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

Project on Compliance with Commitments  
Respect by Norway of the Anti-Doping Convention

### **Reports by:**

- Norway**
- The Evaluation Team**

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## **A. National Report**

### **1. Preface**

Norway signed the Anti-Doping Convention (ETS No. 135) on 16 November 1989 without reservation as to ratification. The Convention entered into force on 1 March 1990.

Furthermore, on 12 September 2002, Norway acceded to the Additional Protocol to the Convention (ETS No. 188) without reservation as to ratification. The Protocol entered into force on 1 April 2004.

This report has been prepared by the Norwegian Ministry of Culture and Church Affairs to give an account of Norway's implementation of the Convention. The report is structured in accordance with Articles 1-9 of the Convention. The Convention text is quoted in italics.

### **2. Introduction**

#### **National sports policy**

The Ministry of Culture and Church Affairs (hereinafter the Ministry) is the governmental body responsible for sport in Norway. The Norwegian national sports policies are founded on the intrinsic values of sport and physical activity.

The overriding purpose of the national sports policy is "sport and physical activity for all". National authorities primarily view children (6-12 years) and youths (13-19 years) as the most important target groups and also emphasises the following goals:

- Voluntary membership-based sports organisations receive financial support so that they can develop and maintain varied, quality opportunities for physical activities, primarily at local level.
- Financial support to the construction and renovation of sports facilities is provided in order to provide as many people as possible with the opportunity to participate in sport and physical activities.
- Norwegian elite sport receives financial support so as to ensure the foundations for an ethical and professionally qualified elite athlete environment.

#### **Public funding for sporting purposes**

Based on these principles, the main portion of the surplus from the national lottery for sports purposes is distributed between the construction and improvement of sports facilities in the municipalities, and sports activities through the Norwegian Olympic Committee and Confederation of Sports (hereinafter NOC). The total transfer of national grants from the lottery surplus for sporting purposes in 2006 was NOK<sup>1</sup> 1.2 billion.

#### **The Norwegian Olympic Committee and Confederation of Sports**

The NOC is an umbrella organisation for all national sports organisations in Norway, national sport federations, regional sports bodies, national sports federations' regional bodies, sports councils and clubs, cf. the organisational chart in Appendix 1. The NOC is a voluntary and independent organisation.

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<sup>1</sup> 1 NOK = 0.12 Euro

The General Assembly of the NOC is held every four years, and is the supreme governing body of all organised sport in Norway. The General Assembly adopts amendments to the NOC Statutes (rules and regulations). Organisational units affiliated to the NOC are subject to compliance with these rules and regulations, and are obliged to see to it that their own rules and regulations contain similar obligations for their members. Through membership of the NOC the individual members are obliged to comply with the NOC's rules and regulations in force at any time (principle of self-regulation).

The Executive Board is the NOC's highest authority between the General Assemblies. The Executive Board has the overall responsibility for general sports policy and other joint tasks at national and international level.

### **The principle of autonomy**

The principle of autonomy of sports organisations is an overriding prerequisite in the Norwegian national sports policy. The right for sports organisations to set and prioritise their own missions and sporting rules, including anti-doping rules, within the framework of public law is respected by the Norwegian authorities. Hence, with two minor exceptions concerning martial arts, sport is not subject to any national legislation.

The Norwegian Government continues to support and implement joint initiatives between the public sector and the various sports organisations and target resources to help these organisations develop specific activities, including activities related to the anti-doping work.

## **3. The articles of the Convention**

### **3.1 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”.*

#### **Introduction**

Practical application of the provisions of this Convention is sought in general by ensuring i.a.:

- a good organisational structure in the field of anti-doping
- public funding of important anti-doping activities
- legislation regulating the trafficking of doping substances
- national and international co-ordination and co-operation

These factors will be commented in detail under the relevant Articles of the Convention. Some of these factors will however be briefly introduced in the following sections:

#### **Organisational structure of the anti-doping work in Norway**

In order to achieve the goal of a drug-free sport, an organisational structure has been established that ensures an effective implementation of international and national anti-doping regulations and policies, while at the same time ensuring that legislative, executive and judicial powers are divided between separate, independent bodies.

#### The Ministry of Culture and Church Affairs

The Ministry is the governmental body responsible for anti-doping work in organised sport in Norway. At national level, the primary responsibility of the Ministry is to ensure a good and solid

framework for bodies responsible for the practical implementation of the anti-doping regulations in sport. At international level, the Ministry participates actively in the relevant bodies of anti-doping co-operation.

### NOC

As previously mentioned, the NOC has its own rules and regulations, including anti-doping regulations. Within the NOC structure, the General Assembly is the *legal body* providing these rules and regulations.

The anti-doping regulations are found in the NOC Statutes, chapter 12. The NOC is a Signatory to the World Anti-Doping Code. Following the signing of the WADC, chapter 12 was amended in June 2004 in order to bring it into accordance with the Code. The anti-doping regulations apply to all members and organisational units affiliated with the NOC.

The disciplinary bodies (*judicial body*) are organisationally separated from both the legal and the controlling bodies. The independent status of the disciplinary bodies shall prevent circumstances external to a case from influencing the judgement either in favour of or to the detriment of one of the parties. The members of the disciplinary bodies are appointed by the General Assembly of the NOC, but it is explicitly stated in the NOC Statutes that the disciplinary bodies are not subject to the instructional authority of the governing bodies (the General Assembly and the Executive Committee) and that a member of the executive committee of an organisational unit may not concurrently be a member of a disciplinary body in the same organisational unit. The NOC Statutes also contain requirements of qualification i.a. stating that a person is disqualified when special conditions prevail which are liable to undermine confidence in the impartiality of the person in question.

### Anti-Doping Norway

The Norwegian anti-doping body, Anti-Doping Norway, is responsible for conducting *doping controls* and for *prosecution* (executive body) of the members of the NOC. The foundation is also responsible for information and education activities in the anti-doping field and is active on the international level. In addition, Anti-Doping Norway initiates and contributes to research projects related to anti-doping matters.

Anti-Doping Norway is a private government funded, non-governmental foundation, independent from both the Ministry and the NOC, cf. the Articles of Association in Appendix 3. The controlling body was formerly a department within the NOC body itself. Due to concerns regarding the independence of this department, the controlling body was separated from the NOC in 2003.

Anti-Doping Norway is an independent body and is not in a legal position to force members of the NOC to subject themselves to doping controls. Thus the responsibility for control and prosecution in doping cases has been transferred to Anti-Doping Norway by a written agreement between the NOC and Anti-Doping Norway, anchored in the NOC Statutes. Anti-Doping Norway is also a Signatory to the World Anti-Doping Code.

For further details on Anti-Doping Norway, please refer to the Organisational Chart in Appendix 2 and Articles 3, 4, 6 and 8 below.

### Laboratory

The Section for doping analysis at the Hormone Laboratory, Aker University Hospital in Oslo was established in 1985, and is a WADA-accredited laboratory. Samples collected by Anti-Doping

Norway are analysed at this laboratory. For further details on the laboratory, please refer to Articles 5 and 8 below.

### **Public funding for anti-doping purposes**

The Ministry provides funds earmarked for anti-doping purposes. These funds have increased regularly over recent years, and in 2006 the total sum amounted to NOK 23 million.

According to its Articles of Association, Anti-Doping Norway shall be funded through subsidies from the Norwegian Government and through other revenues, subsidies, grants and gifts. Anti-Doping Norway received NOK 18.5 million from the Ministry in 2006. These funds shall ensure that the purposes of the foundation laid down in the Articles of Association are fulfilled. The funding is based on a system of application and reporting, ensuring that the underlying goals of the funding are met.

The Section for doping analyses at the Hormone Laboratory at Aker University Hospital has for many years received an annual grant from the Ministry. These funds are specifically directed towards the Section for doping analysis, and they cannot be used for other purposes. The Section received NOK 3.9 million in 2006. These funds shall cover basic administrative costs, development of new scientific methods and measures aimed at enhancing staff competence.

The Ministry is also responsible for the annual Norwegian contribution to the WADA-budget.

### **Legislation**

Please refer to Article 4 below.

### **National and international co-ordination**

Please refer to Article 3 and 8 below.

## **3.2 Article 2 – Definition and Scope of the Convention**

*1. For the purpose of this Convention:*

- a) “doping in sport” means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;*
- b) “pharmacological classes of doping agents or doping methods” means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;*
- c) “sportsmen and sportswomen” means those persons who participate regularly in organised sports activities.*

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

The definition of doping in the NOC Statutes corresponds with the definition of doping in the World Anti-Doping Code.

The anti-doping rules and regulations in the NOC Statutes apply to all members of clubs affiliated to the NOC. They also apply to the organisational units of the NOC. Please refer to Article 7 (p. 25).

The NOC applies the international doping list adopted and revised annually by WADA. This List is approved by the Monitoring Group.

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

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

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

#### **Co-ordination of policies and actions of governmental bodies**

The Ministry of Culture and Church Affairs is, as previously mentioned, the governmental body responsible for anti-doping work in organised sport. Several other governmental bodies and public agencies are also involved in the work against doping in different ways. Even though their responsibilities are not directly linked to the field of sport, their activities will in many instances influence the fight against doping also in sport.

#### The Norwegian Action Plan "Anti-doping work in Norway"

At the initiative of the Ministry of Cultural Affairs, an informal contact committee was established in 1994, with representatives from organised sport and several governmental bodies. The committee co-ordinated the anti-doping work among relevant bodies. This informal group was later appointed a formal Contact Committee, and in 1999 the Committee presented the action plan "Anti-doping work in Norway". The action plan described the background for the anti-doping activities and recommended concrete measures to be taken in areas where the Committee considered actions to be particularly urgent.

In 2004, the Ministry of Culture and Church Affairs, on behalf of several ministries, conducted a review of the implementation of the actions suggested by the Committee. The Ministry concluded that a major portion of the suggestions had already been implemented, either directly or as a consequence of other activities.

#### Inter-ministerial group

In 2004, the Contact Committee was replaced by an inter-ministerial group, with representatives from the Ministry of Health and Care Services, the Ministry of Justice and the Police, the Ministry of Culture and Church Affairs, the Ministry of Defence, the Ministry of Children and Equality, the Directorate for Health and Social Affairs and the Directorate for Education and Training.

The mandate for the group is to co-ordinate the efforts of governmental bodies in anti-doping work in general. The group meets regularly – at least twice a year -, to share relevant information, to provide the Ministries with the necessary knowledge on anti-doping and suggest specific actions to be taken in the field of anti-doping.

One of the actions of the group in 2006 has been to initiate a major research project on the use of doping among young people, i.a. to reveal the extent of doping, and to find the motives behind it and the recruiting mechanisms. The purpose of the study is to increase affected governmental bodies' knowledge, and thus improve the ability to implement effective preventive actions against the use of doping. The funding of the research project will be a joint responsibility of the Ministry of Health and Care Services, the Ministry of Culture and Church Affairs, the Ministry of Education

and Research, the Ministry of Justice and the Police, the Ministry of Defence and the Ministry of Children and Equality.

### National network for anti-doping

Anti-Doping Norway has initiated a national anti-doping network. In addition to Anti-Doping Norway, the network includes public institutions dealing with environments where doping is a potential problem. The network meets 3-4 times a year, and the purpose of the meetings is to co-ordinate actions in the field of anti-doping and to throw light on distribution channels and environments where doping is a potential problem.

An example of such co-ordination is the co-operation between Anti-Doping Norway and the Police in Gjøvik (a city in Norway). The co-operation was established on the basis of a concrete doping case related to elite sport. The Police experienced misuse of anabolic steroids among the local youths, and asked for the assistance of Anti-Doping Norway. The co-operation has led to an information meeting organised for the youths and the Police, with the intention of increasing the knowledge of the negative health consequences of using anabolic steroids.

### **Practical application of the Convention**

As previously mentioned, the autonomy and self-government of sport is a fundamental principle in the Norwegian national sports policy. The same principle is adopted in the national policy of the anti-doping work of organised sport. Governmental involvement is characterised by a non-interventionist approach.

While the Ministry has the overall responsibility for the Convention, the practical application of some of the provisions laid down in this Convention is ensured by entrusting the implementation of these provisions to non-governmental sports and anti-doping authorities.

