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

**Project on compliance with commitments  
Respect by Luxembourg of the Anti-Doping Convention**

**Report by:**

**- Luxembourg  
- the evaluation team**



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## **A. Report by Luxembourg**

### **1. Foreword**

On 16 November 1989, the Grand Duchy of Luxembourg signed the Council of Europe's *Anti-Doping Convention*. In so doing it undertook, within the limits of its constitutional provisions, to take the necessary steps to reduce and ultimately eliminate doping in sport.

Since then, to ensure compliance with the Convention, Luxembourg has adopted a number of different measures and set up a national body to co-ordinate efforts to combat doping. Under the Convention, each Party is also required to compile a report summarising all the measures it has taken in connection with the various provisions of the Convention.

Luxembourg would like to use this report to show what it has done since signing the *Anti-Doping Convention* in 1989 in order to honour its commitments under the Convention. The report will explain the different policies, procedures and infrastructure developed since the Convention was signed and describe what has been achieved in the fight against doping at national level.

To that end, it was decided to take stock of anti-doping policies in Luxembourg by carrying out a self-assessment at national level, looking at the most important Articles of the Convention and describing the different measures taken for each Article,.

In order to be as objective as possible, the authorities responsible for combating doping in Luxembourg decided to commission an outside body to draft the report. It is based on interviews conducted with all the parties concerned with this issue and an exhaustive documentary analysis.

## **2. Introduction**

### **2.1 Sport in Luxembourg**

The sports movement clearly plays an important role in Luxembourg civil society. Although there are no real professional sports structures, the country's population of 440,000 includes more than 100,000 licensed members of sports federations, who are all involved in the national movement in one way or another, whether as sportsmen and women, coaches, managers or helpers.

The movement is self-governing, with 59 national sports federations responsible for the various sports. They are grouped together in the *Comité Olympique et Sportif Luxembourgeois* (COSL – Luxembourg Olympic and Sports Committee) and receive support from the *Ministry of Education, Vocational Training and Sport*.

The Act of 26 March 1976 on Physical Education and Sport provided for the setting up of the *Conseil Supérieur de l'Éducation Physique et des Sports* (Higher Physical Education and Sports Council) and the accreditation of a central umbrella body for the various sports federations and associations. It also made physical education and sport a compulsory component of Luxembourg's school education system, laid down rules governing competitive sport, and led to the introduction of sports medicine centres whose primary function is to carry out the medical examinations that are compulsory for all members of a sports federation. The Act also provides for the drawing up of regular programmes with respect to sports facilities.

The Act is currently being amended in an attempt to bring it into line with current needs. There are plans to incorporate a separate article on the fight against doping.

Luxembourg is able to boast impressive sports facilities, which are to be developed further following the launch under the Authorising Act of 8 November 2002 of the 8<sup>th</sup> 5-year plan to promote sports facilities, in which the state has agreed to invest € 120 million in helping to finance 60 projects set up by 50 municipalities and associations of municipalities. Priority will be given to the building of regional facilities that will be used for school sports, competitive sporting events and recreational sport.

Because of its size, Luxembourg is unable to compete with other countries, particularly its neighbours. The emphasis is therefore on amateur sport, although the country's top teams and top individual athletes regularly take part in international events such as the *Olympic Games*, the Games of the Small States of Europe, and many other European and international sporting competitions.

Of particular note in 2002 were a number of cycling events, such as the start of the Tour de France in Luxembourg City, the arrival of one stage of the Giro d'Italia, and the hosting of the World Military Cyclo-Cross Championship.

### **2.2 Luxembourg's approach to combating doping**

As pointed out by the *Minister for Education, Vocational Training and Sport*, Ms Anne Brasseur, in the speech she gave to mark the official presentation of the Tour de France in Paris on 25 October 2001, a great many major sporting events are still haunted by doping. Ms Brasseur said that while doping was not a new phenomenon, general attitudes towards it had changed. It would appear that those in positions of responsibility with regard to sport are no

longer prepared to bury their heads in the sand and are determined to break the silence that has surrounded such practices. It is not sufficient simply to apportion blame or single out guilty parties. On the contrary, what is needed is an approach that involves all those in positions of responsibility, with clear and unambiguous rules that apply to everyone, and the resources needed to ensure they are observed.

Clearly, Luxembourg is not immune to the threat of doping abuse, and the way the situation has changed for the worse in recent years has been a matter of considerable concern for those in charge of the sports movement in Luxembourg.

It is only natural, therefore, that Luxembourg should join forces with the international sports movement, and in particular comply with the Council of Europe's *Anti-Doping Convention*, with its list of banned products and substances which is applied in Luxembourg, as well as the conclusions and measures identified by the *World Conference on Doping in Sport* held in Lausanne in February 1999. Luxembourg accordingly welcomes all the initiatives taken by bodies such as the *International Olympic Committee* (IOC), the *World Anti-Doping Agency* (WADA), and sports federations and political bodies, not only at international but above all at national level, since sport must continue to play an important role in health protection, in moral and physical education, and in promoting international understanding.

The *National Committee against Doping in Sport* (CNLDS) was set up to ensure compliance with the Council of Europe's *Anti-Doping Convention* and to develop efficient instruments for combating doping. By common consent, the Committee acts as the prime contact point for all questions relating to prevention, education and anti-doping controls with regard to sport in Luxembourg. In accordance with Luxembourg tradition, it consults all the different parties concerned by the problem of doping: the *Ministry of Education, Vocational Training and Sport*, the *Ministry of Health*, the world of sport through the COSL (*Luxembourg Olympic and sports committee*), and sports federations, sports doctors and physiotherapists, and P.E. teachers.

