 GADA and the Ministry of Sport and Youth Affairs should enter into agreements with other anti-doping organisations or private sample collection companies for testing of Georgian athletes when training in other countries.

11.4.7 The Ministry of Sport and Youth Affairs should modify the existing legislation and regulations to specify the single entity responsible for doping controls in Georgia. This body could be GADA (save for the comments under paragraphs 4.2.10, 8.30.12 and 8.30.13).

11.5 Article 5: Laboratories

11.5.1 GADA should consider using a smaller number of laboratories (based on the type of analyses to be requested and other criteria such as the geographic location etc.) which could allow a closer collaboration between GADA and the laboratories and gaining advantage of the analytical capacities and expertise the laboratories offer.

11.5.2 GADA and the Ministry of Sport and Youth Affairs should authorise a transport system and coordinate with all relevant authorities (e.g., the Customs Department) to ensure that the samples and the accompanying documentation are transported in a manner that protects their integrity, identity and security and minimises the potential for sample degradation due to factors such as time delays and extreme temperature variations.

11.6 Article 6: Education

11.6.1 GADA should prepare long-, and short-term anti-doping educational and information strategies and constantly evaluate their implementation and effectiveness and adapt accordingly.

11.6.2 GADA should develop education and information programmes for all level of athletes, especially for young athletes, athletes' parents, coaches, sports managers and officials, sports doctors, journalist etc. To succeed with this, it is recommended to start out by using already developed resources from WADA and/or other sources, like -for example- the Information, Communication and Education (ICE) principle which can be found in the "*Model Guidelines for Core Information/ Education Programs to Prevent Doping in Sport*" developed by the Monitoring Group of the Council of Europe.

11.6.3 The anti-doping educational and information programmes should be comprehensive and cover all aspects of anti-doping programmes, as listed in the Convention and Article 18.2 of the World Anti-Doping Code: Substances and methods on the Prohibited List; anti-doping rule violations; consequences of doping including sanctions, health and social consequences; doping control procedures; athletes' and athlete support personnel's rights and responsibilities; Therapeutic Use Exemptions; managing the risks of nutritional supplements; harm of doping to the spirit of sport; applicable whereabouts requirements.

11.6.4 GADA and the sports institutions involved in anti-doping educational and information programmes should use several ways to disseminate anti-doping information. Possible communication channels are: GADA's website (www.gada.net); the social networks (e.g., Facebook, Twitter); the Outreach Program; annual conferences on anti-doping, etc.

11.6.5 GADA should make its Anti-Doping Rules and the specific protocols on Therapeutic Use Exemption and Testing and Investigation available on its website (as specified in the said Rules under articles 4.4.2 and 5.1, respectively).

11.6.6 Athletes and athlete support personnel (e.g., trainers, coaches, sports doctors, physiotherapists etc.) should be encouraged to participate actively in the anti-doping work of GADA as well as the work of the national and international sports federations.

11.6.7 The Ministry of Sport and Youth Affairs should consider introducing anti-doping education and prevention programmes in schools, in physical education classes in line with Recommendation Rec (2011) 1 on the use of the model guidelines for core information/education programmes to prevent doping in sport, adopted by the Monitoring Group.

11.6.8 The Ministry of Sport and Youth Affairs should advise the relevant academic institutions in Georgia to develop, implement and deliver effective anti-doping education in tertiary education, in line with Recommendation Rec (2016) 2 on *Anti-Doping Education Guidelines for Tertiary Education Institutions*, adopted by the Monitoring Group.

11.6.9 The Ministry of Sport and Youth Affairs should provide the necessary funds to ensure that the educational and information programmes can be implemented as planned.

11.6.10 The Georgian authorities should encourage and fund research studies related to anti-doping by academic and other interested institutions in the country.

11.6.11 GADA and/or the Ministry of Sport and Youth Affairs of Georgia should play a role on the coordination of the research activities on anti-doping in the country.

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

11.7.1 The Ministry of Sport and Youth Affairs of Georgia should use its authority to encourage all of the sport organisations in the country to adopt and implement effective programmes against doping in sport, and ensure the harmonization of these programmes across all sports in Georgia. (See also recommendations in paragraphs 8.8.1, 8.12.1, 8.16.1, 8.20.1, 8.28.1 and 8.32.2)

11.7.2 The Ministry of Sport and Youth Affairs should ensure that the Anti-Doping Rules of GADA (or other national anti-doping legal framework) are operational and nationally enforced across all sports in Georgia, either (a) by introducing proper provisions into the national legislation; or (b) by using the Ministry's authority and require from the national sport federations to sign cooperation agreement with GADA and incorporate the Anti-Doping Rules of GADA either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.

11.7.3 The Ministry of Sport and Youth Affairs should ensure that the List of banned pharmacological classes of doping agents and banned doping methods that is adopted by the T-DO is nationally enforced across all sports in Georgia either through the Anti-Doping Rules of GADA or other national anti-doping legal framework.

11.7.4 The Ministry of Sport and Youth Affairs should ensure that GADA is granted the necessary legal background to conduct testing and its Anti-Doping Rules are enforced across all sports in Georgia either (a) by introducing proper provisions into the national legislation; or (b) by using the Ministry's authority and require from the national sport federations to sign cooperation agreement with GADA and incorporate the Anti-Doping Rules of GADA either directly or by reference into their governing documents, constitution and/or rules as part of the rules of sport that bind their members and Participants.

11.7.5 The Ministry of Sport and Youth Affairs of Georgia should establish a national anti-doping disciplinary panel and a national anti-doping appeal panel, with jurisdiction over all sports in Georgia and ensure that the panels are independent, impartial and free of organisational and individual conflicts of interest, secured by law or other legislative act, as necessary.

11.7.6 GADA should have policies and procedures in place for reporting to the competent administrative, professional, or judicial authorities of any cases of doping rule violations committed by Athlete Support Persons.

11.7.7 The Ministry of Sport and Youth Affairs should consider introducing penal sanctions against Athlete Support Persons involved in significant doping rule violations such as trafficking of prohibited substances or methods or administration of prohibited substances or methods.

11.7.8 In cases of doping rule violations committed by Athlete Support Persons, the administrative or professional authorities concerned should adopt rules allowing to impose administrative, non-sporting sanctions.

11.7.9 The Government of Georgia should put in place legislation, regulations, policies or administrative practices (as necessary) allowing for cooperation, collaboration or coordination including sharing of information (including about Athlete Support Persons) between all of its public services or agencies and GADA as the National Anti-Doping Organisation of Georgia which would be useful in the fight against doping.

11.7.10 The Georgian authorities should ensure that the Anti-Doping Rules of GADA including Article 15 (Application and Recognition of Decisions) are nationally enforced and apply across all sports in Georgia.

11.7.11 The Ministry of Sport and Youth Affairs should take the necessary administrative and legislative measures to clarify the status of GADA as the National Anti-Doping Organisation of Georgia and its jurisdiction as the only testing authority in the country.

11.7.12 The Ministry of Sport and Youth Affairs should take the necessary administrative and legislative measures to enforce the Anti-Doping Rules of GADA at the national level, across all sports in Georgia.