### Anti-Doping Norway

Through a written agreement between the NOC and Anti-Doping Norway, anchored in the NOC Statutes, the NOC has delegated to Anti-Doping Norway the responsibility for control and prosecution in doping cases in sport. This means that:

- All persons subject to the doping provisions in the NOC Statutes are obliged to submit themselves to doping controls by Anti-Doping Norway.
- Anti-Doping Norway has the authority to establish procedures for, inter alia, therapeutic use exemptions, doping controls and follow up of sample analysis.
- Anti-Doping Norway has the authority to conduct any follow-up investigation as may be required under the applicable anti-doping provisions in the NOC Statutes, including the power to institute prosecution. Anti-Doping Norway also has the right to be a Party in doping cases in the disciplinary bodies of the NOC.

According to the Articles of Association, the foundation shall engage in the following activities:

- a) The foundation shall carry out doping control activities.
- b) The foundation shall conduct prosecution activities through its own prosecution committee before the NOC's tribunal committees in connection with violations of the NOC's penal provisions regarding doping.
- c) The foundation shall promote values, information and preventive work aimed at fighting doping. These activities include, inter alia, development of training and educational programmes in order to promote fair sports competitions and to prevent health damage.



- d) The foundation shall, on an independent basis and in co-operation with the founders, carry out activities aimed at promoting international co-operation on fighting doping within organised sports.
- e) The foundation shall contribute to research into issues related to doping.

The Ministry, the NOC and Anti-Doping Norway meet twice a year to discuss relevant anti-doping issues.

### *Certified Quality System*

Anti-Doping Norway has adopted a quality system, certified in accordance with the ISO-9001. This means that the work of the foundation, including conducting doping controls and the information and educational activities, is being evaluated and approved by an independent third party.

### NOC and the national sports federations

Even though Anti-Doping Norway is established as the national anti-doping body in Norway, the NOC and the national sports federations still play an important role in the fight against doping in sport.

As already mentioned, the NOC is a Signatory to the World Anti-Doping Code and the anti-doping regulations in the NOC Statutes represent an implementation of the World Anti-Doping Code. The General Assembly is the legal body providing these rules and regulations, and the members of the disciplinary bodies are elected by the General Assembly.

National sports federations and Anti-Doping Norway co-operate to ensure an effective flow of information to athletes and athlete support personnel. Meetings are organised between Anti-Doping Norway and the various sports federations, where relevant anti-doping issues are discussed.

The responsibilities of the sports federations also include information duties towards Anti-Doping Norway relating to athletes' whereabouts information, implementation of judicial decisions made by the NOC's disciplinary bodies, ensuring forfeiture of possible medals, points and prizes, and ensuring that an athlete found to have committed an anti-doping rule violation is deprived of any financial support from the sports federation.

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

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

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

*3. Furthermore, the Parties shall:*

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

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

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

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

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

### **Legislation, regulations and administrative measures**

As the principle of autonomy of sports organisations is a fundamental condition for the national sports policy in Norway, there is no anti-doping legislation at governmental level which specifically targets *the sporting area*. There are however various Norwegian acts limiting the availability of medical products i.e. most of the relevant substances can be bought by prescription only, and the sale and distribution, etc., of certain substances (medical products for human and veterinary use, food supplements, etc.) are subject to legal restrictions. The use of banned pharmacological substances and methods is not illegal, but the trafficking of any doping agent is unlawful unless the activity has been approved by the proper authority.

Although the national Norwegian legislation does not specifically target doping substances and methods *in sport*, it is obvious that it will also have a function regarding the availability of such agents. The following section provides a more detailed description of the various acts and regulations in this respect.

#### Doping felonies

##### General Civil Penal Code of 1902 § 162b

Although it does not specifically target athletes or other persons involved in sport, the § 162b of the General Civil Penal Code of 22 May, 1902 No. 10, will in general apply to specified doping felonies, i.e. trafficking and doping related crimes.

Section 162b in the General Civil Penal Code reads:

“Any person who unlawfully manufactures, imports, exports, stores, sends or conveys any substance that pursuant to provisions made by the King is deemed to be a means of doping shall be guilty of a doping felony and liable to fines or imprisonment for a term not exceeding two years.

The penalty for an aggravated doping felony shall be imprisonment for a term not exceeding six years. In deciding whether the offence is aggravated, special importance shall be attached to what sort of substance is concerned, its quantity and the nature of the offence.

The penalty for a negligent doping felony shall be fines or imprisonment for a term not exceeding two years.

The penalty for complicity in a doping felony or in the use of a means of doping as specified in the first paragraph shall be as otherwise provided in this section.”

Of note with respect to this article is that the *use, possession and acquiring* of doping is lawful, and that the article does not distinguish between doping related activities *outside or within the area of sport*.

Of note is also that *the complicity in the use of doping is unlawful*, which may apply i.a. to athlete support personnel associated with infringements of the anti-doping regulations by athletes.

The purpose of introducing § 162b was to strike more effectively at the apparatus which procures and markets prohibited substances by laying down more severe penalties than those available under the previous legislation. A further aim was to strike at the involvement with substances, which previously had not been prohibited by law.

Regulations 1993-04-30 no.318 concerning what should be considered doping substances - Doping list

The General Civil Penal Code does not define the term "doping", but empowers the Government to determine what substances shall be deemed doping substances.

According to § 1 of these Regulations, the substances that are to be considered doping substances according to the General Civil Penal Code § 162b, are substances included in a separate doping list, and the metabolites or markers of these substances. The doping list is an integral part of the Regulations. This list relates specifically to the General Civil Penal Code § 162b, and should not be confused with the list adopted by WADA, forming the basis of the anti-doping work within Norwegian organised sport.

The criteria for including substances to the list are not the same as for the WADA-list. According to the bill passed by Parliament on June 19, 1992, substances to be included on this list should enhance human performance in an artificial way. Furthermore, only those performance enhancing substances that could lead to severe health damage and that have particularly negative effect on competition in sport should be included.

According to § 2 of the Regulations, the management of the doping list is the responsibility of the *Norwegian Medicines Agency*. The Agency recently updated the doping list in accordance with the above-mentioned criteria. The updated list entered into force on 1 October 2006.

Narcotic (drugs) felonies

There are no specific laws relating to only drugs in Norway. All illicit dealings with drugs are covered by the General Civil Penal Code, with the exception of the use and possession of minor quantities of drugs, which is penalised through the Act on Medicinal Products etc, of 4 December 1992 No. 132, with regulations. Please see below.

General Civil Penal Code of 1902 § 162

Section 162 of the General Civil Penal Code reads:

*"Any person who unlawfully manufactures, imports, exports, acquires, stores, sends or conveys any substance that by statutory provisions is deemed to be a drug shall be guilty of a drug felony and liable to fines or imprisonment for a term not exceeding two years.*

*An aggravated drug felony shall be punishable by imprisonment for a term not exceeding 10 years. In deciding whether the offence is aggravated special importance shall be attached to what sort of substance is involved, its quantity, and the nature of the offence.*

*If a very considerable quantity is involved in the offence, the penalty shall be imprisonment for a term of not less than three and not more than 15 years. Under especially aggravating circumstances imprisonment for a term not exceeding 21 years may be imposed.*

*A drug felony committed negligently shall be punishable by fines or imprisonment for a term not exceeding two years.*

*Complicity in a drug felony shall be punishable as otherwise provided in this section.  
Fines may be imposed in addition to imprisonment."*

The General Civil Penal Code §162, first paragraph is the main provision with regard to drug felonies. It relates to anyone who intentionally "*manufactures, imports, exports, acquires, stores, sends or conveys*" narcotics. The penalty for drug offences pursuant to §162 is fines and/or imprisonment for up to 2 years. Aggravated drug felonies, however, will in general be more severely penalised.

#### Act on Medicinal Products etc. of 1992

The use and possession of small amounts of drugs falls under the provisions of the Act on Medicinal Products. The punishment is fines or imprisonment for up to 6 months.

The Act on Medicinal Products empowers the King to determine which substances shall be deemed to be narcotic drugs. The list of narcotic drugs includes a few substances found on the list adopted by WADA. A felony related to a doping substance found on the list of drugs is considered a drug felony, not a doping felony.

#### Legislation concerning import, wholesaling and retailing of pharmaceuticals

##### Act on Medicinal Products etc. of 1992

Those who have an approved wholesalers licence according to the Act on Medicinal Products have permission to import pharmaceuticals from countries inside the European Economic Area (EEA). Import of pharmaceuticals from countries outside the EEA requires an additional special licence from the Norwegian Medicines Agency.

According to the Act on Medicinal Products and Regulations on Wholesaling Business, a person or company carrying out a pharmaceutical wholesaling business must obtain approval from the Norwegian Medicines Agency.

The Act on Pharmacies states that those in the pharmacy business require a licence to own a pharmacy and a licence to run the pharmacy. Only pharmacies or medicinal outlets controlled by pharmacies may carry out retailing of pharmaceutical products.

#### Other laws and regulations

##### Drug Directive of the Chief of Defence of 1994

Whereas use and possession of doping substances are not illegal according to the General Civil Penal Code § 162b, it follows from the Drug Directive of the Chief of Defence, founded on the "Act on personnel in the national defence" (02.07.2004), that it is illegal for all military personnel to use or possess doping substances. The definition of doping follows the definition of doping in the General Civil Penal Code § 162b. Use or possession may result in a disciplinary punishment or lead to a police investigation.

##### Regulations on nutritional supplements of 2004

The purpose of these Regulations is to secure safe nutritional supplements. They regulate labelling, marketing and sales of nutritional supplements.

##### Sporting rules and regulations

The NOC and Anti-Doping Norway have implemented the World-Anti Doping Code which i.a. covers use and trafficking of doping substances and methods.

### Seizure of doping substances

*Norwegian Customs and Excise* (NCE) is an autonomous agency under the Ministry of Finance. One of the major responsibilities of NCE is to protect society against the illegal import and export of goods. Seizure of doping substances is an important part of the agency's work. Seized doping substances are handed over to the police for investigation.

A large proportion of the doping substances entering Norway are sent by post. Almost all of these parcels arrive in the customs region Oslo and Akershus (Oslo and Oslo Airport Gardermoen). For this reason, the NCE has entered into a special agreement with the police in this district. The agreement states that seized doping substances destined for other parts of the country are sent directly to the relevant police district for investigation. This has led to a more efficient investigation of cases involving the import of doping substances.

All seizures of doping substances are reported to the Customs Enforcement Network database under the direction of World Customs Organization.

The analysis of seized substances is carried out by *the Laboratory Division of the National Criminal Investigation Service*. The NCIS publishes annual statistics for the seizure of doping substances.

### **Public subsidies to sports organisations**

The Ministry distributes an annual grant to the NOC. In 2006 the organisation received NOK 349 million. Directions for the use of the grant are presented in a letter from the Ministry, where the NOC and its organisational units are directed to contribute to a correct implementation of the anti-doping regulations in (Norwegian) sport.

### **Funding of doping controls and analysis**

The Ministry allocates funds to Anti-Doping Norway on an annual basis. The carrying out of doping controls is one of the primary responsibilities of Anti-Doping Norway, and the foundation uses a sizeable amount of the public funding to cover the controls and analysis costs.

The samples collected by Anti-Doping Norway are analysed at the WADA-accredited laboratory at Aker University Hospital in Oslo. The Ministry's funding of basic costs ensures a good and predictable framework for the anti-doping work of the Laboratory.

### **Grant of subsidies to individual athletes**

The Ministry does not allocate funds directly to individual athletes. The annual grant from the Ministry to the NOC however ensures that the organisation can distribute grants to several of the Norwegian top-level athletes. According to a provision in the NOC Statutes, the NOC or organisational units affiliated to the NOC, shall revoke all or part of the grant of subsidies awarded to athletes who have are thereafter found to have committed an anti-doping rule violation.

### **Doping controls required by competent international sports organisations**

Anti-Doping Norway conducts doping controls as required by the competent international sports organisations.

In 2005, Anti-Doping Norway conducted 137 tests at the request of international federations, 97% of which were in competition. Agreements with the relevant international federations are made in connection with international events in Norway. In 2005, Anti-Doping Norway also conducted 53 out of competition tests at the request of WADA.

The request to conduct doping controls may come directly from an international federation, a National Anti-Doping Organisation, WADA or the Association of National Anti-Doping Organisations (ANADO) and is based on a cost recovery basis.