The national authorities are fully behind the efforts to agree on an internationally recognised definition of doping, and endorse the need for more uniform rules relating to prevention, suppression and punishment. Luxembourg considers that it is only with the help of exemplary preventive, educational and to some extent punitive measures, internationally and nationally, that sport will be able to retain its credibility and ethical values, which are so vital to justify its existence. With that in mind, those in charge of the Luxembourg sports movement advocate investing more funds in doping controls in order to detect the use of banned substances and methods.

### 3. The different 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.**

In signing the Convention on 16 November 1989, Luxembourg indicated that it was fully committed to the international anti-doping campaign. The Convention was incorporated into Luxembourg law following the statutory procedure initiated by the government on 31 January 1991 when a bill approving the Anti-Doping Convention was brought before the *Chamber of Deputies*, together with an explanatory memorandum and an opinion drawn up by the COSL.

In the light of the opinion of the *Council of State (Conseil d'Etat)* of 4 July 1995, and following the report by the *Parliamentary Committee on Sport and Youth Questions* of 28 March 1996, the Convention was incorporated into Luxembourg legislation with the Act of 26 April 1996 approving the *Anti-Doping Convention* signed in Strasbourg on 16 November 1989.

Luxembourg has, therefore, followed up the recommendations set out in the Convention, *inter alia* by:

- incorporating the full text of the Convention into its domestic legislation;
- setting up the CNLDS (*National Committee Against Doping in Sport*);
- introducing a common approach to combating doping at the level of sports federations;
- having conducted campaigns to develop awareness and disseminate information among the relevant target groups for many years;
- making available state funding for carrying out systematic doping controls.

In general terms, implementation of Luxembourg's policy to combat doping is based on the following:

- the principle of self-regulating sports federations;
- the principle of using awareness, information and education campaigns to combat doping;
- active participation in the international anti-doping movement;
- the setting up of an efficient system of regular doping controls;
- public-sector funding of anti-doping measures out of the budgets of the Ministry of Education, Vocational Training and Sport and the resources of the COSL (Luxembourg Olympic and sports committee).

#### 3.2 Article 2: Definition and scope of the Convention

##### 1. For the purposes of this Convention:

- a. "doping in sport" means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;
- b. "pharmacological classes of doping agents or doping methods" means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in

- lists that have been approved by the Monitoring Group under the terms of Article 11.1.b;
- c. "sportsmen and sportswomen" means those persons who participate regularly in organised sports activities.
2. Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the Monitoring Group under the terms of Article 11.1.b, the reference list in the Appendix to this Convention shall apply.

### 3.2.1 Definition

Luxembourg fully concurs with the definition given in the Convention and therefore interprets doping in sport to mean the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods banned by the relevant international sports organisations.

This definition is fully applicable in the Grand Duchy, not only because Luxembourg has signed the *Anti-Doping Convention* but also because the Convention was incorporated into Luxembourg law by the Act of 26 April 1996 approving the *Anti-Doping Convention*.

In line with the Convention, Luxembourg also supports the definition of doping adopted by the International Olympic Committee (IOC), in other words "the administration to or the use by a healthy person, in any manner whatsoever, of agents foreign to the organism, or of physiological substances in excessive quantities or introduced by an abnormal channel, with the sole purpose of affecting artificially and by unfair means the performance of such a person when taking part in a competition."

Doping, in other words the use, conscious or otherwise, of methods or substances in breach of the laws and regulations in force, for the purpose of artificially enhancing performance, is therefore prohibited in Luxembourg. The ban covers the use by active sports federation members of any substance or method which may affect sporting capability and performance or masking the use of such substances. The substances that are banned are those included in the list drawn up by the national body responsible for co-ordinating anti-doping measures, the CNLDS (*National Committee against Doping in Sport*).

Because of the specific context of competitive sport, doping in sport is therefore subject to special rules. Not only do these rules relate to the concept of fair play, they also reflect the desire of those with positions of responsibility in the sports movement to protect athletes' health from the damage that can be caused by the substances used for doping purposes.

### 3.2.2 Pharmacological classes of doping agents or doping methods

The pharmacological classes of doping agents and methods in Luxembourg are published regularly by the CNLDS and correspond to the list drawn up by the *Anti-Doping Convention*. The list is open-ended rather than exhaustive and gives the names of known or new substances that belong to prohibited classes or which are related to such substances in terms of their chemical structure or pharmacological effects.

It is the responsibility of the *Ministry of Health's Division of Pharmacy and Medicine* to ensure that the brand names of drugs marketed in Luxembourg and containing such substances are added to the list.

The lists are circulated among the medical profession and pharmacists and distributed to all sports federations in Luxembourg, and to top sportsmen and sportswomen. They are also available on request to members of the general public for information and may be consulted on the CNLDS's website ([www.cnllds.lu](http://www.cnllds.lu)).

### **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.**

#### 3.3.1 Luxembourg's anti-doping policy

It was the *Ministry of Sport* and the *Société Luxembourgeoise de Médecine du Sport* that initiated and launched the first national anti-doping scheme in the 1960s.

This scheme was based on a model agreement drawn up between by the *Société Luxembourgeoise de Médecine du Sport* and the *Ministry of Sport* and approved by several federations responsible for sports particularly vulnerable to the threat of doping, such as cycling, boxing and athletics.

At the time, doping controls were carried out at the express request of the federations and mainly concerned individual sports. Compared with the total number of controls, incidents of doping were extremely rare, and over a period of several years there was only one disqualification.

In accordance with the principle of subsidiarity applied by the public authorities to physical and sporting activities, the Luxembourg government is generally unwilling to encroach on the responsibilities specific to sports organisations. Accordingly, the main features of the anti-doping policy are the result of a joint effort by the Ministries of Sport and Health, the COSL (*Luxembourg Olympic and Sports Committee*), and the *Société Luxembourgeoise de Médecine du Sport*.