11.7.13 GADA should develop its testing programme to maximise the chances of catching athletes who may be doping, based on the following:

- a. Conduct a risk assessment of which sports/ disciplines are more likely to abuse prohibited substances or methods as well as of which prohibited substances or methods are more likely to be abused (as described in the ISTI, article 4.2);
- b. Establish the pool of athletes who are going to be subject to testing, prioritise between the different athletes and develop GADA's Registered Testing Pool (as described in the ISTI, articles 4.3 - 4.5);
- c. Develop and implement an effective, intelligent and proportionate test distribution plan that is based on risk assessment (as above), in line with the Anti-Doping Rules of GADA (article 5.4);

- d. Conduct both in-, and out-of-competition testing and ensure that testing is always conducted on a no advance notice basis, and athlete selection decisions are only disclosed in advance of testing to those who need to know (as described in the ISTI, articles 4.6);
- e. Select both urine and blood samples and implement the Athlete Biological Passport programme (blood and steroid profile modules);
- f. Conduct sufficient number of tests;
- g. Implement a less predictable and more aggressive testing programme; and
- h. Collect whereabouts information from the athletes included in the Registered Testing Pool to support its test distribution plan (as described in ISTI, article 4.8 and in line with the Anti-Doping Rules of GADA, article 5.6).

11.7.14 The Ministry of Sport and Youth Affairs should provide sufficient funding to support GADA's testing plans.

11.7.15 The Ministry of Sport and Youth Affairs and GADA should ensure that testing is free of organisational and individual conflicts of interest.

11.7.16 GADA should proceed to make arrangements and request testing of Georgian athletes when training or competing in other countries, taking into account the risk evaluation of the athletes and sports, and the size of the Georgian testing program.

11.7.17 GADA with the support of the national federations and the NOC of Georgia should have policies in place for testing national team athletes in the lead up of international events, based on risk assessment.

11.7.18 GADA, the National Olympic Committee, the National Paralympic Committee, and the national sport federations of Georgia should encourage Georgian athletes to participate in anti-doping activities under international federations.

11.7.19 GADA should make full use of the analytical capacities of the WADA-Accredited Laboratories for the analysis of samples collected for anti-doping testing, based on risk assessment and, as a minimum, to implement the WADA's Technical Document for Sport Specific Analysis.

11.7.20 The Ministry of Sport and Youth Affairs should encourage and financially and/or otherwise support sports organisations and academic institutions to work together towards the provision of scientific support of the athletes in Georgia.

11.8 Article 8: International cooperation

11.8.1 The representatives of the Georgian authorities are invited to participate at the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe as well as the meetings of its Advisory Groups (on Education, Science, Legal, and Compliance) as necessary. This will benefit the country's anti-doping programme.

11.8.2 GADA should establish cooperation with other, well-developed national anti-doping organisations in Europe, directly and/or through the Council of Europe or the Institute of National Anti-Doping Organisations (iNADO); such cooperation will help on many aspects of the country's anti-

doping programme (like, for example, education, prevention, testing, etc.) especially at this transitional stage.

11.9 Article 9: Provision of information

11.9.1 The Georgian authorities should continuously provide information to the Monitoring Group on the legislative and other measures they take for the purposes of the implementation of the provisions of the Convention as well as the developments, at the national level, for the fight against doping in Georgia.

Annex 1: Composition of the Monitoring Team

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Annex 2: Programme of the Monitoring Visit

2 December 2015

Presentation of policy paper: "Georgia's Anti-Doping Strategy for 2016-2020: Doping free sport!"
 (Overview of the current policy and legislation as well as presentation of new developments)

12:00 - 13:00: Ministry of Sport and Youth Affairs

- Revaz Javelidze, Deputy Minister of Sport and Youth Affairs
- Anatoli Korepanov, Ministry of Sport and Youth Affairs, Deputy Head of International Relations and European Integration Department and Head of experts working group on developing anti-doping policy and legislative framework.
- Manana Kavtaradze, Ministry of Sport and Youth Affairs, Head of International Relations and European Integration Department
- Shalva Liparteliani, Ministry of Sport and Youth Affairs of Georgia; Sport Research and Analysis Division;
- Tornike Gogebashvili, Ministry of Sport and Youth Affairs of Georgia; Sports Department
- Zurab Bakradze, Ministry of Sport and Youth Affairs; Sports Department
- Irakli Dolaberidze, Ministry of Sport and Youth Affairs ; Head of Sports Policy and Management Department
- Ketevan Gachechiladze, Ministry of Sport and Youth Affairs ; Law Department
- Vasil Liparteliani, Ministry of Sport and Youth Affairs ; Head of Sport Research and Analysis Division
- Davit Kvrivishvili, Ministry of Sport and Youth Affairs ; Law Department
- Nana Peradze, Ministry of Sport and Youth Affairs ; Administrative Department
- Teimuraz Ukleba, Georgian Anti-Doping Agency (GADA); Vice-Chair
- Mariam Osadze, Ministry of Sport and Youth Affairs , Chief Specialist of International Relations and European Integration Department
- Nino Tsereteli, Ministry of Sport and Youth Affairs, Head Specialist of International Relations and European Integration Department
- Ana Bendianishvili, Ministry of Sport and Youth Affairs, Intern at International Relations and European Integration Department

Lunch Break

Meeting with the Georgian Anti-Doping Agency (GADA)

15:00 - 16:00, Ministry of Sport and Youth Affairs

- Tamar Svanishvili, Eastern Europe Regional Anti-Doping Organization manager
- Temur Vardosanidze, Georgian Anti-Doping Agency
- Teimuraz Ukleba, GADA
- Pavle Kasradze, GADA; Chair
- Mariam Chokashvili, GADA; Doping Control Officer
- Elza Tataradze, GADA; Therapeutic Use Exemption Committee, Chair
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Nino Tsereteli, Ministry of Sport and Youth Affairs

- Manana Kavtaradze, Ministry of Sport and Youth Affairs
- Tornike Gogebashvili, Ministry of Sport and Youth Affairs
- Ana Bendianishvili, Ministry of Sport and Youth Affairs (Intern)

Meeting with representatives of Ministry of Labor, Health and Social Affairs of Georgia (Main topic: Restriction of availability of doping substances)

16:15 - 17:00, Ministry of Sport and Youth Affairs

- Ketevan Gorozia, Ministry of Labor, Health and Social Affairs; LEPL State Regulation Agency for Medical Activities
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Nino Tsereteli, Ministry of Sport and Youth Affairs

Meeting with representatives of Ministry of Internal Affairs and the Custom Department of the Revenue Service of Ministry of Finance (role of the stakeholders in the fight against anti-doping)

17:15 - 18:00, Ministry of Sport and Youth Affairs

- Mindia Katamadze, Ministry of Education, Culture and Sport of the Autonomous Republic of Adjara; Sport and Youth Affairs Department
- Giorgi Sakvarelidze, Ministry of Justice of Georgia
- Irine Tediashvili, Ministry of Finance; Customs Department
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Nino Tsereteli, Ministry of Sport and Youth Affairs
- Ana Bendianishvili, Ministry of Sport and Youth Affairs (Intern)