For information on the national testing programme, please refer to Article 7 (page 24).

### **Agreements permitting athletes to be tested by duly authorised doping controllers in other countries**

In 1984, the Nordic sports confederations signed an agreement regarding collaboration on anti-doping measures. The Nordic agreement ensures mutual exchange of information and bilateral exchange of research findings and ideas for taking the anti-doping work forward. The agreement also includes provisions permitting an athlete training in another Nordic country to be tested by a duly authorised doping control team by that country.

Anti-Doping Norway also has bilateral agreements with USA, China and the Nordic countries, which include reciprocal testing.

Anti-Doping Norway is also a member of ANADO and thus part of a network (Sample Collection Service Agreement) testing athletes throughout the world according to the International Testing Standard.

### **3.5 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 sports organisations and approved by the monitoring group under the terms of Article 11.1.b; or*  
*b) to assist its sports organisations to gain access to such a laboratory on the territory of another Party.*

*2. These laboratories shall be encouraged to:*

*a) take appropriate action to employ and retain, train and retrain qualified staff;*  
*b) undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences on athletic performance;*  
*c) publish and circulate promptly new data from their research.*

### **The Norwegian WADA-accredited Laboratory**

The funds from the Ministry to Anti-Doping Norway enable the foundation to pay the cost of the analysis of their collected samples.

The samples collected by Anti-Doping Norway are analysed at the Section for doping analysis at the Hormone Laboratory at Aker University Hospital in Oslo. The Section was established in 1985 and has been the official Norwegian Doping Control Laboratory since 1988. The laboratory gained its IOC-accreditation in June 1988, and has since been an IOC/WADA-accredited laboratory. In 2000, the laboratory also received accreditation for doping analysis from the governing body Norsk Akkreditering (Norwegian Accreditation) according to the international standard ISO/IEC 17025. This accreditation is a pre-requisite for the WADA-accreditation.

The Government seeks to ensure a good and predictable framework for the work of the Laboratory. An annual grant is allocated from the Ministry to the Laboratory. These funds are specifically directed towards the Section for doping analysis, and they cannot be used for other purposes. In 2006, NOK 3.9 million were allocated for this purpose. The funds are used to cover basic administrative costs, the purchase of new technical equipment, the development of new scientific methods of detection and measures aimed at enhancing the competence of the staff.

The laboratory staff is currently composed of 3.8 academic positions (including the full-time head of the laboratory), 0.8 administrative/personnel positions, approximately 10 technical positions and 1.3 secretarial positions. The exact number is difficult to determine, due to the fact that the laboratory also performs residue analysis in food producing animals for the Norwegian Government. The academic positions and one technical position are currently directly funded by the Ministry of Culture and Church Affairs.

The Norwegian WADA-accredited doping laboratory has an agreement with Anti-Doping Norway on the analysis, storage and reporting of samples. In addition to analysing the samples from Anti-Doping Norway, the Laboratory has an agreement with Anti Doping Denmark to analyse their samples. This ensures an efficient use of the Laboratory, and a total of 5300 urine samples were analysed at the laboratory in 2005.

The Laboratory participates actively in international co-operation between WADA-accredited laboratories. Please refer to Article 8.

The Laboratory is also involved in research in the field of anti-doping. Please refer to Appendix 4 for a list of publications.

### **3.6 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.*
- 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.*

### **Introduction**

When Anti-Doping Norway was established by the Ministry and NOC in 2003, the main purposes of the foundation were laid down in the Articles of Association. According to the Articles of Association, Anti-Doping Norway shall promote values, information and preventive work aimed at fighting doping. These activities include inter alia development of training and educational programmes in order to prevent health damage and to promote fair sports competitions, cf. Appendix no. 3.

The Ministry's funding of Anti-Doping Norway shall ensure fulfilment of the purposes laid down in the Articles of Association, including a comprehensive program of information and educational measures.

Information and Education programs are also developed for target groups not part of organised sport. These are carried out based on a cost recovery basis and include programs towards schools, fitness centres etc.

## **Information and preventive work of Anti-Doping Norway**

### Target groups

According to a Strategy document adopted by the NOC General Assembly in 2003, information on anti-doping rules and regulations and the health consequences of using doping shall be widely distributed in NOC and affiliated bodies. On this basis, Anti-Doping Norway has defined the following target groups:

- Athletes in the Registered Testing Pool and their support personnel
- National top level athletes and their support personnel
- Athletes participating in competitions
- Youths participating in organised (competitive) sport
- Sports medical personnel

### Measures

These target groups are reached by a wide range of different measures, including lectures and seminars, campaigns and stands, distribution of educational material and an informative website.

#### *Lectures and seminars*

Lectures represent an important element of the preventive work of the foundation. A group of 13 qualified lecturers has been established, trained by Anti-Doping Norway to give lectures on anti-doping subjects. This pool includes personnel educated in physical science, medicine and educational science.

The lectures include information on the prohibited list, anti-doping regulations, doping control, health consequences and diet and nutritional supplements. 214 lectures were given in 2005, an increase of 32 % compared to 2004. Through these lectures, Anti-Doping Norway reached 6 500 athletes, coaches and leaders. Priority has been given to young athletes.

Anti-Doping Norway organises a biannual seminar for athlete support personnel (doctors, physiotherapists etc.) on important anti-doping issues, including doping list updates, doping control, NOC's anti-doping rules and regulations, methods of analysis, therapeutic use exemptions and new doping regulations.

Anti-Doping Norway also organises meetings with the various national sports federations to inform them on different aspects of doping.

#### *Campaigns and stands*

During Norway Cup 2005 and 2006, Anti-Doping Norway has organised the campaign "Doping er noe dritt" (Doping is bad!). Norway Cup is one of the biggest international football tournaments for children and youth in the world, and the campaign targets the participating 30 000 young athletes. The campaign is aimed at encouraging young athletes to take an active stand against doping. This year 34 000 bracelets with the campaign-slogan were distributed to the athletes, as well as 29 000 information-cards and 1 500 people participated in an anti-doping quiz. The campaign is promoted by several Norwegian top level athletes and this year 21 top level athletes visited the stand.

Anti-Doping Norway organises stands at several sports-related events, aimed at athletes, sports medical support personnel and sports political leaders. Key events are major sports events, National



Sports Federations General Assemblies, chairpersons meetings for the NOC Executive Board and the chairpersons of the regional sports bodies and National Sport Federations, and sports medical congresses.

#### *Educational material*

Anti-Doping Norway also develops educational material, and in 2005 the foundation produced 6 information pamphlets on anabolic steroids, ephedrine, nutritional supplements, marihuana, alcohol, cocaine and amphetamine. Posters on the value of play fair, play clean, play true have been developed and distributed as well as information pamphlets for athletes in the Registered Testing Pool.

Educational material is distributed to sports federations, local clubs, sport facilities, fitness centres and schools. The material is also distributed at lectures, stands and in doping controls. In addition, educational material is presented on the website of Anti-Doping Norway, cf. below.

#### *Other sources of information*

The Anti-Doping Norway website is an important tool for communication and information and since 2005 it also includes a forum. As many as 250 000 visitors were registered in 2005, of this 75 000 unique visitors.

Anti-Doping Norway publishes a news magazine called “Ren Idrett” (“Clean Sport”) four times a year. The magazine is sent to all of NOC’s organizational units and is also available on the website.

Anti-Doping Norway also organises press conferences and seminars for the media.

### **NOC and the National Sports Federations**

The national sports federations have an important role to play when it comes to providing sport specific educational programs for their members. Information on anti-doping is an integral part of several of the educational programs offered to trainers in different sports.

There is also close contact and co-operation between Anti-Doping Norway and national sports federations when it comes to distribution of information and planning and execution of preventive measures. This co-operation takes the form of jointly organised meeting and seminars on relevant anti-doping issues. The federations also have links on their websites to the websites of Anti-Doping Norway, easing the access to anti-doping information.

Olympiatoppen (OLT) is the Elite sport unit within NOC. The main purpose of OLT is to coordinate the activities in Norwegian elite sport. Anti-doping is included in the OLT top-trainer education program. Key elements in the relevant part of the program are ethics and values, anti-doping, nutrition, eating-disorders, restitution, injury treatment and training/overtraining/stress.

There is close co-operation between OLT and Anti-Doping Norway. During pre-Olympic gatherings for Norwegian top level athletes, held a number of times every Olympic period, Anti-Doping Norway informs the athletes on relevant anti-doping issues.

In these gatherings the athletes are also offered guidance on nutritional supplements. OLT has developed a risk-analysis regarding nutritional supplements. No athlete is given financial support from OLT without reporting on their use of nutritional supplements.

Norwegian top-level athletes are also closely supported by the OLT health-team. The health-team is present at the meetings of national sports federations and all relevant information is communicated through e-mail and on the internet.

### **Information database and information telephone**

An "open" and accessible information service on doping is developed for the public. The information database is electronically accessible through internet, and the information telephone service ("doping telephone") has fixed daily opening hours ([www.dopingtelefonen.no](http://www.dopingtelefonen.no)).

The telephone service was established in 2003 under the auspices of the Hormone Laboratory at Aker University Hospital and is solely funded by earmarked funds from the Ministry of Health and Care Services.

There is also a telephone service related to drugs in general ([www.rustelefonen.no](http://www.rustelefonen.no)) funded and administrated by the Directorate for Health and Social Affairs.

### **Other educational measures**

Anti-Doping Norway has developed an anti-doping program for fitness studios. The program focuses on preventive measures and includes training, routines, guidance, materiel and counselling by phone or e-mail.

The "doping telephone" has developed an up-grading course for doctors on "Adverse effects of anabolic steroids". The course has been approved by the Norwegian Medical Association. Furthermore, a course for general practitioners on "Adverse effects of anabolic steroids" has been developed.

The Norwegian Police University College is the central educational institution for the police service in Norway. Information on doping is included in the basic study programme at the College.

The Norwegian Customs and Excise is one of the few governmental agencies which has its own training facility (the Customs Training Centre). Information about doping is included in the education at the Centre. An identification list has also been developed to help the inspectors in the field.

An anti-doping campaign has been developed by the National defence in co-operation with Anti-Doping Norway and the "doping telephone" at the Hormone Laboratory. The campaign will be launched in 2007.

A video film, complete with an information pamphlet and a CD-ROM has also been developed. This production focuses on the strong stand taken by the National defence when it comes to drugs (including doping substances), and will be distributed to all military units this autumn.

### **Research into different aspects of anti-doping**

#### Anti-Doping Norway

According to the Articles of Association, Anti-Doping Norway shall contribute to research into issues related to doping. The annual funding from the Ministry ensures that the foundation can distribute research funds to medical, physiological and sociological research projects within the field of anti-doping. The distribution of funds is based on applications from research institutions and research projects initiated by Anti-Doping Norway.

Two major projects should be mentioned. Anti-Doping Norway has supported a study on the effectiveness of doping controls, conducted by the Norwegian School of Sport Sciences. The study was presented at an international seminar in Oslo, organised by Anti-Doping Norway in collaboration with WADA in 2005.

Anti-Doping Norway has also been involved in a research project aimed at establishing individual blood profiles of Norwegian top-level athletes. This project has been carried out in collaboration with Anti Doping Denmark and the Hormone Laboratory at Aker University Hospital.

#### Laboratory

For information on research conducted by the Laboratory, please find enclosed a list of publications in Appendix 4.

#### The Research Council of Norway

Since 1998, the Ministry has provided annual funds for the research programme "Sport, society and the voluntary sector" (1998-2007) under the auspices of the Research Council of Norway. One of the six areas of focus is anti-doping, and during the period of the program, NOK 5.1 million have been allocated to this area.

### **3.7 Article 7 – 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.*

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

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

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

*c) doping control procedures;*

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

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

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

*iii. clear and enforceable provisions for appealing against any judgement made;*

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

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

*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 away which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;*

*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 by that country;*

- c) to clarify and harmonise regulations on eligibility to take part in sports events which will include anti-doping criteria;*
- d) to promote active participation by sportsmen and sportswomen themselves in the anti-doping work of international sports organisations;*
- e) to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;*
- f) to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.*

### **Anti-doping regulations**

NOC's anti-doping regulations represent an implementation of the World Anti-Doping Code. The regulations apply to all members and organisational units affiliated to NOC. The NOC General Assembly is the legal body providing these rules and regulations. The NOC Executive Board may unanimously adopt temporary revisions of the Statutes between the NOC General Assemblies. These temporary revisions must be approved by the next General Assembly.