The fundamental principles in this context are that the sports movement itself should be given responsibility, be self-regulating and self-disciplining, given that to date Luxembourg – as part of its non-coercive policy – has refrained from taking a legislative approach, on the understanding that the sports movement itself undertakes to play a direct and active part in the fight against doping. Luxembourg intends to manage its anti-doping policy through an approach based on ongoing dialogue and discussion within the sporting fraternity.

At national level the policy focuses on awareness-raising, information and education and at international level on active participation in committees and movements set up under the aegis of world-wide, European and national sports and intergovernmental organisations, through Luxembourg's adoption of international norms.

To begin with, anti-doping efforts were concentrated mainly on controls carried out during international sporting events held in Luxembourg. They were largely confined to sports such as cycling, boxing, athletics, weight-lifting, and bodybuilding. Now, however, the number of

controls is steadily increasing, and they concern all sports. Also, far more of the sportsmen and women tested for doping now come from Luxembourg, particularly all those who take part in top-level sports or who are coached abroad. Controls are increasingly carried out at random, outside a competition context.

These efforts are obviously all backed up by existing laws, and the initiative with respect to the various measures and controls still comes mainly from the sports world, via the CNLDS.

### 3.3.2 CNLDS (National Committee against Doping in Sport)

Since signing the Convention, the Grand Duchy of Luxembourg has set up a special body, the *CNLDS (National Committee against Doping in Sport)*, with general responsibility for combating doping on behalf of the entire sports movement in Luxembourg.

This association, founded by notarial Act 1180/90 of 6 August 1990 as a public corporation promoting the public interest, is a direct consequence of Luxembourg's signature of the *Council of Europe's Anti-Doping Convention*.

It was therefore the Convention that was used as a basis for developing such an efficient instrument for combating doping in Luxembourg, in perfect harmony with national legislation. The scope of the CNLDS is fairly broad insofar as it is officially recognised as the competent body for addressing all questions relating to doping in sport, with the exception of sanctions which are decided by the relevant sports federations.

The structure and purpose of the CNLDS reflect Luxembourg's tradition of ensuring that all the parties concerned by a particular problem, or the associations that represent them, are involved in the decision-making process by placing co-operation in the fight against doping on an institutional basis. Accordingly, the CNLDS was set up as an independent authority with its own legal status.

The CNLDS sees its primary purpose as prevention through information, and stresses the need for all those involved in the sports movement to shoulder their share of the responsibility in the fight against doping, be it the sportsmen and women themselves, or their managers, parents, teachers, coaches, helpers, clubs, sports bodies and federations. Accordingly, it quickly launched an awareness campaign that made use of a wide range of media possibilities (information and press campaigns, Internet, training courses, regional and international co-operation) in an attempt to reach as many people as possible.

In particular, it is responsible for:

- studying all questions relating to the fight against doping;
- formulating and proposing measures to improve anti-doping efforts;
- developing an appropriate programme of activities relating to education, prevention and information;
- helping to promote greater awareness of the effects of high-level sports training;
- setting up an information and documentation centre specialising in the problems associated with doping;
- drawing up rules for the protection of sportsmen and women;
- organising and carrying out doping controls;
- issuing opinions and recommendations on how to settle disputes relating to the application of anti-doping rules;

- drawing up and updating the list of doping agents and organising doping controls for sportsmen and women.

The CNLDS is run by a governing body comprising 15 members as follows:

- 3 members appointed by the Minister of Sport;
- 2 members appointed by the Minister of Health;
- 5 members appointed by the COSL (Luxembourg Olympic and sports committee);
- 3 members appointed by the Société Luxembourgeoise de Médecine du Sport (Luxembourg society for sports medicine);
- 1 member appointed by the Association des Professeurs d'Education Physique et Sportive de l'Enseignement Public (association of public-sector physical education and sports teachers);
- 1 member appointed by the Société Luxembourgeoise de Kinésithérapie du Sport (Luxembourg Society for Sports Physiotherapy).



Together with national federations and international sports organisations, the CNLDS is in charge of conducting doping controls and has drawn up procedural guidelines on how the controls should be carried out. It decides the number of controls needed and the competitions during which they are to be carried out and determines which athletes are to be tested outside competitions.

The controls are carried out by CNLDS inspectors specially trained for competition and random controls.

If the result of a doping test is negative, the Committee notifies the relevant federation authorities, who in turn notify the athlete. If, however, one or more banned substances are detected in sample A, the results of the test are considered to be positive and notified by the CNLDS to the athlete and the federation authorities. The athlete then has 21 days in which to submit a written request for a second opinion based on an analysis of sample B and may be present in person during the analysis accompanied by an expert or another person offering support. If the result is negative, the doping test is considered to be negative. If, however, the result confirms the result obtained with sample A, the test is considered to be positive, in which case the athlete must bear the cost of analysing sample B.

Athletes who test positive are entitled to have their say, to access their file and to consult – like their federation – the CNLDS experts. It is their own federation, however, which issues the sanctions. Athletes may appeal against the decision before an impartial court of arbitration, currently the *Tribunal Arbitral du Sport* (Court of Arbitration for Sport) in Lausanne.

The CNLDS receives funding from the *Ministry of Education, Vocational Training and Sport*, primarily to carry out doping controls and finance its information, awareness and education campaigns.