Dinner

3 December 2016

Meeting with representatives of the Georgian National Olympic Committee and Hearing and Appeal Panels for doping cases

09:30 - 10:30, National Olympic Committee of Georgia, Headquarters

- Levan Chichua, Member of Anti-Doping Court; member of Disciplinary Committee
- Tamaz Tevzadze, National Olympic Committee of Georgia, Member of the Executive Board
- Rusudan Aptsiauri, National Olympic Committee of Georgia, Head of International Relations Department
- Emzar Zenaishvili, National Olympic Committee of Georgia, General Secretary
- Shengeli Pitshelauri, Head of Disciplinary Panel

Meeting with representatives in charge for anti-doping at sports associations

11:00 - 11:45, Ministry of Sport and Youth Affairs

- David Pataridze, Georgian Rugby Union
- Giorgi Vardosanidze, Georgia National Wushu Federation
- Temo Kazarashvili, Georgian National Wrestling Federation
- Levan Odisharia, Georgian National Paralympic Committee
- Maggie Ogiashvili, Georgian Arm-wrestling Federation
- Shengeli Pitshelauri, GADA; Chair of Anti-Doping Disciplinary Committee
- Pavle Kasradze, GADA, Chair

- Teimuraz Ukleba, GADA, Vice-Chair
- Nino Tsereteli, Ministry of Sport and Youth Affairs
- Manana Kavtaradze, Ministry of Sport and Youth Affairs
- Tornike Gogebashvili, Ministry of Sport and Youth Affairs
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Ana Bendianishvili, Ministry of Sport and Youth Affairs (Intern)

Meeting with Sports Medicine Association and sports physicians

11:50 - 12:30, Ministry of Sport and Youth Affairs

- Valeri Akhalkaci, President of Georgian Sports medicine Association (GSMA)
- Merab Vardzukashvili, GSMA; Vice-President
- Tamar Svanishvili, EERADO Manager; GSMA Vice-President
- Pavle Kasradze, GADA
- Teimuraz Ukleba, GADA
- Tornike Gogebashvili,
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Ana Bendianishvili, Ministry of Sport and Youth Affairs (Intern)

Meeting with sport practitioners

12:35 - 13:15, Ministry of Sport and Youth Affairs

- Vakhtang Museliani, Head Coach (arm-wrestling)
- Zurab Antauri, Head Coach (Weightlifting)
- George Kuzhanashvili, Athlete (Weightlifting)
- George Khachidze, Coach
- Koba Kolotauri, Athlete (Rugby)
- Giorgi Tsasidze, Head Coach (National Paralympic Committee)
- Giorgi Chakvetadze, President of National Paralympic Committee
- Zviadi Tsukhishvili, Rugby
- Lasha Ketishvili, Freestyle wrestling
- Mindia Bodaveli, Coach (Judo)
- Lasha Sumbulashvili, Vice-President of Wushu Federation
- David Kuchava, Coach (Wushu-sanda)
- Teimuraz Kokosadze, Coach (Wushu-sanda)
- Valeri Gobejishvili, Athlete (Wushu-sanda)
- Jimsher Muradov, Athlete (Athleticism)
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Ana Bendianishvili, Ministry of Sport and Youth Affairs (Intern)

Lunch

Meeting with senior officials of the Ministry of Sport and Youth Affairs of Georgia

15:00 - 15:45, Ministry of Sport and Youth Affairs

- Tariel Khechikashvili, Minister of Sport and Youth Affairs
- Shalva Gogoladze, Deputy Minister of Sport and Youth Affairs

- Irakli Dolaberidze, Ministry of Sport and Youth Affairs; Head of Sports Policy and Management Department
- Tornike Gogebashvili, Ministry of Sport and Youth Affairs
- Manana Kavtaradze, Ministry of Sport and Youth Affairs
- Anatoli Korepanov, Ministry of Sport and Youth Affairs
- Mariam Osadze, Ministry of Sport and Youth Affairs
- Ana Bendianishvili, Ministry of Sport and Youth Affairs; (Intern)

Press Conference: preliminary conclusions; further steps

15:45 - 16:00, Ministry of Sport and Youth Affairs

Meeting with the members of the Sport and Youth Affairs Committee of Georgia

16:30 - 17:15, Georgian Parliament

- Edisher Machaidze, Head of Sport and Youth Affairs Committee of Georgian Parliament
- Ioseb (Soso) Jachvliani, Deputy Chair of Sport and Youth Affairs Committee of Georgian Parliament
- Murtaz Mnatobishvili, Head Specialist of Sport and Youth Affairs Committee of Georgian Parliament
- Gari Gurgenidze, Leading Specialist of Sport and Youth Affairs Committee of Georgian Parliament
- Magda Bzikadze, Chief Specialist of Sport and Youth Affairs Committee of Georgian Parliament
- Eldar (Luka) Kurtanidze, Member of Sport and Youth Affairs Committee of Georgian Parliament
- Teimuraz Chkhaidze, Member of Sport and Youth Affairs Committee of Georgian Parliament
- Anatoli Korepanov, Ministry of Sport and Youth Affairs

Dinner (hosted by the Ministry of Sport and Youth Affairs)

Annex 3: Data from ADAMS²¹ on the GADA Testing for 2014 and 2015 to the date of the Monitoring Visit

Sport	Out-of-competition	In-competition	Total urine in 2014
Aquatics	3		3
Archery	6		6
Athletics	5		5
Basketball		8	8
Cycling		3	3
Football		4	4
Judo	14*	7	21
Rugby Union		16	16
Weightlifting	7		7
Wrestling	32**		32
Grand Total	67	38	105

Remarks:

* 1 IRMS; ** 2 IRMS; There was no Erythropoiesis Stimulating Agents (ESA) or Growth Hormone (GH) or other analysis conducted in 2014.

Sport	Out-of-competition	In-competition	Total urine in 2015
Aquatics	9		9
Archery		6	6
Arm Wrestling	5		5
Athletics		4	4
Basketball		16	16
Boxing	3		3
Cycling		3	3
Football		12	12
Gymnastics	6		6
Judo	18	7	25
Karate	1		1
Rugby Union		24	24
Sambo	3		3
Weightlifting	11*	5*	16
Wrestling	9	40	49

²¹ The Anti-Doping Administration and Management System (ADAMS) is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

Grand Total	65	117	182
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Remarks:

* 1 IRMS; There was no Erythropoiesis Stimulating Agents (ESA) or Growth Hormone (GH) or other analysis conducted in 2015.

Appendix 1: National Report

Anti-Doping Convention (CETS No. 135)

Auto-evaluation report

on compliance with the commitments under the Convention

The report provides background information and overview on application and implementation of the provisions of the “Anti-Doping Convention” in Georgia. Present document was prepared by the Ministry of Sport and Youth Affairs of Georgia within its competences.

9th November 2015
Tbilisi, Georgia

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 ...