### **Doping list**

According to the doping provisions in the NOC Statutes, the prohibited list adopted by WADA applies to doping cases in Norwegian organised sport. The list enters into force when adopted by WADA and is in force until a revised list is adopted by WADA.

In addition, Anti-Doping Norway constantly updates the Norwegian list of medicines for sale on the Norwegian market, which contain substances on the WADA doping list.

### **Doping control subjects**

According to the NOC Statutes, the following persons may be subject to doping controls:

- All members of clubs affiliated to NOC.
- All athletes who participate in teams representing organisational units affiliated to NOC (representational teams).
- Any member staying and training/competing abroad.
- Anyone participating in competitions or sports events organised by organisational units affiliated to NOC.

### **Doping control procedures**

Anti-Doping Norway is ISO-certified (ISO 9001:2000) in accordance with the World Anti-Doping Code, (which includes the International Procedures for Doping Controls). The foundation has procedures for the planning, administration and implementation of doping controls, including determination of the time and place for doping tests.

Anti-Doping Norway is aiming at a targeted, credible and effective doping control programme, with deterring, preventive and revealing effect. The aim of Anti-Doping Norway is that all of their doping controls shall be carried out without prior notice.

Rules for Therapeutic Use Exemption (TUE) were adopted by Anti-Doping Norway on 25 October, 2004, in accordance with the NOC Statutes (and the World Anti-Doping Code). TUEs are handled by a medical committee. The committee work is in accordance with terms of reference laid down by the board of the foundation. The decisions of the committee may be appealed to NOC's Sports Medical Council or to CAS.

Anti-Doping Norway has, in accordance with the World Anti-Doping Code, established a Registered Testing Pool which includes a list of international-level athletes on registered testing pools established by international federations, together with national top-level athletes. As of July 1, 2006, there were 294 Norwegian athletes on this list. These athletes are required to send information to Anti-Doping Norway on their whereabouts.

Pursuant to the NOC Statutes, guidelines on these requirements were adopted by the NOC Executive Board on May 5, 2004. The guidelines specify the obligations of the athlete and of the national sports federations.

In 2005, Anti-Doping Norway developed a web-based service for athlete whereabouts information. The service makes it possible for the athlete to communicate his or her whereabouts information through a website. The information from the athlete may be updated through Internet or by supplementary means (sms) and is always accessible to the athletes.

### **Doping controls**

Anti-Doping Norway plans and implements an efficient programme of In-Competition and Out-of-Competition testing. In 2005, the foundation conducted 3 242 tests, including 3 048 urine samples and 194 blood samples. 2 929 of the tests were part of the national testing programme, 137 tests were conducted at the request of international sports federations, whereas 53 tests were conducted at the request of WADA.

The national testing program includes top-level athletes in the Registered Testing Pool, other national top-level athletes and potential top-level athletes, as well as athletes on a lower performance level. 60 % of the tests last year were conducted out-of-competition, whereas 40 % were conducted in-competition. All tests conducted by Anti-Doping Norway are no advance notice tests. The different sports are divided by category according to a risk scale; high, medium and low risk. 91 % of the tests last year were in risk sports.

Anti-Doping Norway engages 45 doping control officers (2005), located in different parts of the country, to conduct doping controls. A seminar for the doping control officers is organised annually to update them on the rules and regulations concerning the doping control.

### **Disciplinary procedures**

#### Prosecution Committee

According to the Articles of Association, the Board of Anti-Doping Norway appoints its own prosecution committee, which shall handle prosecution cases and proceedings before NOC's disciplinary bodies in connection with violations of the penal provisions regarding doping. The committee consists of a chairman and two members. The chairman shall be a lawyer, and the two other members shall have the necessary expert knowledge in the fields of medicine and pharmacology. The members of the committee shall be independent in relation to the activities of Anti-Doping Norway, and they are not allowed to hold any honorary positions or be employed in the Ministry or in NOC.

The Board has established instructions for the activities of the prosecution committee, which shall ensure fair and objective proceedings as well as due process protection, in accordance with general principles of law. The Board cannot instruct the committee in matters concerning prosecution proceedings.

### Disciplinary bodies

According to the NOC Statutes, members of the disciplinary bodies, i.e. the Adjudication Committee and the Appeals Committee, are elected by the General Assembly for a four-year term. The Adjudication Committee consists of three members and two substitute members. The Appeals Committee consists of five members and two substitute members. The two disciplinary bodies shall work in accordance with the regulations in chapter 12 of the Statutes, and shall not be subject to instructional authority of the governing bodies. Please confer Article 1 for more on this subject.

### A fair pre-hearing and hearing process

All persons who are under investigation for violation of anti-doping provisions in the NOC Statutes are entitled to a fair process, both regarding the results management in the pre-hearing process and the hearing process in both committees.

The NOC Statutes include requirements for prompt notification to the athlete following an initial investigation of an adverse analytical finding. The athlete shall be informed about his/her rights, including the right to request the analysis of the B sample, the right to request copies of the case-documents, and the athlete's right to attend the B sample opening and analysis, accompanied by an adviser.

After receiving a written complaint from Anti-Doping Norway, the Adjudication Committee shall send the complaint as soon as possible, not later than two weeks after receipt, to the complainant, who will be given at least 3 weeks to submit his or her comments on the complaint.

According to the NOC Statutes, the Adjudication Committee shall ensure that a case is not unduly delayed. Every case shall be thoroughly elucidated before a decision is made. Parties are entitled to demand an oral hearing. If oral dispositions are taken from parties or witnesses, the parties shall be notified and be entitled to be present, where appropriate with an advisor. The decision shall be based exclusively on evidence submitted in the case of which both parties have been informed. If the complainant does not speak Norwegian, the disciplinary body shall pay for an interpreter.

The Statutes also contain regulations regarding disqualification of the members of the committee due to conditions that might undermine confidence in his or her impartiality.

The athlete has the right to have a defence lawyer representing him or her in the case. The adjudication body may appoint and pay for a defence lawyer and expert(s) as deemed necessary, and this is done in most of the cases.

The final ruling shall be justified. An account shall be given of which matters are deemed to have been proven and which doping provisions have been applied. Notification of the decision, with reasons, shall be sent to the complainant by registered post. He or she shall at the same time be informed of the deadline and the relevant address for an appeal.

The complainant, Anti-Doping Norway, WADA and the relevant international federation may appeal the decision to the Appeals Committee. The appeal must be in writing and be submitted no later than 14 days after the complainant has been informed of the decision. The provisions on the Adjudication Committee also apply to the appeal process. Decisions regarding International-Level Athletes may be appealed to CAS.

The Statutes also contain regulations regarding reopening of a case.

According to the NOC Statutes, a doping case is not public until Anti-Doping Norway reports contraventions of the doping provisions. The reports are made public by laying them out on Anti-

Doping Norway's extranet, thereby making them accessible to the media only. The media shall treat the information according to press-ethical guidelines.

Proceedings in the adjudicative bodies are public unless the adjudicative bodies themselves, or at the request of one of the parties, find that proceedings shall be held in camera.

The whole decision in cases dealt with pursuant to NOC's doping provisions is public. However, the adjudication body dealing with the case may, under special circumstances, decide that only the judgement shall be public.

### **Procedures for the imposition of effective sanctions for athlete support personnel**

The doping provisions in the NOC Statutes apply to all members of NOC, including athlete support personnel (inter alia doctors, coaches, physiotherapists). According to the NOC Statutes, organisational units affiliated to NOC are required to enter into an agreement with athlete support personnel which are not members of NOC. These agreements shall ensure that the persons concerned recognise and respect the doping provisions, and make it possible to impose effective penalties for athlete support personnel associated with infringements of the anti-doping regulations by sportsmen and sportswomen.

According to the NOC Statutes, NOC recognises final and enforceable decisions by international sports organisations in accordance with the World Anti-Doping Code.

### **Active participation by athletes**

The OLT Athlete Committee represents approximately 200 OLT-athletes (Norwegian top-level athletes who receive grants from OLT). The main purpose of the Committee is to address the challenges the OLT-athletes meet as athletes, outside sport and after their careers. The Committee has engaged itself actively in anti-doping issues. When Anti-Doping Norway organised a national consultation process regarding revision of the World Anti-Doping Code, the Committee prepared comments on behalf of the athletes.

Anti-Doping Norway co-operates with Norwegian top level athletes in the promotion of the anti-doping work. One example is the already mentioned campaign "Doping er noe dritt", during Norway Cup.

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

1. *The Parties shall co-operate closely on the matters covered by this Convention and shall encourage similar co-operation amongst their sports organisations.*
2. *The Parties undertake:*
  - a) *to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;*
  - b) *to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and*
  - c) *to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.*
3. *The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.*

## **Introduction**

Norway participates actively in the international fight against doping in sport both at governmental level and at non-governmental level. This engagement includes participation in relevant international organisations and bilateral co-operation with several countries.

## **Council of Europe**

The application of the Anti-Doping Convention is monitored by the Monitoring Group. The group meets twice a year, and Norway is represented at each meeting by the Ministry and by Anti-Doping Norway. Norwegian experts have on several occasions participated in meetings of the advisory groups to the Monitoring Group.

Norwegian experts have also participated in evaluation teams supervising the application and implementation of the Convention by the Parties.

Norway also participates in the meetings of the European Co-ordination Forum for WADA.

## **UNESCO**

Norway ratified the UNESCO Anti-Doping Convention in December 2005. Norway also participated actively in the development of the Anti-Doping Convention. The Ministry was represented at the Intergovernmental Meetings of Experts (Category II Meetings), and the Ministry also attended The Fourth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS IV) on December 6-8, 2004.

Norway also provided a financial contribution of NOK 150 000 to UNESCO, in order to ensure the drafting process of the Anti-Doping Convention.

## **World Anti-Doping Agency (WADA)**

Norway has participated actively in the development of WADA into a strong and effective organisation.

The Norwegian government organised the second meeting of IICGADS (International Intergovernmental Consultative Group on Anti-Doping in Sport) in Oslo November 15-16, 2000.

Norway participated at the World Conference on Doping in Copenhagen in 2003, and signed the Copenhagen Declaration. Norway pays its financial contribution to the WADA-budget in due time.

Anti-Doping Norway has co-operated closely with WADA in recent years. Among others, Anti-Doping Norway has taken an active part in the organisation of the international symposium about "What is efficient doping control?", the development of "Guidelines for Information and Education" and "Building Anti-Doping Agencies – from basics to best practice". Anti-Doping Norway has also participated in the WADA Independent Observers Programme.

## **IADA**

Norway is a member of IADA (the International Anti-Doping Arrangement). IADA has been in place since 1991 and participants today are the governments of Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom. The participating parties have collaborated on enhancing their national anti-doping programmes, and they have developed the International Standard for Doping Control, which later evolved into the International Standard for Testing as part of the World Anti-Doping Programme of WADA. The Ministry and Anti-Doping Norway participate actively in the work of IADA. Anti-Doping Norway was the main responsible body for the development of the Model Rules for NADOs.



## **Bilateral agreements**

Norway has bilateral agreements with a limited number of countries in the field of sport. These are framework agreements at governmental level (the Ministry) which form the basis of bilateral co-operation at non-governmental level. As a general rule, these agreements include co-operation on anti-doping issues.

In 1984, the Nordic sports confederations signed an agreement regarding collaboration on anti-doping measures. The Nordic agreement ensures exchange of information and exchange of research findings and ideas for taking the work forward. The agreement also covers reciprocal testing.

## **Association of National Anti-Doping Organisations (ANADO)**

ANADO was established on 28 April, 2003, and the organisation today consists of 43 members and 6 observers. Anti-Doping Norway had a leading role in the establishment of ANADO and has hosted the Secretariat since the establishment in 2003.

The objectives of ANADO are inter alia to facilitate the exchange of information, experience and learning among and between NADOs, to support the development of comprehensive national anti-doping programs, and to maintain and develop quality standards and professional practices for practitioners in the field of anti-doping.

