

MONITORING GROUP (T-DO)

ANTI-DOPING CONVENTION



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Anti-Doping Convention (T-DO)

Project on Compliance with Commitments

Respect by Norway of the Anti-Doping Convention

**Follow-Up Report
by Norway on the recommendations
of the Monitoring Group of the Anti-Doping Convention**

FINAL

Adopted at the 31st meeting of the Monitoring Group of the Anti-doping Convention

Follow-Up Report

By Norway on the recommendations of the Monitoring Group of
the Anti-Doping Convention

1. INTRODUCTION

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.

Between 27. and 29. November 2006 Norway hosted a visit by an evaluation team appointed by the Council of Europe. The evaluation team presented its report containing recommendations under a number of articles.

The Evaluation Team stated that;

“Norwegian anti-doping system fulfils, with a good margin, the commitments under the Council of Europe’s Anti-Doping Convention.”

It was stated that the evaluation team could not find any gaps or shortcomings in the system.

The recommendations that were forwarded to Norway in the report was intended as help to improve the already efficient system, and serve as suggestions for further development of the Norwegian anti-doping measures. This is highly appreciated, and the recommendations have been carefully reviewed.

This report has been prepared by the Norwegian Ministry of Culture to provide an overview of actions taken, and to provide explanatory comments in respect to the recommendations presented in the report from the evaluation team.

In order to provide a complete report, the articles of the convention are included, and also the comments from the evaluation team on the areas where the requirements of the article were fulfilled.

2. AIM OF THE CONVENTION (ARTICLE 1)

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

The evaluation team found that the political commitment expected in Article nr.1 is fulfilled.

3. DEFINITION AND SCOPE OF THE CONVENTION (ARTICLE 2)

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

4. DOMESTIC COORDINATION (ARTICLE 3)

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

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 organization.

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

Actions and explanatory comments

Include ADN in the inter-ministerial group on a regular basis

The mandate of this group is to co-ordinate the efforts of governmental bodies in anti-doping work in general. The group meets to share relevant information in order to provide the ministries with the necessary knowledge related to anti-doping and suggests specific actions to be taken in the field of anti-doping.

AND has taken part in some of the meetings of the inter-ministerial group, but as the group is strictly inter-ministerial, it will not be acceptable to include non-governmental members on a permanent basis. However it is emphasized that the group of course is expected to invite any non-governmental organization or person with expert knowledge related to the agenda subjects. This is carefully considered during the preparation of the meetings, on a case-by-case basis.

Regional cooperation with the police

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 purpose of the meetings is to coordinate actions in the field of anti-doping and to throw light on distribution channels and environments where doping is a potential problem. Even though the police, through the National Police Directorate, have participated in the central coordination meetings for a while, the regional work has not fully utilized the potential that lies in a stronger cooperation with the police districts or offices. This has gradually changed, and ADN now reports that they have an increasing number of good examples on strong and fruitful cooperation with the regional police units.

This is most probably the result of the continuous effort of ADN regional organization, strengthened by the strong support from the National Police Directorate. There is sound reason to believe that this cooperation will be developed even further, and include more police districts, as this network grows steadily.

The development will be observed, and will continue to be addressed in the regular meetings with ADN.

5. MEASURES TO RESTRICT THE AVAILABILITY AND USE OF BANNED DOPING AGENTS AND METHODS (ARTICLE 4)

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

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

3. Furthermore, the Parties shall:

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

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; T-DO (2007) 12 final 10

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

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

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

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.*

Actions and explanatory comments

New scientific data concerning doping and violence

One of the actions of the inter-ministerial coordination group in 2006 has been to initiate a major research project on the use of doping among young people. 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.

Some of the results from this research project were recently published, and will be considered in relation to the fight against doping. It is expected that this research project will continue to provide useful information in this field in the coming years.

The flexibility of the list of forbidden substances tied to the section in the Penal Code

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. It should be pointed out that this 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 organized sport.

The criteria for including substances to the list are not the same as for the WADA-list.

According to § 2 of the Regulations, the management of the doping list is the responsibility of the *Norwegian Medicines Agency*. The most recent update entered into force on 1 October 2006.

The list of forbidden substances has to be precise and clear in order to decide whether each potential violation of the Penal Code is a case for criminal prosecution or not. If the list is too flexible and open, it could create too many challenges for the police and the legal system. The tempo of which new doping substances are developed is obviously very high.