The Parliament of Georgia ratified “**Anti-Doping Convention**” (CETS No. 135) in 2003 (Resolution of Parliament of Georgia #2113-II, 24/04/2003). Georgia accessed the **UNESCO International Convention against Doping in Sport** on 7th of December 2009 by the Presidential Decree #747 dated on October 23, 2009.

Georgian Anti-Doping Agency (hereafter referred to as “GADA”) is signatory of the **World Anti-Doping Code** (Code). In December 2014, GADA drafted and submitted to World Anti-Doping Agency (WADA) its anti-doping rules (*see annex II*) in line with the 2015 Code.²² The Law of Georgia on Sport (*see Annex I*) enacted in 1996 sets the overall legal, social, economic and organizational basis for the sports activities conducting on the territory of Georgia. Currently, reduction and eventual elimination of doping in sport is regulated by the only **Article 27 “Prohibited means in sport”** of the law, which states: “*While serving in the field of sports and for the purpose of achievement of high results of athletes, it is forbidden to use such methods and stimulating means which are prohibited by the Georgian legislation, regulations of the national sports federations and international sport organizations and other legal acts. A person who knowingly facilitates the use of such means shall be held responsible according to the Georgian legislation.*”

Lack of regulations on doping issues in sport (for example: absence of references for international conventions Georgia is bound to; absence of definitions of doping; absence of defined procedures for doping related stuff and role of stakeholders; etc.) creates challenges for effective implementation of anti-doping policy on national level. It should be mentioned, that there is no national (universal) anti-doping rules existing in Georgia, thus national sport organizations must have their own rules in compliance with relevant international sport organization’s requirements. In practice, there are only few Georgian sport organizations (federations, associations, unions), having its “own” written and adopted anti-doping rules, e.g. Georgian Rugby Union.

Currently, one of the most significant stakeholders in the fight against doping in sport and organization responsible for realization of anti-doping policy together with the Ministry of

²² WADA official web-site. <https://www.wada-ama.org/en/what-we-do/the-code/code-signatories/signatories-with-rules-in-line#NADO>

Sport and Youth Affairs is non-profit non-commercial organization - the Georgian National Anti-Doping Agency, GADA (*For more information about GADA see Article 3*).

In order to promote application and implementation of the provisions of the international anti-doping conventions (“Anti-Doping Convention”, “International Convention on fight against doping in sport”) the Ministry of Sport and Youth Affairs of Georgia (MSY) has set up a dedicated working group. On 1st of May 2015, the Minister of Sport and Youth Affairs released decree N 01/446 “On establishing experts working group for development anti-doping policy in Georgia and supporting development of relevant legal mechanisms” (*see annex III*). The members of the groups are representatives of public authorities and sport organizations, National Olympic Committee and GADA, educational institutions and sports practitioners.

The working group has drafted a document **“Georgia’s anti-doping strategy for 2016-2020: doping free sport!”** (*English translation of the document will be provided for the T-DO Consultative Team later on, prior to the visit to Georgia*), which will be adopted by the Government of Georgia once the internal legal procedures are completed. The document examines and provides in-depth analysis of the current anti-doping policy and related legislation and defines actions and measures to be taken by stakeholders with the aim of policy development and fulfillment of international commitments. The strategy considers the need for drafting doping related amendments for the Georgian Law on sport.

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...

The current national legal framework does not provide clear picture on its correlation with the anti-doping international conventions and the World Anti-Doping Code. As it was mentioned above (see Article 1) there is only one general provision on anti-doping in the Georgian Law on Sport – Article 27 ” Prohibited means in sport”.

Article 21 of the Law on Sport provides definition of “athlete” as follows: “1. Athlete is a person who follows a sport and participates in competitions. 2. Athlete, for whom the sport is the main source of income, is a professional. 3. "Athlete" – is a profession. 4. Professional activity (training and participation in competition) of the athlete, coach, referee, and other specialists, which is the main source of their income, is carried out according to the Labor Law.”

According to the definition of the GADA’s Anti-Doping Rules (*see pp. 66 of Annex II*) “Athlete” means: “*Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-*

Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of “Athlete.” In relation to Athletes who are neither International-Level or National-Level Athletes, an Anti-Doping Organization may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organization has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organization accepting the Code is an Athlete.”

Due to the lack of anti-doping provisions in Georgian legislations, international legal instruments and the Code are used as the main reference and supreme legal anti-doping tools in Georgia. Georgian National Anti-Doping Agency is principal body responsible for investigations of anti-doping doping rules violations as it is set in the GADA’s rules adopted in 2015. When making a decision on doping abuse cases the members of the hearing panels (disciplinary and appeal) refer to the GADA’s rules as well.

The List of prohibited substances and methods of the UNESCO Convention adopted in Georgia as an integral part of the Convention thereof is obligatory for fulfillment. Amendments to the list are applied in Georgian legislation according to the Article 34 “Specific amendment procedure for the Annexes to the Convention” of UNESCO Convention. In practice, the list of banned substances and methods is enforced by GADA through its own rules.

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 ...

Ministry of Sport and Youth Affairs of Georgia

The Ministry of Sport and Youth Affairs of Georgia is a leading public agency responsible for coordination and promotion of anti-doping policy in Georgia. The statute of MSY (approved by the Decree N183 dated on 07/07/2010 of the Government of Georgia) defines the main objectives of the Ministry as follow, not limited to:

- Development, planning and coordination of realization of the key directions of sport and youth policies;
- Cooperation with national sport associations, unions, sport societies, federations and other sport organizations and support their activities;
- Implementation of measures in order to eliminate use of illegal stimulating substances in sport.

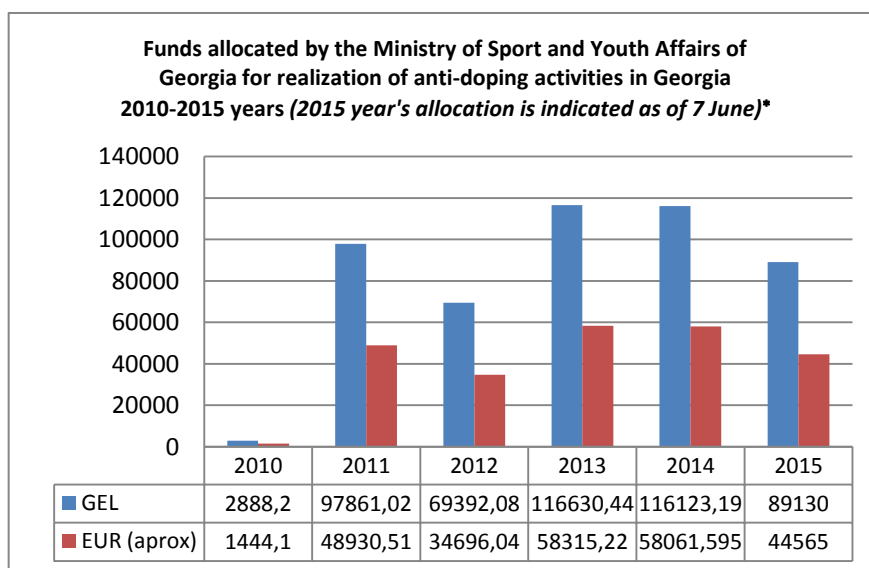
Since its establishment in 2010, the Ministry has been implementing state's funded "Sports Development Program". Within the program there is sub-program entitled "Realization of national anti-doping activities",

Sub-program "Realization of national anti-doping activities" (RNAA) allocates state's funding

available for implementation and promotion of anti-doping policy in Georgia as well as for ensuring compliance with international commitments. Budget of the RNAA is revised and adopted annually by the Minister of Sport and Youth Affairs of Georgia.