## **Co-operation between laboratories**

The funding of the Section for doping analysis at the Hormone Laboratory, Aker University Hospital in Oslo, makes it possible for the laboratory to promote co-operation between its staff and the staff of other WADA-accredited laboratories. The following initiatives might be mentioned:

- Participation of 3-4 members of the laboratory staff at the annual Workshop for Doping Analysis in Cologne, Germany.
- Participation at all WADA laboratory meetings.
- Participation at national and international symposia and congresses, which are relevant for the analysis of doping agents in biological matrices.

Furthermore, the Norwegian WADA-accredited laboratory has by different means assisted other countries in acquiring the experience, skills and techniques necessary to establish their own laboratories. As examples can be mentioned:

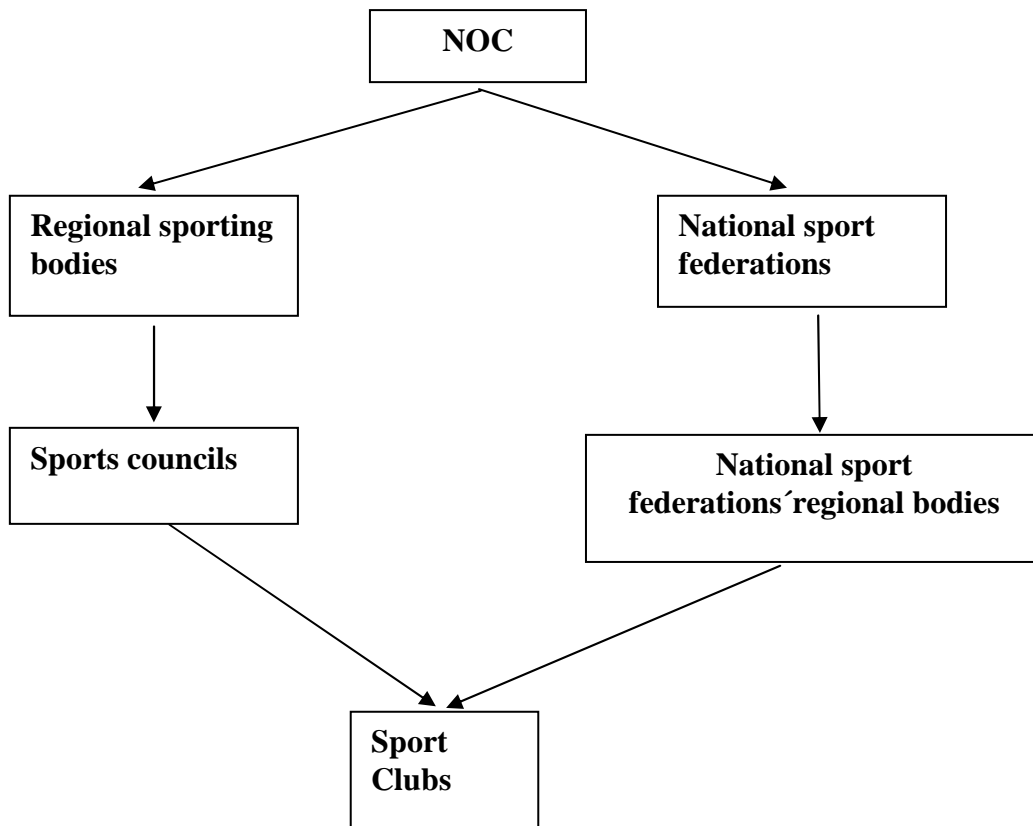
- The head of the laboratory is currently member of the Advisory Board for the establishment of a WADA-accredited laboratory in Salt Lake City.
- The laboratory has been involved with one analyst in the conduction of the doping control analyses for the Olympic Games in Athens.
- As member of the WADA Laboratory Committee the head of the laboratory performed the final visit for WADA accreditation to the laboratory in New Market, Great Britain.
- As member of the former IOC Medical Commission Sub-commission Doping and Biochemistry of Sports, the head of the laboratory has assisted the laboratory of Seibersdorf, Austria, in its process towards becoming an IOC/WADA accredited laboratory
- As member of the former IOC Medical Commission Sub-commission Doping and Biochemistry of Sports, the head of the laboratory has performed the final visits for IOC accreditation to the laboratories of Tunisia (Tunis) and Cuba (Havana).
- The laboratory has educated the WADA-accredited laboratories in Cologne (Germany) and Seibersdorf (Austria) in the analytical techniques for the analysis of recombinant erythropoietin detection (EPO).
- The laboratory has been strongly involved (on-site) in the establishment of the WADA-accredited laboratory in Bangkok (Thailand) and in the doping control analyses at the Asian Games in 1998.

- The laboratory has been strongly involved (on-site) in the doping control analyses at a laboratory in Buenos Aires for the Pan American Games in 1995.
- As member of the former IOC Medical Commission Sub-commission Doping and Biochemistry of Sports, and now member of the IOC Medical Commission Games Group, the head of the laboratory has been engaged in the analytical quality control of the doping control analyses performed at the Olympic Games in Atlanta, Nagano, Sydney, Salt Lake City, Athens and Turin.

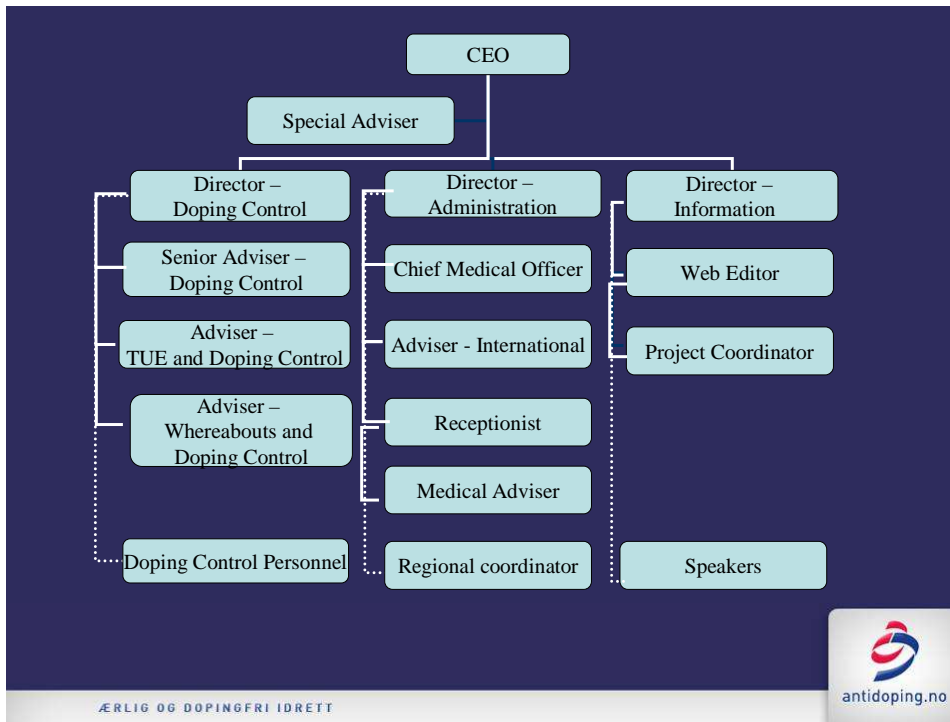
### **3.9 Article 9 – Provision of Information**

*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.*

The information to be forwarded to the Council of Europe is sent by the Ministry of Culture and Church Affairs, which collects the information from relevant governmental and non-governmental bodies before communicating it to the Monitoring Group. By completing the annual data base questionnaire of the Monitoring Group, relevant information concerning legislative and other measures taken by Norway is communicated to the Council of Europe.

**Appendix 1****Organisational chart for the Norwegian Olympic Committee and Confederation of Sports**

## Appendix 2 Organisational chart for Anti-Doping Norway



### Appendix 3

#### Articles of Association for Anti-Doping Norway

##### **1. The foundation's name and registered office**

The name of the foundation is Stiftelsen Antidoping Norge. The name of the foundation in English is Anti-doping Norway. The registered office of the foundation is in Oslo.

##### **2. The foundation's object and scope of operation**

The foundation shall fight doping by promoting honest and doping-free sport. The object of the foundation is to engage in activities for the public benefit. The foundation does not have profit making as an object.

The foundation has been established to ensure that the control and prosecution activities for doping cases are organised independently from the Norwegian Olympic Committee and Confederation of Sports (NIF) and the Norwegian government.

The foundation shall, in compliance with the statutes of NIF and the agreement between NIF and the foundation, work to achieve the objectives at all NIF's organisational levels and among all NIF's members.

The foundation shall engage in the following activities:

a) The foundation shall carry out doping control activities, including setting the time and place for doping controls. The doping controls may be carried out with or without prior notice and in or out of competitions. The foundation shall obtain the required information to ascertain whether NIF's penal provisions regarding doping have been violated.

The foundation may, in co-operation with other national and international organisations, carry out doping controls of athletes who are not members of NIF.

The foundation shall lay down detailed provisions for the planning, administration and carrying out of doping controls. The foundation shall also prepare a list of prohibited substances applicable for NIF in accordance with international provisions. The foundation shall have the authority to grant exemptions from the list of prohibited substances.

b) The foundation shall conduct prosecution activities through its own prosecution committee before NIF's tribunal committee in connection with violations of NIF's penal provisions regarding doping.

c) The foundation shall promote values, information and preventive work aimed at fighting doping. These activities include inter alia development of training and educational programmes in order to prevent health damage and to promote fair sports competitions.

d) The foundation shall on an independent basis and in co-operation with the founders, carry out activities aimed at promoting international co-operation on fighting doping within organised sports. The foundation may, in particular, co-operate with national and international sports organisations, the World Anti-Doping Agency (WADA) and other anti-doping organisations. The foundation may provide advice and assistance to countries that have not established qualified structures for antidoping work.

e) The foundation shall contribute to research activities related to the object of its activities.

f) The foundation may make suggestions to NIF's implementation of its set of values at NIF's organisational levels and among its members. The foundation may, on an independent basis, promote views on, create awareness of and debate about the basic values of sport and value dilemmas of current interest.

g) The foundation may assist legal entities other than NIF in fighting doping. This part of the activities must, as a minimum, be self-financing with the exception of a few further defined tasks aimed at supporting WADA and the provision of consultancy services and assistance to countries that have not established qualified structures for anti-doping work.

### **3. Foundation capital and financing**

The foundation capital shall be NOK 1,000,000.

The foundation's activities shall be financed through subsidies from the Norwegian government and through other revenues, subsidies, grants and gifts.

### **4 The board of the foundation**

The board is the supreme body of the foundation, and has the responsibility for the management of the foundation and for ensuring that the object of the foundation is fulfilled.

The board shall consist of four independent board members and two deputy board members, who shall be appointed as follows:

- a) two board members and one deputy board member shall be appointed by NIF;
- b) two board members and one deputy board member shall be appointed by the Norwegian government.

The members and deputy members of the board of the foundation shall be appointed for a term of four years. However, for the first election, the board members are appointed for a shorter term as follows: One board member appointed by the Norwegian government and one board member appointed by NIF shall be appointed for a term of two years. Board members may be re-elected for one term. The board shall elect the chairman of the board and the deputy chairman of the board. However, both these positions cannot be held at the same time by board members appointed by either NIF or the Norwegian government.

The first board of the foundation shall be appointed by the founders.

The members of the board shall collectively have the necessary expert knowledge in the fields of law, medicine, pharmacology, pedagogy and finance. The members and deputy members of the board shall be independent in relation to the foundation's activities. In this connection, the members and deputy members of the board shall not be entitled to hold positions as a member of the board of NIF or a national sports federation, nor as an employee with the Norwegian government (in the relevant Ministry), NIF or a national sports federation. The members of the board shall respect fundamental principles such as independence, integrity and impartiality.

The chairman of the board shall convene board meetings as required, but at least three times per year. Board meetings shall be convened in writing at a minimum of two weeks notice and including the agenda for the meeting. Any board member or the general manager of the foundation may demand that board meetings be convened, and including a statement of the required agenda. Deputy board members shall have a right to attend and speak at board meetings, but they shall not have a right to vote unless in the event of any absence of board members.

The board may decide that representatives from NIF and the Norwegian government who do not meet the independence requirements stipulated in sub-paragraph five above may participate in board meetings as observers with a right to speak.

A copy of the minutes shall be sent to the members and deputy members of the board.