The Ministry of Culture will consult with the Ministry of Health and Care Services in order to decide whether the Norwegian Medicines Agency could update the list more frequently than is currently the case.

New investigation techniques for the detection of forbidden substances in imported goods

Norwegian Customs and Excise (NCE) is a directorate 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. A large proportion of the doping substances entering Norway is sent by post. Almost all of these parcels arrive in the customs region Oslo and Akershus (Oslo and Oslo Airport Gardermoen).

NCE is continuously considering new technology, methods and techniques in order to be at the forefront of scanning and inspection of shipments. Regardless of technology, it is emphasized that it is the experience and motivation of the personnel that is the most important factor in the inspection process, and this is the main focus of NCE. In order to get useful information from instruments like X-ray machines, it is very important that the personnel are highly skilled and experienced.

NCE has completed some experiments and tests where handheld spectroscopy devices have been utilized. The result is however not promising, due to the very high number of false detections from these smaller devices. False detections are very time consuming.

Larger, stationary spectroscopy machines have also been considered at NCE, but have not yet been found sufficiently cost effective for the purpose of detecting doping substances.

6. LABORATORIES (ARTICLE 5)

1. Each Party undertakes:

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

b) to assist its sports organizations 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 programs 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 evaluation team considers that the sources of financing and the high level of samples analyzed 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.

7. EDUCATION (ARTICLE 6)

1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organizations concerned and the mass media, educational programs and information campaigns emphasizing the dangers to health inherent in doping and its harm to the ethical values of sport. Such programs 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 programs will emphasize respect for medical ethics.

2. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organizations concerned, into ways and means, of devising

scientifically-based physiological and psychological training programs that respect the integrity of the human person.

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 program.

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 programs 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.

Actions and explanatory comments

A Scientific evaluation of Anti-Doping Norway's education and preventive campaigns

The highly positive assessment of the evaluation team on the Norwegian educational and preventive campaigns in the field of anti-doping is received with satisfaction. Further on, Anti-Doping Norway has expressed that it welcomes the proposal to evaluate the main program in its educational and preventive work, and has already started to develop the framework for this project.

The focus of the Project will be the very extensive lecture programmes, which provide a broad basis for scientific research with more than 500 lectures and more than 20 000 attendants during the last 3 years.

The project will be conducted in three steps, from an initial quantitative survey to more detailed qualitative analysis later in the project. The aim is to develop a model for the evaluation of educational and informational campaigns, as well as the previous mentioned lecture program.

The Ministry of Culture is currently in dialog with Anti-Doping Norway. When the project is complete, all parties of the convention will be given access to the final report. Status information will be accessible as the project is carried out.

8. CO-OPERATION WITH SPORTS ORGANISATIONS ON MEASURES TO BE TAKEN BY THEM (ARTICLE 7)

1. The Parties undertake to encourage their sports organizations and through them the international sports organizations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.

2. To this end, they shall encourage their sports organizations to clarify and harmonize their respective rights, obligations and duties, in particular by harmonizing their:

- a) anti-doping regulations on the basis of the regulations agreed by the relevant international sports organizations;*
- 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 organizations;*
- c) doping control procedures;*
- d) disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:
 - i. the reporting and disciplinary bodies to be distinct from one another;*
 - ii. the right of such persons to a fair hearing and to be assisted or represented;*
 - iii. clear and enforceable provisions for appealing against any judgment made;**
- e) procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;*
- f) procedures for the mutual recognition of suspensions and other penalties imposed by other sports organizations in the same or other countries.*

3. Moreover, the Parties shall encourage their sports organizations:

- a) to introduce, on an effective scale, doping controls not only at, but also without advance warning, at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;*
- b) to negotiate agreements with sports organizations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorized doping control team by that country; T-DO (2007) 12 final 20*
- c) to clarify and harmonize 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 organizations;*
- 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.*

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.

9. INTERNATIONAL CO-OPERATION (ARTICLE 8)

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

2. The Parties undertake:

- a) to encourage their sports organizations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organizations 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 organizations in order to achieve, at the international level as well, the purposes set out in Article 4.1.*

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

The 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 harmonization and in an equal competition field. The commitments of Article 8 are thus more than fulfilled.

10. PROVISION OF INFORMATION (ARTICLE 9)

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.

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.