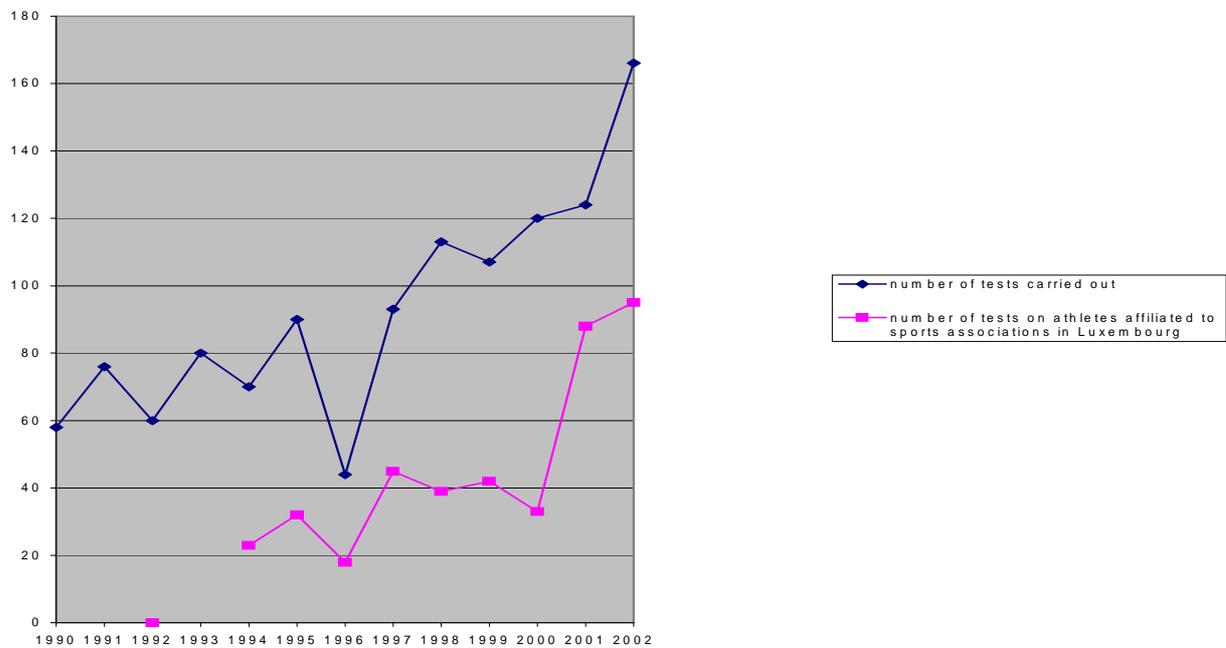
The summary table below shows the number of doping controls carried out in the Grand Duchy of Luxembourg since the beginning of the 1990s. It can be seen that there has been a steady increase in the number of controls over the past ten years, that whereas in the early 1990s the controls concerned mainly foreign athletes there has been a proportional increase in

the number of tests carried out on athletes affiliated to sports associations in the Grand Duchy of Luxembourg, and above all that random testing has been stepped up recently. However, the number of cases of athletes testing positive has not changed significantly in absolute terms and has even fallen in percentage terms compared with the increase in the total number of tests. The drop in the number of controls carried out in 1996 is the result of major staff restructuring within the administration.

**Table: Trends in respect of doping controls carried out in Luxembourg**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Number of controls	58	76	60	80	70	90	44	93	113	107	120	124	166
Number of controls involving athletes affiliated to Luxembourg sports associations					23	32	18	45	39	42	33	88	95
Number of random controls								15			28	82	81
Number of positive controls	0	2	2	0	0	0	1	2	4	8	4	2	3

**Graph: Trends in respect of doping controls carried out in Luxembourg**



### **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 analyses, either by direct subsidies or grants, or by recognising the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organisations;**
  - b. take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen and sportswomen who have been suspended following a doping offence in sport, during the period of their suspension;**
  - c. encourage and, where appropriate, facilitate the carrying out by their sports organisations of the doping controls required by the competent international sports organisations whether during or outside competitions; and**
  - d. encourage and facilitate the negotiation by sports organisations of agreements permitting their members to be tested by duly authorised doping control teams in other countries.**
- 4. Parties reserve the right to adopt anti-doping regulations and to organise doping controls on their own initiative and on their own responsibility, provided that they are compatible with the relevant principles of this Convention.**

At present, Luxembourg still has no specific anti-doping law. This is because, as already mentioned, the country's anti-doping policy consists mainly in raising awareness among the parties concerned and allowing the different sports to regulate themselves. Government measures are geared more towards prevention and awareness-raising than towards the adoption of legislation and sanctions.

However, apart from the notarial Act establishing the *CNLDS (National Committee against Doping in Sport)* and the incorporation of the *Anti-Doping Convention of the Council of Europe* into national law with the Act of 26 April 1996 which came into force on 1 August 1996, there are a number of other statutory provisions which are designed in one way or another to keep certain practices in check, namely:

- the Act of 19 February 1973 on the sale of medicines and efforts to combat drug abuse, and its subsequent amendments;
- the Act of 26 March 1976 on sport;
- the Act of 11 January 1989 on the sale of chemical substances with therapeutic properties;
- Grand Duchy Regulation of 23 July 1991 defining the conditions for the sale of chemical substances with therapeutic properties, and its subsequent amendment;
- the Act of 6 January 1995 on the wholesale distribution of medicines.

The Act on sport provides for the introduction of a system of medical examinations to establish whether members of sports federations are fit to engage in a particular sport and to

ensure that high-level athletes have the benefit of medical supervision. The law is also a means of combating doping insofar as anyone joining a Luxembourg sports federation automatically undertakes to abide by the anti-doping rules in force in the country.

The laws on certain chemical substances and medicines contain provisions relating to the import, possession, sale and use of medicines, drugs and precursors (ie the substances needed to make medicines). They all reflect the same basic philosophy and are aimed at preventing the most important abuses, such as large-scale trading in such substances. As such, they are also concerned with combating doping, even though it was not their primary purpose.