In practice, activities of the sub-program are mainly implemented by GADA. Financial resources allocated in the scope of RNAA are mainstreamed for the following main purposes (as defined by RNAA adopted in 2015):

- to cover technical and administrative expenditures of the staff involved in program implementation process;
- to develop and implement educational programs and informational campaigns;



- to ensure coordinated approach between GADA and other stakeholders (National Olympic Committee, International Olympic Committee and other sport organizations, WADA and other);
- to ensure participation of GADA's representatives in international meetings, e.g. Council of Europe T-DO and CAHAMA, UNESCO, WADA;
- to support WADA's mission;
- to cover expenditures coming from doping tests and other related activities.

Annually, terms of references of the RNAA are defined by the Minister of Sport and Youth Affairs of Georgia by his/her decree after consultations with the local stakeholders.

Georgian Anti-Doping Agency

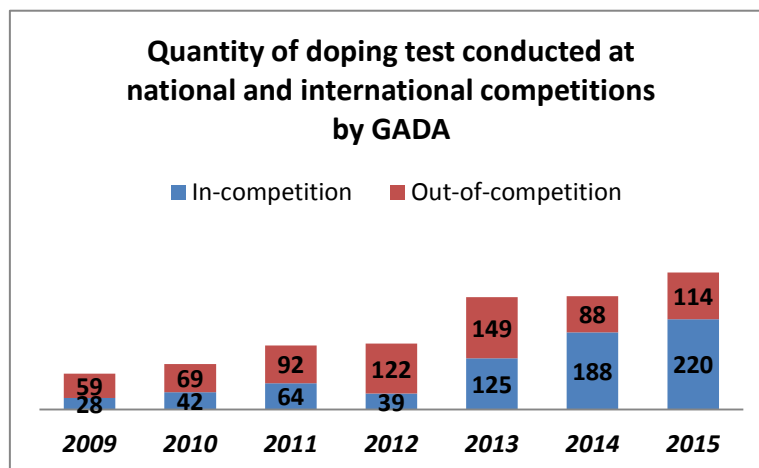
Along with MSY, GADA is the most significant stakeholder in the fight against doping in sport and organization responsible for realization of anti-doping policy in Georgia. GADA was established in 2006 according to the Civil Code of Georgia and has been functioning as non-profit non-commercial organization (also known as NGO). GADA operates within the limits of its own statute and in line with the respective Georgian legislation. Strategy and priorities for activities of GADA are set by the Board (made up of 5 members, including Chairman). The Board is elected by simple majority of votes of all members of GADA. Membership in GADA is open for interested persons under the certain criteria set in the statute of the organization.

The Ministry of Sport and Youth Affairs of Georgia, since its establishment in 2010, as a part of its international commitment, has been providing financial support to GADA's activities. Nevertheless, GADA is entirely independent in its decision.

Due to compliance of GADA's Anti-Doping Rules with 2015 World Anti-Doping Code, WADA recognizes GADA's authority to plan, develop and implement anti-doping policy at national level. GADA's activities include, but not limited to: conducting doping control tests, implementing educational activities and other. In practice, the Georgian National Anti-Doping Agency is the only body responsible for conducting doping tests in Georgia. There are no public funds available for other organizations, but GADA, to conduct doping test in Georgia. For the time being, this is not a legal provision, but practical arrangement dictated by good European experience. Once the document "Georgia's Anti-Doping Strategy: 2016-2020" is adopted by the Government of Georgia, it will provide recommendation for the stakeholders to prepare amendments to the Law on Sport recognizing GADA as the only authorized body for conduction doping tests on national level.

Since 2009, GADA has been actively conducting in- and out-of-competition doping tests at national and international competitions. In total GADA performed **87 tests** in 2009; **111 tests** in 2010; **156 tests** in 2011; **161 tests** in 2012; **174 tests** in 2013; **229 tests** in 2014, **334 tests (expected)** in 2015. The chart below provides data on in- and out-of-competition doping tests performed by GADA.

Organizational structure of GADA consists of the following units and managed by: President and Vice-President; financial manager; Therapeutic Use Exemptions Committee; Results Management administrator; Education manager. In addition, GADA has contracted 16 doping-officers and 40 chaperones.



Sport organizations

The following entities are involved in the management and organization of the field of sport in Georgia:

- The Ministry of Sport and Youth Affairs of Georgia (governmental sector);
- Local government (governmental agencies at the municipal level);
- Sport and Youth Affairs Committee of Georgian Parliament (legal sector)
- National Olympic and Paralympic Committees (non-governmental sector);
- National Sports Federations/associations/unions (non-governmental sector);
- Sports clubs (non-governmental sector)

There are about 50 national sport organizations (federations, associations, unions), which on regular basis cooperate with the Ministry of Sport and Youth Affairs of Georgia and receive public funds for targeted programs. Sport organizations are responsible for development and popularization of sport in general and in particular – i) preparation qualified sportsmen, ii) ensuring participation of national teams in international tournaments, iii) organization international and local tournaments at all levels. The Ministry of Sport and Youth Affairs of Georgia, in compliance with the principles of autonomy of sport, provides public funds for sport organizations through targeted programs.

In the scope of development anti-doping strategy in Georgia (process started in 2015) a study on the role and contribution of sport organizations in the fight against doping in sport was conducted by dedicated experts working group²³.

The study examined anti-doping policy of 47 sport organizations. Absolute majority of the Georgian National Sport Organizations do not have doping related regulations in statutes and other legal documents. Generally speaking, there is a lack of awareness and coordination of

²³ Experts working group for developing of national anti-doping policy and legislation was established based on Decree N 01/446 dated on 1 May 2015 of Minister of Sport and Youth Affairs of Georgia. The group includes 30 representatives from public authorities, sports organizations, GADA, National Olympic Committee, educational institutions and other organizations.

anti-doping policy related issues among representatives of sports community. The exception in this case is Georgian Rugby Union, which has adopted anti-doping rules in line with the World Rugby Organizations' standards, has dedicated anti-doping administration unit and implements educational and awareness raising programs for rugby practitioners.

Sport organizations, which have no internal doping regulations, cooperate with GADA based on bilateral agreement. Based on such agreements a sport organization takes responsibility to be bound to the GADA's Anti-Doping Rules and recognizes GADA's authority to conduct doping tests and educational programs. About 20 sport organizations have signed bilateral agreements with GADA.