Remuneration to the members of the board shall be set in accordance with the Norwegian government's rates for government committees laid down in the staff manual for governmental employees or corresponding guidelines.

## **5 General manager**

The board shall employ a general manager of the foundation. The board shall determine the salary and employment terms for the general manager. The general manager shall be responsible for the day-to-day management of the foundation in accordance with the guidelines and instructions given by the board.

## **6. Prosecution committee**

The board of the foundation shall appoint its own prosecution committee, which shall handle prosecution cases and proceedings before NIF's tribunal in connection with violations of NIF's penal provisions regarding doping. The board shall prepare instructions for the activities of the prosecution committee, which shall ensure fair and objective proceedings as well as due process protection, in accordance with general principles of law, in connection with the hearing of the charges brought. The board cannot instruct the prosecution committee in matters concerning prosecution proceedings.

The prosecution committee shall consist of a chairman and two members. The chairman shall be a lawyer, and the other two members shall have necessary expert knowledge in the fields of medicine and pharmacology. The members of the prosecution committee shall be independent in relation to the activities of the foundation, and they shall not be entitled to hold any honorary positions or be employed by the Norwegian government (in the relevant Ministry), NIF or national sports federation.

The prosecution committee shall determine whether a violation of NIF's penal provisions regarding doping shall be brought before NIF's tribunal. Furthermore, and in accordance with the provisions in the statutes of NIF, the prosecution committee may resolve in matters related to dropping of charges, appeals, decisions to not institute legal proceedings and petitions for suspension.

## **7. Accounts and auditing**

The accounts of the foundation shall be audited by a chartered accountant. The accountant shall be appointed collectively by the founders. The audited accounts and the annual report for the previous year shall be presented to the founders within 30.06.

## **8. Reorganisation of the foundation and transfer of assets**

The foundation may be reorganised in accordance with the provisions laid down in the Norwegian Foundations Act.

If the foundation is wound up or dissolved, or alternatively the foundation is no longer able to fulfil its object, the assets remaining after all liabilities and commitments have been met in connection with the winding-up shall be used to promote the object stated in Article 2.

## Appendix 4

### List of research publications involving the Laboratory

1. R. Ventura, C. Jimenez, J. Segura, R. d. l. Torre, W. Schänzer, D. Cowan, P. Hemmersbach, J. Williams, R. Kazlauskas. Stability Studies of Doping Agents in Urine Samples, in W. Schänzer, H. Geyer, A. Gotzmann, U. Mareck (Editors), Recent Advances in Doping Analysis (10), Sport und Buch Strauß, Köln, 2002, p. 125-34.
2. G. Nissen-Lie, P. Hemmersbach, G. Tjønnfjord, P. Torjesen, V. Skibeli. Charge Analysis of Human Erythropoietin and Analogues, in W. Schänzer, H. Geyer, A. Gotzmann, U. Mareck (Editors), Recent Advances in Doping Analysis (10), Sport und Buch Strauß, Köln, 2002, p. 145-58.
3. H. S. Lund, S. Jåthun, P. Fedorcsak, R. Storeng, P. Torjesen, P. Hemmersbach. Synthesis of nandrolone in the Human Ovary, in W. Schänzer, H. Geyer, A. Gotzmann, U. Mareck (Editors), Recent Advances in Doping Analysis (10), Sport & Buch Strauß, Köln, 2002, p. 23-34.
4. Hemmersbach P. Fortschritte in der Dopingsanalytik als Antwort auf neue Herausforderungen - Analytische Möglichkeiten und Grenzen der Beweisführung. In Kleemann WJ, and Teske J, eds., *Toxikologische Analyse und Aussagesicherheit - Toxicological Analysis and Certainty of Results* Vol. 30, Schmidt-Römhild Lübeck: Leipzig, 2003.
5. Nissen-Lie G, Birkeland K, Hemmersbach P and Skibeli V. Serum sTfR Levels May Indicate Charge Profiling of Urinary r-hEPO in Doping Control. *Med Sci Sports Exerc.* 2004;36:588-93.
6. Grosse J, Anielski P, Hemmersbach P, Lund H, Müller KR, Rautenberg C and Thieme D. Formation of 19-norsteroids by in situ demethylation of endogenous steroids in stored urine samples. *Steroids.* 2005;70:499-506.
7. Hemmersbach P, Hågensen AHJ and Lund HS. Determination of Urinary Norandrosterone Excretion in Females during One Menstrual Cycle by Gas Chromatography/Mass Spectrometry. *Biomed Chromatogr.* 2006;in press.
8. Lund H and Hemmersbach P. Nandrolon - et dopingmiddel med mange aspekter. *Kjemi.* 2006;66:8-12.



## **B. Report of the evaluation team**

### **Introduction**

The visit of the evaluation team was carefully organised by the Department of Sports Policy in the Ministry of Culture and Church Affairs. The Compliance with Commitments report was very well written and composed and gave answers ahead of the visit to many of the questions that could be put in order to decide on the fulfilment of the commitments in the Convention.

Although the Ministry has the overall responsibility for fighting doping in Norway the practical management of anti-doping work in sport is transferred to the Norwegian Olympic Committee and Confederation of Sports (NOC) and to the independent foundation Anti-Doping Norway (ADN). The national sports policies are based on respect for the autonomy of the sports organisations. The programme for the evaluation visit allowed the team to meet representatives from the governmental side as well as from the sport side and relevant organisations, and comprehensive information and documentation was provided. The meetings were conducted in a friendly and open way.

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

The Anti-Doping Convention entered into force in Norway very soon after its adoption by the Council of Europe in 1989. Norway is also a Party to the Additional Protocol.

Implementation of the Convention is based on cooperation between the Ministry of Culture and Church Affairs, (ADN) and the Norwegian Olympic Committee and Confederation of Sports.

In 2001 the National Sports Policy was accepted by the Parliament. It includes the reference to the promotion of doping-free sports and support for anti-doping work.

The practical anti-doping measures are taken care of by Anti-Doping Norway, a foundation with governmental funding with the objective of fighting doping by promoting honest and doping-free sport.

*The evaluation team found that the political commitment expected in Art. 1 is fulfilled.*

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

a) The definition of “doping in sports” in Norway is applied through the Statutes of the Norwegian Olympic Committee and Confederation of Sports (NOC) and correspond to the definition of the World Anti-Doping Code. Therefore the definition applied is broader than the Convention’s definition and also includes other anti-doping rule violations (e.g. whereabouts).

b) There are two definitions of forbidden substances used in Norway. One applies to organised sport and the list referred to in the World Anti-Doping Code, which is covered by the Statutes of the Norwegian Olympic Committee and Confederation of Sports. The other definition is used merely within the context of the Penal Code and is defined in a regulation. The substances which are defined as doping for the purpose of the Penal Code are basically stimulants, beta-2 agonists, anabolic steroids and some other hormones.

c) The definition of an athlete in Norway is based on the participation of a person in organised sport through membership in a club, belonging to a sports federation, which in turn is a member of the Norwegian Olympic Committee and Confederation of Sports. According to the information from the NOC there are approximately 2 million memberships (4.7 million inhabitants in Norway) in NOC.

There are 12,500 clubs, 19 provincial associations on county level and 360 sports councils on municipal level. All clubs are united in one of 55 special sports federations.

Organised sport outside the Norwegian Olympic Committee and Confederation of Sports, if there are any, are not directly included in anti-doping work. As ADN has the right and possibility to carry out doping controls and other anti-doping measures outside the NOC, the evaluation team considers that the definition of “sportsmen and sportswomen” in the Convention is fully covered.

2. There is no specific procedure for approval of the list of banned pharmacological classes of doping agents and doping methods further to its adoption by the Monitoring Group. According to the NOC statutes it is the list adopted by WADA that applies to doping cases in Norwegian organised sport. Should the WADA list differ from the list decided upon by the Monitoring Group, which is fairly improbable, the problem would have to be dealt with in some way. The evaluation team finds that the missing decision procedure is not important when it comes to the commitment to the Convention.

*The evaluation team finds that the scope of the Convention and the definitions applied are taken into account in a satisfactory manner.*

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

1. The Ministry of Culture and Church affairs is the governmental body responsible for anti-doping work in organised sport in Norway. The primary responsibilities are:

- to ensure compliance with international instruments pertaining to doping in sport
- to ensure a good organisational structure in the field of anti-doping, and
- to ensure a solid financial framework for bodies responsible for the practical implementation of the anti-doping regulations in sport.

In 2001 the Norwegian Parliament accepted a national sports policy, which, among other principles, refers to the principle of doping-free sport, the respect for the autonomy of sport and also states that sport will be financed from surplus from the national lottery.

For intergovernmental co-ordination there is a special inter-ministerial group established as described in the Report by Norway, which consists of representatives from six ministries. The mandate is to co-ordinate the efforts of governmental bodies in the anti-doping work in general. The Group is currently focusing on available data on problems of doping in society in order to analyse it and improve anti-doping work. Anti-Doping Norway has been invited as a consultant but is not a regular member of the group.

The evaluation team considers that the work at ministerial level is well organised to meet the commitments to the Convention in this respect. However, with the expert knowledge of ADN, both outside sport from its work in training centres and with other organisations interested in anti-doping policies as well as inside sport, the team finds it natural that ADN should be a regular member of the group.

2. Until 2003 the doping control body was a department within the Norwegian Confederation of Sports. In June 2003 Anti-Doping Norway was created as a private non-profit foundation, funded by the government. According to the Articles of Association, Anti-Doping Norway was established to ensure that the control and prosecution activities for doping cases are organised independently from the Norwegian Olympic Committee and Confederation of Sports and the Norwegian government. In compliance with the statutes of the NOC and an agreement between ADN and the NOC, Anti-Doping Norway shall engage in the following activities:

- carry out doping controls, conduct prosecution,
- implement education and information programmes,
- promote international co-operation, and
- contribute to research.

In addition, ADN may assist legal entities other than NOC in fighting doping.

Apart from its duties in the Articles of Association, ADN has initiated a national anti-doping network, as described in the report. Moreover, there are 8 regional networks, established together with local authorities. Fitness centres that have an agreement with ADN are also involved in the regional co-operation. The evaluation team was astonished, though, that the police is not engaged in this network. This would be recommendable as one of the objects would be to find illegal activities with doping substances.

The foundation of ADN does not take away the responsibilities from the NOC and national sports federations in anti-doping work. The WADC is implemented in the statutes of the NOC and therefore valid for the sports federations that are members of the NOC.

Implementation of some requirements of the Convention is also entrusted to the Section for doping analysis at the Hormone Laboratory, Aker University Hospital in Oslo.

Thus the requirements under article 7 are met.

*The evaluation team finds that the co-ordination function of governmental activities is fulfilled and that the delegation of the practical application to ADN, the NOC and to the doping laboratory is to the team's satisfaction. However, the team has two recommendations that might improve the co-ordination between governmental and non-governmental organisations taking part in the fight against doping.*

*The recommendations are*

- *that ADN is allowed to regularly take part in the meetings of the inter-ministerial group, and*
- *that the police takes part in the regional co-operation initiated by ADN.*

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

1. According to the information given to the evaluation team and included in the Compliance with Commitment Report by Norway the measures to restrict the availability and use of banned doping agents and methods implemented by Norway are very well advanced.

Apart from normal sanctions for narcotic offences and unlawful activities with general medicines, there is a section in the general Civil Penal Code, § 162b, concerning doping felonies. The definition on a doping felony according to this law is unlawful importation, exportation, storing, sending or conveying of any substance defined by the Norwegian Medicines Agency. The now valid list entered into force on 1 October 2006. Both ADN and the Ministry of Culture and Church Affairs contributed in the consultation process initiated by the Norwegian Medicines Agency.

The evaluation team noticed that the word “storing” in the section in the Penal Code has a different interpretation than the word “possession” in the Convention text. In a letter in connection with circulation for comment of a report in the Ministry of Justice and the Police in January 2004 on the connection between use of certain doping substances and violence, one can read that possession of

anabolic steroids of about 4000 mg is meant by "storing". Possession of that amount is considered to be for own use and is not a felony. The report deals with the question if the personal use of the doping substances, referred to in the section, should be criminalised. Until now there has been no amendment to the Penal Code in this respect. In the Commitment report the criteria for including substances to the list are said to be the following:

- they should enhance human performance in an artificial way
- they could lead to severe health damage
- they could have particularly negative effect on competition in sport.