A bill on sport is also in the pipeline. Its chapter on sport ethics contains an article on the fight against doping, in which it is stated that Luxembourg is committed to combating the use of doping agents and methods with the help of a national representative body, the *CNLDS (National Committee against Doping in Sport)*. There are also plans for a Grand Duchy Regulation to define doping agents and methods in accordance with the reference list of pharmacological classes of banned doping agents and doping methods published as an appendix to the *Council of Europe's Anti-Doping Convention*. In particular, the law targets persons who are part of an athlete's entourage, bearing in mind that sportsmen and women are covered by the controls carried out by the CNLDS and that sanctions are imposed by the federations.

Without prejudice to disciplinary sanctions imposed by the competent sports bodies and the application of more severe penalties under criminal law, the following persons are punishable with imprisonment ranging from eight days to three years and/or a fine of between € 1,250 and 50,000:

1. persons who, with a view to their use by others, transport, possess or procure doping agents, and persons who import, export, manufacture, sell, offer for sale, or administer, even free of charge, doping agents in the knowledge that they will be used or are intended to be used for the purpose of doping in sport ;
2. doctors who prescribe medicine containing a doping agent in the knowledge that it will be used or is intended to be used for the purpose of doping in sport;
3. persons who administer the agents referred to in paragraph 2 to athletes for doping purposes or who use doping methods on athletes, as well as persons who facilitate the use of these doping agents and methods or encourage athletes to use them for the purpose of doping in sport.

Under the new bill, these penalties may also be increased to up to five years' imprisonment and € 75,000 when the acts are committed in respect of a minor. Violations of the provisions of this article will be investigated and corroborated by members of the Luxembourg police service, criminal investigation department, and custom authorities. However, sports sanctions imposed on athletes who test positive in doping controls are currently the responsibility of the competent national and international bodies, in other words the sports federations and organisations.

### **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 international sports organisations and approved by the Monitoring Group under the terms of Article 11.1.b;**

- b. or to assist its sports organisations to gain access to such a laboratory on the territory of another Party.
2. These laboratories shall be encouraged to:
  - a. take appropriate action to employ and retain, train and retrain qualified staff;
  - b. undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;
  - c. publish and circulate promptly new data from their research.

Although Luxembourg undoubtedly has all the human resources and technical skills necessary for setting up and running a laboratory specialising in doping controls, the decision has been taken to entrust this task to foreign laboratories. The reasons which led to this decision are the proximity of such specialist laboratories in neighbouring countries and the insufficient cost-effectiveness associated with establishing a laboratory in Luxembourg given the cost of accreditation by the *International Olympic Committee (IOC)* and the limited number of controls carried out each year

Initially, the analyses were entrusted to a Dutch laboratory in Utrecht, then to a German laboratory in Cologne. They are currently carried out by a French laboratory, the *Laboratoire National de Dépistage du Dopage* in Chatenay Malabry, which has been accredited by the IOC. Luxembourg has signed an agreement with this laboratory under the special sports co-operation arrangements which are part of the cultural agreement between France and Luxembourg.

### 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.



Luxembourg's anti-doping policy is based on education, information and awareness-raising.

In this context, the CNLDS has conducted a vast information campaign since 1995 targeted mainly at schools, sports federations and clubs. The aim of the campaign is to ensure that athletes are informed about doping at an early age, alerted to its dangers and warned against it. It is also aimed at club managers, trainers, helpers and parents.

To that end, the CNLDS has used work done by a class of technical secondary school pupils to publish a series of documents that aim to inform anyone actively involved in sport about the risks and dangers of doping, by:

- providing information on the classes of prohibited agents and methods as well as on authorised drugs;
- describing the procedure and different stages of a doping control;
- defining athletes' rights and obligations;
- specifying the authorities to contact for further information.

The awareness campaign emphasises physical qualities such as stamina, strength and speed and is backed up by posters, pamphlets, stickers, large banners, videos and a website that is constantly updated ([www.cnllds.lu](http://www.cnllds.lu)). There are also information sessions organised in schools, clubs, and federations, as well as demonstrations of doping tests.

The posters are designed to raise general awareness about doping among members of the sporting fraternity (athletes, parents, teachers, trainers, instructors, managers, doctors, chemists). The pamphlets are intended as a source of more specific information and list the different groups of doping agents and explain testing procedures. In this way, anyone with an interest in this matter can find answers to their questions on doping. Furthermore, athletes undergoing the compulsory medical examination for membership of a sports federation are given a copy of the pamphlet and are therefore alerted to the problem. With regard to teaching materials for use in schools, the CNLDS has distributed videos among secondary schools for cross-curricular use by P.E., biology, chemistry, moral education teachers, etc. Some time ago, the CNLDS also started inviting all the federations individually to attend information and awareness-raising meetings on themes specifically related to the fight against doping, such as primary prevention, athletes' medicals, and the procedure for doping controls. Information pamphlets are distributed to top athletes.

These tools are all used on a systematic and regular basis, not only at sporting events but above all in secondary schools, where teachers are supplied with specific aids so that they can study the theme with their pupils.

Lastly, there are information sessions, debates and lectures involving federation representatives, athletes, coaches, etc.

With every case of doping the campaign is stepped up, and the CNLDS publishes press releases in the national press. Such cases provide an excellent opportunity to hold further debates and remind the world of sport and the general public of the problem of doping.

This active, extensive approach targets the many sporting events organised by the large national school sports movement, and sports club members and upper secondary school teachers who are increasingly being called upon to include activities relating to the anti-doping campaign in their classes. In this way, a large number of young athletes have access to exhaustive information and can be alerted to the dangers associated with the use of illicit substances.

Prevention of doping is also an integral part of the further training programme for sports coaches in Luxembourg, and for the past two years, the *Ecole Nationale de l'Education Physique et des Sports* (ENEPS) has included a doping module in all levels of training administered to coaches in recreational and competitive sport. This development is backed up

by transfrontier co-operation in the field of coaches' training with neighbouring regions in Belgium, France and Germany.