Georgian National Olympic Committee

Responsibility of the Georgian National Olympic Committee (GNOC) to fight against use of doping in sport is declared in the **Article II, paragraph 2.7** of the statutes of GNOC adopted on 22nd of December, 2014. The paragraph defines the role of the Committee as following: *"...to carry out relevant activities to fight against using of substances and procedures prohibited by the International Olympic Committee and International Sport Federations and to adopt and implement the World Anti-Doping Code, thereby ensuring that the GNOC's anti-doping policies and rules, membership and-or funding requirements and results management procedures conform with the World Anti-Doping Code and respect all the roles and responsibilities for NOCs that are listed within the World Anti-Doping Code"*.

Despite the fact, that there is no reference in the GNOC's statute to GADA and its anti-doping rules, close collaboration between the two organizations is in place. During the last 7 years GNOC has supported implementation of educational and other programs initiated by GADA.

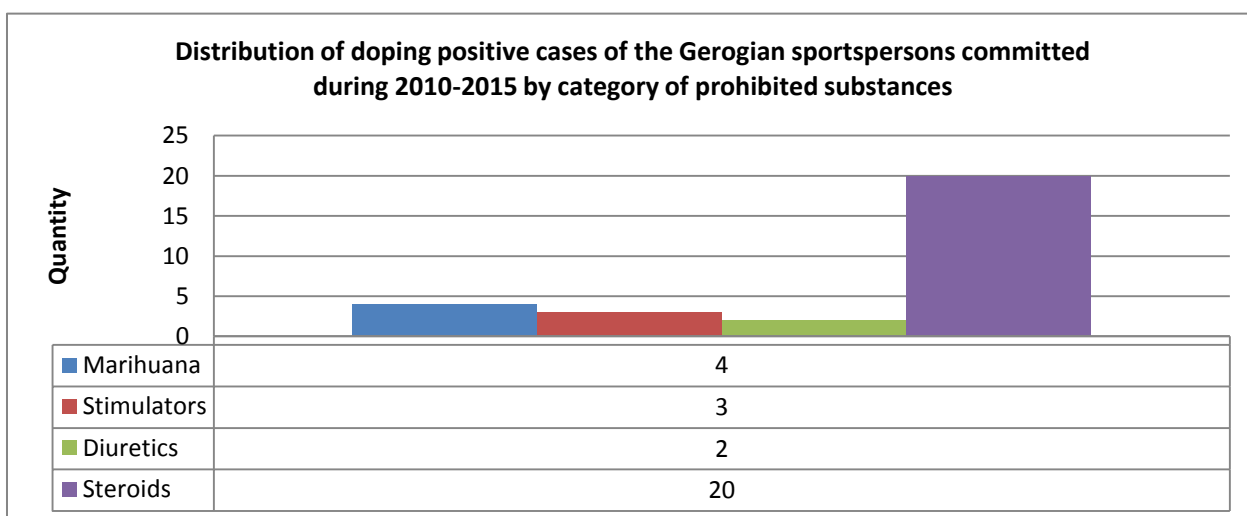
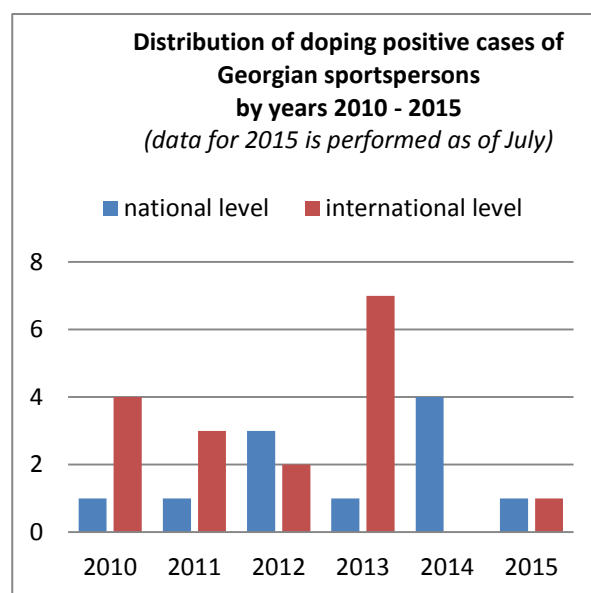
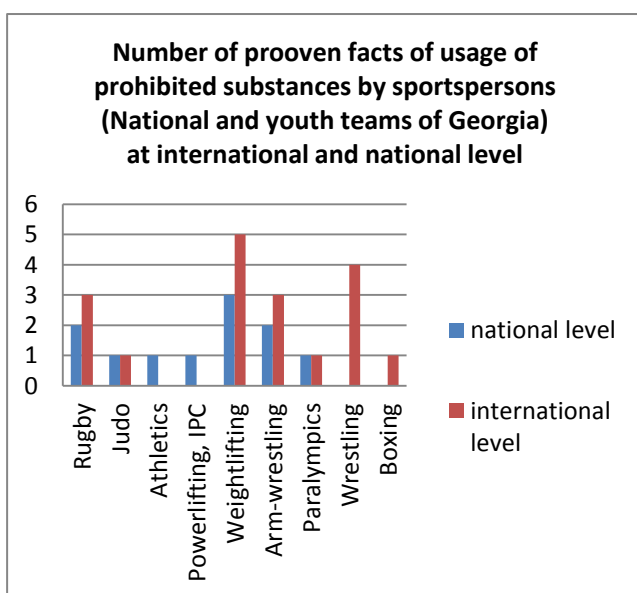
According to GADA's Anti-Doping Rules, the board members of anti-doping Disciplinary and Appeal panels are appointed by the President of Georgian National Olympic Committee.

In the scope of the draft document "Georgian Anti-Doping Strategy for 2016-2020: doping free sport!" the authors of the paper recommend the stakeholders to establish inter-agency coordination group, which will be responsible for consolidation of efforts, coordination of the policy and timely information exchange. Once the strategy is adopted by the Government of Georgia, inter-agency group will be established.

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.

During 2010-2015 years there were **18 cases** of doping use by Georgian national and youth teams’ athletes tested outside of Georgia and **11 cases** tested in Georgia. Prohibited substances intake was committed by rugby, wrestling, weightlifting, arm-wrestling, judo and few other sports players.



As it was already mentioned in the present document - Georgia is a party to the “Anti-Doping Convention” of the Council of Europe and the UNECSO “International Convention against doping in sport”. The list of prohibited substances and methods, as the integral part of the

UNESCO Convention automatically adopted by the national legislation based on the provisions of the Law of Georgia on International Treaties..

An updated list of prohibited substances and methods of the UNESCO Convention published on the official web-site of the Georgian National Anti-Doping Agency.

There are numerous national interrelated laws, which partly regulate control movement, possession, importation, distribution and sale, as well as use of substances and methods of prohibited list, namely:

- Law of Georgia on narcotic drugs, psychotropic substances and precursors and narcological assistance;
- Law of Georgia on Medicines and Pharmaceutical Activities;
- Law of Georgia on New Psychoactive Substances;
- Decree on adoption of “the list of drugs (medicines) equivalent to pharmaceutical products under special control and their legal circulation rules.