A meeting with a representative from Norwegian Customs and Excise revealed that finding illegal doping substances is one of the priorities. About 300 officers are working on the borders. The Customs and Excise crews are trained in illegal substances. Large seizures are made from cars and lorries but much of the illegal substances also arrive by postal services. The incoming packages are scanned with the help of X-ray, but more equipment and personnel is needed as misuse in society is significant.

The police bases its approach to doping on problem-oriented police work. This means that the work in this field is weighted against, and seen in association with the work related to high-risk narcotic drugs like heroin, amphetamine or cocaine. When the police receive intelligence about persons involved in trafficking of doping substances, or if doping substances are seized in connection with other criminal cases, this is investigated.

The police have good, regular co-operation with Norwegian Customs and Excise, and will consider implementation of investigative measures in the cases that are revealed. The police and Norwegian Customs and Excise co-operate closely on a daily basis both at local and national level. In order to strengthen the co-operation, Norwegian Customs and Excise has a civil servant stationed on the premises of the police station in several police districts in Norway.

The police prevention services include a wide range of measures and contact with different partners, including sport. The local police districts will decide which measures are most efficient with relation to selected target groups.

Some figures of the seizures made by the Norwegian Customs and Excise and by the police:

	<b>2003</b>	<b>2004</b>	<b>2005</b>
<b>Medical units</b>	558 600 units	316 000 units	210 000 units *
<b>Number of seizures</b>	726	754	717
<b>Seizures of AAS</b>	50.8%	64.1%	61.2%
<b>Seizures of hormones</b>	8.1%	6.1%	6.2%
<b>Seizures of stimulants</b>	30.5%	24.8%	25.9%
<b>Unknown substances</b>	10.5%	5.0%	6.6%

\*Units include both vials for injections, capsules and tablets.

Comments: Year 2003 represented a peak. Figures from Norwegian Customs and Excise show that 275 000 units have been seized as at 31 October 2006.

The use in sport of forbidden substances and methods is regulated satisfactorily in the Statutes of the NOC.

*The evaluation team considers that the legal system in general is appropriate to restrict the availability of doping substances on the list. Only when it concerns the section in the Penal Code the team has some objections and recommendations.*

*The difference in the wording, as pointed out above, shows a deviation from the Convention which is further stressed by the fact that the use in society of, for example, anabolic steroids is not illegal. The working group on the connection between the use of certain doping substances and violence came to the conclusion that there is no scientific proof that the use of anabolic steroids plays a part in violent crime. So the personal use is not criminalised. On the other hand the use and possession is illegal for all military personnel. It is unknown to the evaluation team if it is illegal for the police corps too. In any case there seems to be an inconsistency in the handling of the possession and use of the doping substances referred to in the Penal Code. This might be a useful topic to explore.*

*The list, which is a part of the regulation, is as the team interpreted it, a closed list, Amendments can be made by the Norwegian Medicines Agency. Amendments can never be made retroactively. With the fast development of substances that are of the similar structure or origin as the substances on the list, for example, an importer can legally bring goods into the country that are as detrimental as the ones on the list. The team thinks that an open list with some general descriptions of the substances that could be included would better serve the purpose of not bringing doping substances into the country.*

*A topic arose from the discussion with the representative of Norwegian Customs.*

*A very extensive illegal import of doping has been found by checking suspicious parcels mailed into Norway through Oslo. If external signs gave no cause for suspicion, x-ray investigation frequently gave hints to unusual contents. More X-rays and personnel would be desirable. Following results with another technique in several countries, the Ion Mobility Spectroscopy (applicable with mobile as well with stationary instruments) could be recommended for the more efficient detection of certain substances – e.g. anabolics and others like narcotic drugs, explosives – in the respective centre of Post or Customs.*

2. According to the information received at the Ministry of Culture and Church Affairs and the Norwegian Olympic Committee and Confederation of Sports the principle of doping-free sport is the overall guideline, but it is not specifically made a general criterion for sports federations to receive state budget subsidies from the Norwegian Olympic Committee and Confederation of Sports. However, in their statutes all sports federations provide that they comply with the regulations on doping in the Statutes of the Norwegian Olympic Committee and Confederation of Sport.

3. a) The Ministry of Culture and Church Affairs gives an annual grant to the NOC together with directions for the use of the grant. The Ministry also funds the activities of Anti-Doping Norway to carry out all controls for sports federations and for its other anti-doping work within the Norwegian Olympic Committee and Confederation of Sports. Furthermore the Ministry financially supports the Doping Control laboratory at Aker University Hospital in Oslo. The funding comes from the surplus of the Norwegian state-owned gaming company “Norsk Tipping”. 50% of the surplus goes to sport. Answering a direct question, State Secretary Halvard Ingebrigtsen emphasized the government’s strong commitment to anti-doping in sport and assured that possible fluctuations in the surplus of Norsk Tipping would not put funding of the anti-doping work performed by ADN, NOC or the anti-doping laboratory in jeopardy.

3. b) After discussions with representatives from the Norwegian Olympic Team (Olympiatoppen), Norwegian Skiing and Football Federations, the evaluation team was informed that the mentioned organisations have contract relationships with athletes and in those contracts athletes, who commit anti-doping rule violation will have their subsidies withheld. It is also a part of the Statutes of the NOC (13:3) that every contract with provisions on subsidies for athletes, that are part of the contract, becomes invalid if an athlete is convicted for the use of a forbidden substance.

3. c) and d) and 4. According to the evaluation team's opinion, the activities of Anti-Doping Norway have greatly helped broaden the scope of doping control worldwide. Anti-Doping Norway has appropriate legal and organisational competence for carrying out doping controls and for permitting their athletes to be tested. The application of the Additional Protocol of the Convention, the implementation of the World Anti-Doping Code and the compliance of Anti-Doping Norway with ISO Quality Standard support this.

*Except for what is noted under point 1 and given the "promise" of appropriate grants from the state even if the surplus of the Norwegian lottery decreases, the evaluation team considers that the commitments in Article 4 are very well observed.*

**Recommendations:**

- *an overview of new scientific data concerning the connection between doping and violence and the implication on the contents of the relevant section in the Penal Code should be considered*
- *that the flexibility of the list of forbidden substances tied to the section in the Penal Code is discussed*
- *that new investigation techniques for the detection of forbidden substances in imported goods be explored.*

**Article 5 – Laboratories**

The evaluation team was invited to the Section for doping analysis at the Hormone Laboratory Aker University Hospital in Oslo.

As a section of the Hormone Laboratory (Director Prof. Egil Haug) of Aker University Hospital Oslo, the section for doping analysis was established in 1985 and just recently obtained considerably renewed and extended premises by an enlargement of the building. The thoroughly modern installation and equipment demonstrated the high technical level of this laboratory.

The laboratory analyses more than 5000 samples per year, mostly from Anti-Doping Norway, but also some ordered by Denmark, according to a yearly agreement with Anti-Doping Denmark. Further doping control samples are obtained through the bilateral agreements for mutual testing of Anti-Doping Norway with other Nordic federations as well as with international federations and WADA. Besides doping control samples, the laboratory also analyses samples for the National Food Authority.

A large proportion of the fixed costs at the anti-doping laboratory are financed by an annual grant from the Ministry of Culture and Church Affairs. The rest of the costs are covered by payment for sample analysis. Part of the annual funding received from the Ministry is used by Anti-Doping Norway to pay for the analysis of their doping control samples.

The high scientific level of the Oslo anti-doping laboratory can be shown by the following facts:

- continuous confirmation of the accreditation both by WADA (earlier by IOC) and by the International Standard for Laboratories ISO 17025
- election of the director Peter Hemmersbach to international boards like the Medical Commission of the IOC and the Committee for Laboratories of WADA
- by cooperation (special questions of control samples, research) with several other accredited laboratories
- a series of research projects and scientific publications (a list is attached to the Report).

The research activities of the laboratory are mainly focussed on the detection of erythropoietin (EPO) and of anabolic steroids like nandrolone; in particular with respect to the stability of adverse analytical findings and interfering factors.

According to the Commitment report, the Ministry has also provided annual funds for a research programme under the auspices of the Research Council of Norway on i.a. anti-doping.

*The evaluation team considers that the sources of financing and the high level of samples analysed gives Norway a solid base for the development of analytical strategies and for current and future research projects. All requirements of the Article 5 are excellently fulfilled.*

## **Article 6 – Education**

1. The Explanatory Report on the Anti-Doping Convention underlines the importance of an effective preventative work as a necessary complement to the doping controls. It is strongly recommended to include all parts of the sports society (schools, clubs, parents, medical practitioners, paramedics, media, etc.) in education and information programmes.

The anti-doping organisation in Norway has a long tradition of education and information. In the framework of Norway's Anti-Doping strategy various campaigns were organised in the last decade.

The establishment of Anti-Doping Norway in 2003 made it possible to again underline the importance of education. In the articles of the "Association for Anti-Doping Norway", it is written that Anti-Doping Norway "...shall promote values, information and preventive work aimed at fighting doping. These activities include inter alia development of training and educational programmes in order to prevent health damage and to promote fair sports competitions".

The education unit of ADN, chaired by Gunnvor Aase Hole, consists of three employees.

ADN focusses on five different target groups:

- Athletes in the registered testing pool and their support personnel
- National top level athletes and their support personnel
- Athletes participating in competitions
- Youths participating in organised sport
- Sports medical personnel.

ADN provides educational materials and information assistance to sports federations which are organising their own anti-doping propaganda activities and to others. According to information received from sports federations (skiing and football) and representatives from the Athletes Committee, the sports society is very satisfied with the work of ADN in the education and information field.

Eleven freelance lecturers provide lectures and stands all over the country.

In most of the work they do and campaigns they have it is an idea behind to "Keep it simple and smashing" (KISS).

The information and education programme includes:

- Lectures and lecture packages: (including all necessary information on the list, the controls, health consequences, nutrition and supplementation, etc.) The lecture packages target 4 groups (youth in school, youth in clubs, adults, and athletes). Each lecture lasts approximately 45 minutes.

Between 2003 and 2006 more than 700 lectures were organised, mainly at the request of sports federations or clubs.

- ADN Website: This website is an important information tool, including facts and news. More than 300 hits per day are registered.
- Play fair – play clean – play true: The main goal of this campaign was to raise consciousness about fair play, honesty and anti-doping among the youth.
- Stands. It is important to be out there to meet the athletes, coaches and parents, It was a stand in “Norway Cup”. With the great support from famous players, more than 30.000 young football players and spectators could be reached. In addition to the Norway Cup, stands were put up at several sports events (mayor events, general assemblies, national federation meetings, etc.) where people received information about fair and clean sports. Quiz were asked and small gifts were handed out after answering the questions.
- Athletes Guide: For all top athletes a specific athlete’s guide was published. This guide includes all important knowledge (regulations, standards, etc.) on anti-doping.
- Brochures: Brochures including information on specific drugs (e.g. cocaine, ephedrine, anabolic steroids, alcohol, etc.) has been published and distributed at several occasions.
- Telephone Service: Telephone services related to drugs in general, but also to “forbidden medicine”, are established by the Ministry of Health and Care. These services are run by the personnel from the Hormone Laboratory at Aker University Hospital.
- Newsletter: Four times a year ADN publishes a “Clean Sport Newsletter”, including news, important themes, etc. The newsletter is published on paper and electronically (e-mail version).
- Anti-Doping Seminar: Twice a year specific seminars for sports doctors, other physicians, physiotherapists and support personnel have been organised.
- Training Centres: ADN is also focusing on training centres (gyms). They are invited to take part in the anti-doping programmes of ADN. Participating gyms receive information material and posters, but are also invited to take part in a voluntary doping control program for gym users.

The effectiveness of the measures for information and education conducted by ADN has not yet been evaluated. A report on the development of the values and ethics within the Norwegian Sports Confederation with the scope of years 1993 - 2003 was conducted in 2002-2003 at university level. The team did not receive information on the outcome of the report.

2. It is important to mention that all athletes using services from Norwegian Olympiatoppen (top sport support centre of Norway) are fully included in the ADN programmes. Olympiatoppen ensures a high quality training process using achievements of sports science and uses experience transfer from sport to sport. There are approximately 200 athletes in Olympiatoppen. They have all the necessary support for their training, rehabilitation, sports medicine and competition needs. The evaluation team talked with athletes and understood that they are satisfied with the training processes provided by Olympiatoppen.