The main means of combating doping is therefore the constant and repeated emphasis on the wide-scale dissemination of information, education and awareness-raising at all levels by means of a proactive approach.

Although it remains difficult to assess the overall impact of the campaign, the very fact that in the course of all the events organised it has been possible to reach such a large number of sportsmen and women would seem to indicate that the results have been more than positive.

It is also worth noting that a conference-debate on the theme of doping was organised in 2001 by the *International Women's Tennis Promotion*. The event was sponsored by the European Commission and took place during an annual international tennis tournament under the slogan *New Hope – No Dope*.

### **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. lists of banned pharmacological classes of doping agents and banned doping methods, on the basis of the lists agreed by the relevant international sports organisations;**
  - c. doping control procedures;**
  - d. disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:**
    - (i) the reporting and disciplinary bodies to be distinct from one another;**
    - (ii) the right of such persons to a fair hearing and to be assisted or represented;**
    - (iii) clear and enforceable provisions for appealing against any 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 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 organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;**

- 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.**

The Luxembourg sports movement is grouped together within the *COSL* (Luxembourg Olympic and Sports Committee). Set up in 1912 as the *Luxembourg National Olympic Committee*, it brings together all sports and sporting federations in Luxembourg.

In an attempt to encourage Luxembourg sports organisations to implement appropriate measures for combating doping in sport, the COSL drew up a number of general anti-doping provisions and, with the support of the Luxembourg government and all the federations, unanimously adopted a resolution at its general assembly on 25 February 1989 in which the federations for competitive sports undertook to ban the use and administration of doping agents, require their members to submit themselves to compulsory doping controls even outside competitions and impose sanctions on anyone failing to comply.

Under these general anti-doping provisions, which all the sports federations in Luxembourg have now incorporated into their statutes, the federations undertake, without prejudice to their obligations ensuing from their membership of an international federation, to ban the administration of doping agents and methods to sportsmen and women, as well as their use by them.

The federations accordingly accept the authority of the national co-ordination body, namely the CNLDS (National Committee against Doping in Sport) and recognise its right to draw up the list of doping agents, carry out doping controls among their members, decide on the control procedures, define measures intended to protect members' rights, and choose the establishment(s) authorised to carry out the laboratory tests. Sanctions, however, are decided by the federations' own judicial authorities.

The provisions also serve to clarify certain points, such as the definition and express prohibition of doping, the rules governing the use of drugs that contain prohibited substances, the duties incumbent on the members of athletes' entourage, the obligation to submit to doping controls when requested to do so by the testing body, the conditions of suspension from competitions, etc.

In 1998, the COSL supplemented the provisions with a *Declaration on Doping* and an *Action Plan against Doping* in which it reaffirmed its firm belief that *competitive sport can have no value or credibility unless it continues to abide by ethical principles and the principles of fair play, equality, respect for and protection of human beings, and fraternity between sportsmen and women, and unless it steps up the fight against all forms of doping.*

Some sports federations, such as the *Luxembourg Cycling Federation*, have also adopted their own fair play charter. In signing it, cyclists declare that they will not resort to any artificial means, illegal stimulants, or forms of cheating in order to obtain success, that they agree to extend the scope of Article 129 b of the UCI's anti-doping rules to national selection

procedures and national championships, and that they will only use medicines backed up by a doctor's certificate.

### **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;**
  - 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.**

Generally speaking, the Grand Duchy of Luxembourg is actively involved in international efforts to combat doping, in particular through its support for European and international anti-doping movements.

Firstly, Luxembourg has accepted the principles laid down in the *European Anti-Doping Charter for Sport* (1984) and the *International Olympic Anti-Doping Charter* (1988).

Secondly, right from the start Luxembourg has been part of the *Council of Europe's Monitoring Group* in the anti-doping field and in 1989 signed the *Council of Europe's Anti-Doping Convention* whereby it undertook to take all necessary steps to apply the provisions of the Convention with a view to reducing, and eliminating doping in sport.

Thirdly, Luxembourg supports the approach recommended by the *World Anti-Doping Agency (WADA)* set up in November 1999 on the initiative of the International Olympic Committee (IOC) with the support and participation of intergovernmental organisations, governments, public authorities, and other bodies in the private and public sector. In so doing, Luxembourg is keen to help promote and co-ordinate international efforts to combat doping in sport with a view to defining anti-doping procedures that are open and transparent, while helping to ensure that anti-doping controls are carried out fairly and impartially.

Fourthly, with a view to reinforcing their efforts to eliminate doping agents from sport, Luxembourg federations all regularly take part, under the aegis of the *Luxembourg Olympic and Sports Committee (COSL)*, in debates and activities taking place within the associations that represent them at international level, thus playing the role of active partners while at the same time respecting their country's size.

Fifthly, the CNLDS (*National Committee against Doping in Sport*) co-operates internationally with the Swiss government and French laboratories to ensure that Luxembourg has access to the prevention and testing equipment and procedures it needs to implement its national anti-doping policy. The CNLDS also co-operates closely on joint anti-doping

measures with neighbouring regions in Belgium, France and Germany. In addition, Luxembourg is represented by a member delegated by the COSL on the *committee on education and ethics* of the European anti-doping network, CAFDIS. Similarly, the Ministry for Education, Vocational Training and Sport is represented on the *Standards and Harmonisation Committee* of the *World Anti-Doping Agency* (WADA).