Based on the GADA’s Anti-Doping Rules, Georgian Disciplinary Panel has sanctioned **11 sportspersons** for doping use and issued disqualifications from 6 months to 2 years. In addition, the Ministry of Sport and Youth Affairs of Georgia withheld the public grants for the disqualified athletes for the period of their elimination. The provisions for elimination of the public grants are defined by Article 10 of the Ministry’s annual sports program “Grants for Georgia’s National, Olympic and youth team members, coaches, administrative and medical staff as well as for prospective athletes”. The Article states, that elimination of grants may occur if use of prohibited substances or methods by an athlete is approved. A request for elimination of public grant must be submitted either by GNOC or sport organization.

Another important tool, which Ministry of Sport and Youth Affairs of Georgia introduced in 2015 and will come into force starting from January 2016, is good governance and sport integrity criteria for sport organizations seeking for the state’s grants. According to the new rules, which will be adopted by a decree of Minister of Sport and Youth Affairs, each organization that promotes good governance and actively involved in fight against doping, violence and discrimination in sport will get increased state’s subsidies. Extent to which a sport organization applies principles of good governance (*e.g. existence of respectful provisions in its regulations, a strategy or a vision for development of good governance, practical application of recommendation of international institutions and organizations and other*) and engagement in realization of anti-doping policy (*e.g. application of respectful provision in its regulations on anti-doping, measures and activities implemented, realization of education programs and informational campaigns, cooperation with GADA and other*) will be evaluated and serve as criteria.

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 ...*

According to practical arrangements, the only authorized organization responsible for conducting doping tests in Georgia is GADA. As there is no specialized doping control laboratory in Georgia, GADA actively cooperates with WADA accredited institutions abroad - Seibersdorf (Austria), Köln (Germany), Lausanne (Switzerland), Bucharest (Romania), Montreal (Canada), Athens (Greece).

Doping-tests are conducted by doping-officers (certified by GADA) according to the International Testing Standards, which is part of the World Anti-Doping Code.

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...

There are number of stakeholders actively involved in anti-doping educational and awareness raising campaigns. To this extent, GADA and Georgian National Olympic Committee are the key providers of educational programs. In the last couple of years, GADA has:

- recorded and released TV talk-shows on doping as a danger to health (in cooperation with local TV company);
- published articles in newspapers;
- prepared and distributed information leaflets;
- published handbook “Doping and Health Threats during use of Dietary Supplements and Advantage of Healthy Nutrition”;
- organized workshops and trained sports practitioners (athletes, coaches, medical staff, media);
- carried out some other related activities.

GADA has established and been developing partnership with educational institutions, namely **Tbilisi State Medical University** and **Georgian State’s teaching University of Physical Education and Sport**. In collaboration with GADA, Tbilisi State University has introduced study course “rehabilitation in sport” and “pharmacology and doping in sport” for students as a part of their curriculum. Based on an agreement with the Georgian States teaching

University of Physical Education and Sport GADA will deliver lectures (75 hours) “Doping in Sport” for bachelor students of the University.

With regard to educational programs and information campaigns, GADA mainly uses UNESCO and GNOC grants.

7. Article – Co-operation with sports organisations 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 competence, against doping in sport...*

With regard to doping in sport, there is insufficient interpretation and regulations of related issues in the national legislation (*See page 2 of the present report*). Georgia has ratified international conventions and became a signatory to the World Anti-Doping Code, including the International Standard of Prohibited List, which is translated into Georgian without modifications.

The majority of sport organizations in Georgia don't have their own anti-doping rules or other related regulations in place. Engagement of the majority of national sport organizations in anti-doping activities remains low. Sport organizations, which have no internal doping regulations use to cooperate with GADA based on bilateral agreement with the Agency. Based on such agreements a sport organization takes responsibility to be bound to the GADA's Anti-Doping Rules and recognizes GADA's authority to conduct doping tests and educational programs.

In practice, GADA is the only responsible body for conducting doping test. Once GADA discovers presence of prohibited substances in athlete's body or fact of use of prohibited measures GADA's result management committee acts as it is defined by the World Anti-Doping Code and GADA's rules.

Any athlete who is suspected in violation of GADA's anti-doping rules on national level has a right to ask for another doping-test, or appeal decision of the Disciplinary Panel. There are anti-doping Disciplinary and Appeal Panels functioning in Georgia. The very aim of the panels is to ensure natural justice. Terms of reference of the panels are defined by GADA's anti-doping rules. According to the GADA's rules, members of the disciplinary panel are appointed by GADA. It should be mentioned, that in practice, the President of GNOC is actively involved in selection of members of the Disciplinary Panel..

The Ministry of Sport and Youth Affairs of Georgia withholds the public subsidies for the disqualified athletes for the period of their elimination. In parallel, starting from 2015, the Ministry will increase state's support and encourage sport organizations, which promote and implement activities aiming at reduction and elimination of doping, violence and discrimination in sport.

Once the mentioned document “Georgia’s Anti-Doping Strategy for 2016-2020” is adopted it introduces measures and activities to be taken by the stakeholders in order to increase the role and engagement of sport organizations in the fight against doping in 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 organizations...

Development of international cooperation is a key priority of the anti-doping policy in Georgia. The officials of the Ministry of Sport and Youth Affairs of Georgia and the representatives of GADA on a regular basis participate in working sessions of the Monitoring Group of the Anti-Doping Convention, the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) hosted by the Council of Europe. Also, Georgian side participates in activities organized by WADA and UNESCO (e.g. WADA Congresses, Conference of Parties of UNESCO International Convention on fight against doping in sport). Georgia makes the annual fee contributions to the WADA.

GADA collaborates and provides testing services for International Sport Federations for both in- and out-of- competition doping controls, as well during the international events organized in Georgia.

Georgia has benefited from the UNESCO Fund for the Elimination of Doping in Sport. There are number of GADA’s project proposals financed by the Fund.

As a part of the international cooperation in the field, Georgian side benefits from collaboration with EU relevant agencies. In the scope of anti-doping policy development in Georgia, the Ministry of Sport and Youth Affairs of Georgia has got support from the EU Commission for organization a workshop with participation of the EU field experts in 2015. The workshop gathered local stakeholders aiming at increasing professional knowledge of the participants on anti-doping issues, assisting Georgian side in development of anti-doping policy and legislation at national level. Workshop was supported by TAIEX (Technical Assistance and Information Exchange instrument).

In 2009, Georgian Anti-Doping Agency became a member of the East European Anti-Doping Regional Anti-Doping Organization (EERADO). The organization is recognized by World Anti-Doping Agency and represents one of the important instruments in region to support implementation of anti-doping programs (members of the union are National Anti-Doping bodies representing: Georgia, Armenia, Azerbaijan, Moldova, Former Yugoslavian Republic of Macedonia, Serbia, Albania and Bosnia Herzegovina). Since 2011, headquarters of EERADO was moved to Tbilisi, Georgia. EERADO has close cooperation with the Ministry of Sport and Youth Affairs and GNOC. EERADO’s objectives include (but not limited to): i) elaboration/implementation of anti-doping programs; ii) trainings and seminars for doping-officers; iii) educational activities,

Appendix 2:

Comments by the Georgian authorities

The aim of Georgian government is to create effective, successful European experience-based anti-doping policy and appropriate legal framework in Georgia. Therefore, the Ministry of Sport and Youth Affairs of Georgia organized the monitoring visit jointly with the Secretariat of the Sport Conventions of the Council of Europe and the Monitoring team, in 2015. The aim of the Monitoring visit was to assess compliance with the Anti-Doping Convention of the Council of Europe and in particular, to evaluate articles of the Convention that place obligations on state parties. As a result, Georgian Authorities received the comprehensive report on 12 October 2016, prepared by the monitoring team.