In addition to the analytical research of the doping laboratory, Anti-Doping Norway also conducts research. It is entitled to use part of the support of the Ministry for medical, physiological and



sociological research projects (100 000 USD a year) within the field of anti-doping, and several studies have been supported by this authority:

- study of the effectiveness of doping control (Norwegian School of Sport Sciences); results already reported at an international seminar in 2005
- study of individual blood profiles of national top-level athletes (collaboration with the laboratory), this is a very important current topic in the light of intensive discussions within ADN around federations of the Olympic Movement, especially in connection to the recent rebirth of the classical blood doping as a consequence of the detectability of erythropoietin.

Such research projects can either be self-initiated by ADN or initiated and applied for by research groups.

The risk analysis programme for top-level athletes on nutrition supplements is remarkable. To reduce the danger of using contaminated supplements all athletes involved in the Olympiatoppen programme must report to the nutrition experts of OLT on their use of nutritional supplements.

*In the meetings with representatives from the NOC, the Skiing Federation, the Football Federation, but also from the Athletes committee, the evaluation team were convinced of the effectiveness of the various educational measurements. The team highly appreciated the educational activities and the research programme. The commitments of article 6 are highly fulfilled.*

*Even though there has been an evaluation on the development of values and ethics in sport and considering too what is mentioned above, it is recommended to evaluate the various information and education programmes from a short, middle and long term perspective. Cost – effectiveness comparisons could not only help ADN to prove their measurements but also assist other countries in their strategy discussions. We can learn from each other and do not have to invent the wheel from the very start again and again.*

*Recommendation: The education and information activities of ADN should be measured from a short, middle and long term perspective and the various measurements or results scientifically evaluated. All other parties of the Convention should be provided with the results of the evaluation in this respect.*

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

1. Norway has a long history of advanced anti-doping work inside the country with the Confederation of Sports, funded by the Government, as executor. The foundation of Anti-Doping Norway has not lessened but increased the efforts. Since the early stages of development of international anti-doping work Norway has been one of the leading countries to establish harmonised procedures. The Ministry of Culture and Church Affairs and Anti-Doping Norway actively participate in the development and improvement of the World Anti-Doping Code and its International Standards, which provide appropriate measures against doping in sports.

2. The World Anti-Doping Programme (Code and Standards) is agreed upon by all international sports federations and many national anti-doping agencies. These standards include the Prohibited List and the Testing Standard. The Code provides for harmonised disciplinary sanctions.

The Statutes of the Norwegian Olympic Committee and Confederation of Sports include regulations on doping and are compliant with the World Anti-Doping Code and International Standards. The Prohibited List as accepted by WADA is in force for all sportsmen and sportswomen in Norway.

All activities of doping controls performed by Anti-Doping Norway comply with agreed procedures and it is conformed by ISO certified quality system for doping control. Even more, the International Standard for Testing has been developed based on documents produced by the International Anti-Doping Agreement (IADA), with strong participation from Norway, already before WADA Standards.

The rules concerning disciplinary procedures are based on the principles of respect for the fundamental rights of the suspected athlete. A suspected offence against the doping rules is handled by the Prosecution Committee at Anti-Doping Norway, which evaluates possible TUE presence or non-compliance during the doping control procedure, including hearing the athlete's explanation, and decides whether to prosecute or not. A prosecution is forwarded to the Adjudication Panel within the Norwegian Olympic Committee and Confederation of Sports. An appeal can be made over the decision of the Adjudication Panel to the Appeal Committee and by international-level athletes to CAS. Members of both the Adjudication Panel and the Appeal Committee are elected by the General Assembly but independent of the General Assembly and the Board of the NOC. The athlete's rights to a fair trial are the same as according to Norwegian law.

According to the World Anti-Doping Code, sanctions can be applied to athlete's support personnel. All sanctions are recognised by all sports and all national anti-doping agencies. The Norwegian legislation, referred to under Article 4, can give ground for also legal proceedings.

3. According to the statistical information from Anti-Doping Norway it conducts more than 3000 tests per year, 60% of which are out-of-competition and without prior warning. Tests can be carried out in all sports in the Norwegian Olympic Committee and Confederation of Sports. The doping control system in Norway is of a high level and is certified according to the ISO 9001:2000 in accordance with the World Anti-Doping Code.

Anti-Doping Norway has implemented the requirements in the Convention concerning testing foreign athletes or testing abroad by applying the Additional Protocol to the Convention, several bilateral agreements and the Nordic Agreement.

According to the Statutes of Norwegian Olympic Committee and Confederation of Sports compliance with anti-doping rules is a prerequisite to joining sports events.

Norwegian athletes are very clean-sports orientated. The evaluation team received information from representatives from the Athletes Committee on their and other athletes' participation in anti-doping campaigns.

The Doping Control Laboratory in Oslo analyses doping samples for Norwegian, Danish and World Anti-Doping Agencies and also provides services for other state institutions. The laboratory's extensive work is reported on under Article 5.

As previously reported under article 6.2 Olympiatoppen provides for proper training methods based on scientific conclusions.

***The evaluation team considers that Norway conducts very efficient anti-doping work, mainly through Anti-Doping Norway. It complies fully with the requirements of Article 7.***

*The team raised one point of discussion concerning doping controls without advance warning. In the whereabouts regulation of Anti-Doping Norway it is considered sufficient that athletes submit for at least one hour per day where they will be available for unannounced out-of-competition sample collection. In a way this could mean that the athlete gets a “preannouncement”. If an athlete depends on possibility that the DCO will only come for controlling purposes during that hour, it could eventually lead to the development of individual administration strategies with small doses (even after daily application). A general problem lies in the worldwide statistics of the time delay in out-of-competition sample collection. While it is almost certain that there is no “preannouncement” in European countries, it is practically impossible (as experience shows), that samples are really collected without any time interval from the first contact of the control officer with the athletes (e. g. phone call or through other persons) until the sampling (or at least until the direct contact or accompaniment). This discussion however gave no rise for a recommendation on amendment of the regulations on whereabouts.*

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

1. One of the activities that ADN should engage in according to the Articles of Association is to promote international co-operation on fighting doping within organised sport. The aim that ADN has set up for these activities is to contribute internationally to ensure health and honesty in sports and to fair international competition under equal conditions. The goals are formulated like this:

- Contribute to international co-ordination and strengthen WADA's "legislation" and monitoring role
- Strengthen the NADO's role as the operational unit for doping control and education
- Contribute to optimal co-ordination of controls and education activities for international top-athletes through collaboration with WADA and IFs.

In sports where the international federation does not demand a negative doping control report to recognise a world or regional record, such records are recognised.

2. The Doping Control laboratory at Oslo Aker Hospital is very much involved in international co-operation, which is described in the Norwegian report.

3. As previously described, Norway has always been one of the countries that started international co-operation in the anti-doping field with the aim of harmonising rules and procedures. The Norwegian experts, both governmental as well as non-governmental, have been active in different organisations - Council of Europe, UNESCO, World Anti-Doping Agency (WADA), IADA and Association of National Anti-Doping Organisations (ANADO). Norway is also actively engaged in bilateral co-operation with countries such as China, France and Denmark.

4. The Doping Control laboratory at Oslo Aker Hospital provides extensive help and services to other laboratories, which is described in the report.

*The evaluation team has with great interest taken in the information on the extensive international co-operation in which Norway is engaged. Much work has been put into helping countries with less developed anti-doping measures. From these activities any country wanting to fight doping in sport has gained in solid regulations, in harmonisation and in an equal competition field. The commitments of Article 8 are thus more than fulfilled.*

### **Article 9 – Provision of Information**

Norway completes the annual data base questionnaire of the Monitoring Group, as well as other inquiries from working groups for improving areas in anti-doping work within Council of Europe.

### General conclusions and recommendations of the evaluation team

The Norwegian anti-doping system fulfils, with a good margin, the commitments under the Council of Europe's Anti-Doping Convention. The roles between the Ministry, the NOC and ADN seem to be clear and well understood by the partners. The national sports policy, accepted by the Parliament, is based on respect for the autonomy of sport. The Statutes for the Norwegian Olympic Committee and Confederation of Sports (NOC) contain the anti-doping regulations, which are the national implementation of the World Anti-Doping Code. The disciplinary bodies are elected by the General Assembly of the NOC, but are not subject to the instructional authority of the NOC's governing bodies. With the creation of Anti-Doping Norway with its responsibilities to conduct doping controls, to act as prosecutor and to promote values, perform information and preventive work in the fight against doping in Norway, the system seems very efficient. The international co-operation is also impressive. Each partner takes its responsibilities. The evaluation team could not find any gaps or shortcomings in the system.

The following recommendations can only improve the already efficient system and serve as suggestions for further development of the Norwegian anti-doping measures. No prioritising could be made between the recommendations.

Article	Recommendation	Body concerned
3	<p>1) ADN is allowed to regularly take part in the meetings of the inter-ministerial group.</p> <p>2) The police takes part in the regional co-operation initiated by ADN.</p>	<p>Ministry of Culture and Church Affairs</p> <p>Police</p>
4	<p>An overview of new scientific data concerning the connection between doping and violence and the implication on the contents of the relevant section in the Penal Code should be considered</p> <p>The flexibility of the list of forbidden substances tied to the section in the Penal Code is taken into discussion</p> <p>New investigation techniques for detection of forbidden substances in imported goods should be explored.</p>	<p>Ministry of Justice and Police and Ministry of Culture and Church Affairs</p> <p>Ministry of Culture and Church Affairs together with the institutions responsible or within inter-ministerial group</p> <p>Customs, police and postal authorities</p>
5	<p>The education and information activities of ADN should be measured from a short, middle and long term perspective and the various measurements or results scientifically evaluated. All other parties of the Convention should be provided with the results of the evaluation in this respect.</p>	<p>ADN and Ministry of Culture and Church Affairs</p>

## **Acknowledgments**

The preparations for the meeting in Oslo were very good, with the programme running smoothly. Everything was done to give the team the information that was requested. The team went away with many good new ideas.

The team would like to thank especially Henriette Hillestad Thune and Øyvind Sjursen who accompanied us and who managed to answer all our questions. The team would also like to thank the State Secretary Halvard Ingebrigtsen and the Political Advisor Trine Synøve Lie Larsen and other representatives from the Ministry of Culture and Church Affairs for the information that was given and for the hospitality. Information from the representative from Customs and Excise was also valuable.

The team also thanks sports representatives from the NOC, Olympiatoppen, the Football Association, the Ski Association and the Athletes Committee.

The team wishes to thank Chief Executive Officer Anders Solheim and his staff and representatives of the Board for the excellent presentations on the activities of ADN and hospitality.

The visit to the Doping Laboratory was very interesting and enlightening and for this the team thanks the director Peter Hemmersbach.

## **Composition of the evaluation team**

Hans Holdhaus (Austria)

Liene Koslovska (Latvia)

Klaus Müller (Germany)

Kristina Olinder (Sweden), co-ordinator

## **Programme of the evaluation visit**

### **Sunday 26 November**

Preparatory meeting of the expert team

### **Monday 27 November**

#### *Morning*

Ministry of Culture and Church Affairs

- Norwegian anti-doping policy – the role of the government

Anti-Doping Norway

- Background and statutes
- Long-term plan and annual business plan
- Education and information
- International co-operation

#### *Afternoon*

Anti Doping Norway

- Disciplinary procedures
- Doping control, nationally and internationally
- Research

Norwegian Olympic Committee and Confederation of Sports

- Anti-doping work and cooperation with ADN

Doping Commission of NOC

- Results management and Disciplinary Procedures

### **Tuesday 28 November**

#### *Morning*

Section for doping analysis at the Hormone Laboratory at Aker University Hospital

- Analysis
- Research

Meeting with Norwegian Customs and Excise

Meeting with members of the Athlete Committee

#### *Afternoon*

Meeting with the State Secretary of the Ministry of Culture and Church Affairs

### **Wednesday 29 November**

Last questions and concluding discussion with the evaluation team.

### **C. Comments from Norway**

We are very satisfied with the evaluation team report. It is a comprehensive and good report, which covers all the major aspects of the Norwegian anti-doping work.