Lastly, on 12 September 2002 in Warsaw, Luxembourg signed the Additional Protocol to the Anti-Doping Convention. As Party to the Additional Protocol it agrees that it will mutually recognise the competence of sports or national anti-doping organisations to conduct doping controls on their territory, in compliance with the national regulations of the host country, on sportsmen and women coming from other Parties to the Convention, including therefore Luxembourg athletes. In addition, Luxembourg also intends to take such measures as are necessary for carrying out such controls and recognises the competence of the *World Anti-Doping Agency* (WADA) and of other doping control organisations operating under its authority to conduct out-of-competition controls on their sportsmen and women.

#### **4. Outlook**

Since time immemorial human beings have tried to enhance their physical prowess through fitness training and sport. Unfortunately, recourse to doping agents has developed in parallel, although it really only took off with the advent of modern medicine and modern sport.

There can be no disguising the fact that the Olympic motto of “*faster, higher, stronger*” has its downside. Nowadays, the complex social, financial – and indeed political – conditions surrounding high level sporting performance are such that athletes are under considerable pressure from those around them. As a result, some of them have difficulty accepting their natural physical and physiological limits and look for other ways of improving their performance still further.

It also has to be said that doping has developed very rapidly – too rapidly, indeed – in several stages: first heroin and morphine, then from amphetamines to hormones, including growth hormones. Limited in the past to occasional use, it now amounts to biological reprogramming with all the legal, sporting, medical and moral implications that this entails.

However, although in the past doping has always been regarded as a matter for the sporting fraternity to handle, with responsibility, controls and sanctions entrusted to sports federations and national and international sports organisations, it would seem that the extent of doping nowadays has also triggered a new approach to clamping down on the problem. Some countries, for example, have begun to enact anti-doping legislation and introduce measures relating to controls and sanctions using procedures prescribed by law. France and Italy are two examples of this new approach.

Luxembourg is obviously no exception to the scourge of doping, even though the size of the country and lack of any real structure for professional sport work in its favour.

The authorities and bodies in charge of Luxembourg’s sports movement are well aware of the problem, which is why the CNLDS (*National Committee against Doping in Sport*), the COSL (*Luxembourg Olympic and Sports Committee*) and the sports federations, in close co-operation with the *Ministry of Education, Vocational Training and Sport* and the *Ministry of Health*, have embarked on a series of measures that should actively contribute towards combating doping in sport.

As the previous sections have shown, a characteristic feature of Luxembourg's anti-doping campaign is that, in accordance with the principle of subsidiarity, responsibility for managing this problem has been entrusted to the sports movement itself. The CNLDS (*National Committee against Doping in Sport*) is responsible for national co-ordination.

The three main principles guiding the fight against doping are therefore, in order of priority, *prevention*, by means of a long-term campaign to promote information, awareness and education; *controls*, with more and more doping tests being carried out on a random basis by the national authority; and *sanctions*, applied in a manner that respects the autonomy of the federations and their right to decide for themselves.

Inevitably, any efforts in this field must also take account of developments at the level of the Luxembourg sports movement in general and the fight against doping in particular. The following points are important to bear in mind:

- To a very large extent the sports movement in Luxembourg is a movement of amateurs. It may be presumed, therefore, that the vast majority of those involved in sport in Luxembourg know that it would be impossible to go from amateur to professional status by recourse to doping alone, even though there are some sports where, in places, even amateur status gives rise to the systematic use of doping agents.
- There is a growing tendency in Luxembourg for the sports movement to become more professional, especially where individual sports are concerned. Care must be taken to ensure that the structures that support such athletes and the conditions that allow them to plan a long-term career in sport are up to the challenge. Proper training and the right attitudes on the part of athletes' entourage are the only ways in which doping can be avoided. Clearly, the emphasis must be on modern approaches to training and medical supervision, a suitable diet, and the necessary psychological support. However, these are all factors that sooner or later come up against natural limits, namely an athlete's genetic predisposition and degree of talent, and the significant demands imposed by a strenuous training routine. It is up to the sports movement to provide access to education that not only warns against doping but also teaches its members to understand that everyone has physical and mental limits and to accept them.
- Even though the national anti-doping policy has always been to grant the sports movement a considerable degree of autonomy and entrust the role of awareness-raising and carrying out doping controls to a representative sports body, Luxembourg has no intention of side-stepping world-wide trends within the international sports movement. With the establishment of the *World Anti-Doping Agency (WADA)*, the international sports movement has started harmonising its approach to doping controls and sanctions with the result that sooner or later the national federations are likely to have to give up some of their independence and autonomy.

On the other hand, harmonisation may also have its advantages. With respect to sanctions, for example, it is currently difficult to explain to public opinion why it is that different federations' judicial bodies impose such different sanctions for the same offence.

It is also the case that doping in sport is an international scourge, which it is difficult to defeat using local measures alone.

- Similarly, there is talk of setting up a single, integrated judicial body in the form of a national anti-doping sports tribunal whose jurisdiction would extend to all the federations, in particular at national level, and which would serve not only to support those federations which do not have their own judicial body but also to develop standard procedures, offering access to experts and bodies to which appeals could be submitted.

Accordingly, discussions are under way with a view to setting up such a supra-federation body at national level in the field of doping. A consultation procedure has been initiated to establish whether the idea of a specialist anti-doping court is appropriate and to determine the extent of its autonomy and precise jurisdiction.

Once again, the danger is that such an approach will restrict the federations' freedom for manoeuvre. The advantage, however, is all the federations would have access to the same tribunal with its uniform code of sanctions.

- Still with regard to the autonomy of sports federations, and notwithstanding the measures taken by them in the event of fraud, Luxembourg needs to enact a series of statutory anti-doping provisions, particularly with regard to members of an athlete's entourage. Such provisions are all the more necessary given that most anti-doping rules apply primarily to the athletes themselves.