The Ministry of Sport and Youth Affairs of Georgia has considered the report and recommendations at domestic level. Georgian authorities express their gratitude for the monitoring team and their recommendations.

During the preparation and elaboration process of the monitoring team report, Ministry of Sport and Youth Affairs of Georgia has already achieved significant success regarding legislation, reforms and in addition, at interagency cooperation level. In particular, there already exists the draft law on Sport, which includes the issues mentioned in report in general. On the second hand, interagency commission works for implementing the recommendations at national level.

Georgian side will actively continue working with the governmental and non-governmental actors as well as with international organizations to ensure successful and affective implementation of all recommendations.

European experience confirms the argument that coordination should be strategically, inter-agency and not just one-time. International experience shows and proves the necessity of consolidated, inter-agency approach for fight against doping in sport. By speaking about consolidated approach, is meant not only to a situation when the agencies share the detailed information about current and future plans and objectives; But when agencies also work together, and they have the proper environment and ensure joint, synchronized and timely response to the challenges.

Georgian authorities agree with abovementioned opinions regarding cooperation with national level, in particular, national policy for the elimination of doping in sport, to set the legal framework regulating all aspects of anti-doping, the roles and responsibilities of the stakeholders involved as well. Georgia has ratified the Anti-doping Convention in 2003 and the state parties are required to take measures to reduce and eliminate doping in sport. At this stage, the law of Georgia on Sport and other policy documents do not refer to the convention and it is mentioned also in monitoring report. In response to the gaps

of legal framework, the Ministry of Sport and Youth Affairs of Georgia works on improvement of National law on sport. At this moment, Georgian authorities has already done new version of draft law, where is highlighted the definition of doping in sport, the definition of athlete and regulations regarding anti-doping issues. Moreover, Georgian authorities are working to define the major list of banned pharmacological classes of doping agents and doping methods at legislation level.

In addition, the Ministry in cooperation with other stakeholders in Georgia has drafted the Strategy of Anti-doping, only official procedures to approve by the decree of the Government are left in this field.

For successfully implementation of the Convention, Georgian side should intensify the domestic co-ordination between the governmental departments and agencies involved in the fight against doping.

For this purpose interagency commission has established by the government of Georgia in February of 2015. The commission this year (in July, 2016) has increased its competences with the directions of anti-doping issues, also safety, security and service at sports events, and manipulation issues of sport competitions as well. Member authorities of the commission are:

- a. Ministry of Sport and Youth Affairs of Georgia;
- b. Ministry of Internal Affairs of Georgia;
- c. Ministry of Justice of Georgia;
- d. Ministry of Labor, Health and Social Affairs of Georgia;
- e. Ministry of Foreign Affairs of Georgia;
- f. Investigative services of Ministry of Finance of Georgia;
- g. State security service of Georgia;

Representatives of the bodies are deputy ministries and the Minister of Sport and Youth Affairs chair the commission.

In the framework of interagency commission, Georgian authorities with experts groups will discuss the issue regarding issues provided by the recommendations.

Anti-doping issues regarding coordination with GADA are also covered by the “Sports organizations recognition and funding Council” competence. Members of this body are representatives from: Ministry of Sport and Youth Affairs; Georgian Olympic Committee; Georgian Paralympic Committee; Sports and Youth Affairs Committee of the Parliament of Georgia, the council is chaired by the Minister of Sport and Youth Affairs. Taking into consideration of foregoing recommends, the council will work on problematic issues in this direction.

Ministry of Sport and Youth Affairs of Georgia confirms that the body responsible for the fight against doping in sport (competent authority) is the Georgian Anti-Doping Agency (GADA) it is officially entrusted by the Georgian Government and only organization in this field. Ministry with the Georgian authorities is discussing the role of Police and other

governmental agencies as well. As a result, authorities will improve the cooperation, collaboration or coordination between the involved agencies and GADA, to avoid the apparent conflicts of interests. Ministry of Sport and Youth Affairs of Georgia is pleased to improve the coordination against doping issues with all stakeholders. Consideration process has already started at national level.

In addition, in the framework of interagency commission, experts group will draft the regulations and administrative measures aiming to restrict the availability of doping agents and methods. The major purpose of Georgian authorities is to restrict the accessibility to doping substances and methods and the discussions already started between the stakeholders.

Educational activities have an important role for athletes and their support personal. In addition, anti-doping agency is also responsible to develop and implement anti-doping policy and support anti-doping education and research. National anti-doping agency has to be independent in making decisions as well as in working process. At the same time, Agency shall cooperate with the respective national and international anti-doping organizations. Educational and informative events are important to raise doping awareness, therefore, Georgian authorities agree with the opinion that it is necessary to set up evaluation system of education/information activities for GADA and for this purpose the process of discussions has already started in the framework of interagency commission expert groups.

It should be noted that GADA's effort to conclude agreement with national sport organizations, is connected to some difficulties: to carry out negotiations, to convince the authorized persons of the federations in signing the agreement and in the necessity of implementation of the relevant activities. Considering this, same types of agreements GADA has already signed with 15 organizations. At the same time, circumstance that after renewal of 2015 world anti-doping code, it became necessary to conclude new agreements, shall also be considered. As monitoring group experts mentioned in report: "GADA conducts testing but its testing programme is very limited, in some extent predictable and with apparent organizational and individual conflicts of interest". To eliminate the gaps in this direction Ministry of Sport and Youth Affairs of Georgia will discuss revealed challenges and problems with involved parties in the framework of cross-sectorial commission and consolidated, inter-agency approaches will make its effective effort.

One of the significant issue are related to sanctioning and disciplinary bodies. The Anti-doping rules of GADA determine the disciplinary, appeal procedure and refer to doping hearing panel and the National Anti-Doping appeal panel. To avoid the impartiality of the panels, which contradicts the principle of Anti-Doping Convention, Georgian authorities will start negotiation process with all stakeholders and this process is also related to the framework of interagency commission and in particular, cooperation with GADA. It should be mentioned that the Ministry of Sport and Youth Affairs of Georgia is agree

with the recommendation that the prosecuting and sanctioning bodies should be distinct from one another.

Ministry of Sport and Youth Affairs of Georgia actively continues working with governmental and non-governmental actors as well as with international organizations to ensure successful and affective implementation of all recommendation. For this purpose, Ministry takes again its responsibility and principal role for the fight against doping in sport and will actively discuss about necessary changes in anti-doping directions.

Finally, Georgian authorities would like to take this opportunity again to express once more their sincere gratitude to the Council of Europe, EPAS, all standing Committees and especially the monitoring team for cooperation, readiness and support.