By way of conclusion, it should be noted that doping is not a problem connected exclusively with the sports movement. It has to do with attitudes in society generally. The never-ending quest for *more and better* – be it in sport or in our professional or personal lives – means that more and more people are faced with a basic dilemma, namely how are they to meet the constantly growing demands of their environment and how are they to achieve their own personal aspirations in the face of natural resources that are either limited or inadequate?

To combat doping in sport or elsewhere it is not enough simply to carry out controls and impose sanctions. On the contrary, it is only by, on the one hand, preventive measures (awareness-raising, information and above all education) and, on the other hand, appropriate training, a balanced diet, adequate rest periods and above all proper assistance that recourse to doping can be limited and ultimately eliminated altogether. Such elimination is necessary not only in the interests of fair play, to which doping is diametrically opposed, but also in order to protect athletes' health.

For this to happen, however, certain practices that are currently very widespread will also have to be totally reviewed. Examples include over-crammed sports schedules, too many competitions that follow on from each other in such quick succession that the athletes and their organisations do not have time to recover, the fashion for epic rounds of tests, all the media hype and the excessive financing of sports events, and indeed the athletes themselves, and last but not least, over-ambitious parents. All these developments are increasingly at odds with athletes' physical limitations as human beings, with the result that, only naturally, recourse to illicit substances is unfortunately becoming more and more "normal". In order to eliminate doping, however, it will not be enough to treat the symptoms alone; it is a scourge that must be tackled head-on by adopting more rules governing certain practices that are damaging to the health of those concerned.

Faced with the growing range of increasingly sophisticated physiological and chemical agents, however, the problem of doping has to be seen as the biggest single challenge currently facing the world sports movement. The questions that must be asked in connection

with the motto of *faster, higher, stronger* are how do we keep on going and when and where do we stop? The answers are certainly not easy, but the vast majority of those involved in sport agree when it comes to speaking out against doping and on the need to combat it.

There have already been some signs of progress. Numerous information campaigns and high-profile events have helped to lift the veil and expose the hypocrisy clouding the debate. Progress can also be seen in the fact that the international sports movement has started to centralise and harmonise its anti-doping efforts, in particular through the recent setting up of the *World Anti-Doping Agency* (WADA), which Luxembourg joined in 2002, having paid its governmental contribution and having included a corresponding appropriation line in the 2003 state budget. Luxembourg believes that it is mainly through exemplary preventive, educational and punitive measures, internationally and nationally, that sport will be able to retain its credibility and preserve its ethical values which are so important in justifying its existence.

Luxembourg is convinced that the *Council of Europe's Anti-Doping Convention* is crucial to attaining the objectives set. As this report has shown, Luxembourg is taking active and well-targeted steps, at both national and international level, including the setting up of new bodies and the implementation of measures and practices that should all help to combat doping.

Finally, thanks to its active involvement and in particular the scale and diversity of the measures taken, Luxembourg has shown its full support for the *Council of Europe's Anti-Doping Convention*, which it would like to see enlarged in the form of a global and world-wide convention. Far from constituting a short-term policy, the undertakings entered into by Luxembourg reflect a long-term and ongoing commitment. Accordingly, its pledge to reinforce and develop anti-doping measures and structures is a clear sign that it intends to continue taking an active part in international movements and actions against doping.

## 5. Contacts

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## **B. Report on the evaluation visit**

### **Introduction**

The programme, the documentation and the interviews were carefully prepared by the Luxembourg authorities, who have shown a clear desire for openness. The parties interviewed were of a very high level, which enabled the team not only to gather information on the situation, but also to exchange ideas and share their thoughts on the future, which was most helpful when it came to drawing up recommendations. The evaluation team appreciated being able to talk not only to the Minister of Sport, the author of the evaluation report and representatives of various ministries, the National Committee against Doping in Sport (CNLDS), the Olympic Committee and the federations, but also to people directly concerned by the scourge of doping, such as coaches and sportsmen and sportswomen.

The advantage of Luxembourg's anti-doping system is without a doubt the compactness and simplicity of the set-up. Most of the people involved know one another and some work for several institutions in different capacities. Decision-making processes are also relatively short and uncomplicated. So locating athletes for tests between competitions, for example, which in many countries necessitates regulations and complex administrative machinery, is something that can be done relatively informally and at little cost in a country like Luxembourg. Yet this simple set-up and the fact that some people wear different hats are not a source of conflicting responsibilities. The small number of people involved in combating doping does, however, mean that certain highly specialised skills may be lacking, particularly in connection with the implementation of new requirements deriving from the Code, or for the certification of the quality of the testing procedure.

### **Article one**

#### ***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.*

Luxembourg signed the Council of Europe's Anti-doping Convention (ETS 135) on 16 November 1989. Since that date, the state has taken measures and adopted standards in various areas to strengthen the anti-doping effort:

- establishment of an institutional framework for combating doping, in the form of the National Committee against Doping in Sport (CNLDS), a public-interest body;
- adoption of basic legal texts directly or indirectly related to efforts to tackle doping, including:
  - . the law of 28.3.1996, incorporating the Council of Europe Convention into domestic law (the Council of Europe Convention was ratified on 21.6.96, following the enactment of this law);
  - . the law of 11.11.1989, on the sale of chemical substances with therapeutic effects;
- decisions concerning the funding of the anti-doping effort, in particular the CNLDS and anti-doping tests;
- placing of the country's anti-doping effort in an international context (Lausanne Conference, Conference in Copenhagen, WADA).

Evidently, then, Luxembourg is showing lasting and credible commitment to the anti-doping effort. The principal foundations of this public policy are:

- the firm belief that doping is a problem that can be resolved only by co-operation between the public authorities and sporting organisations. For this reason, the government is seeking close co-operation with sports organisations, as is reflected in the composition of the CNLDS, whose members represent the different circles concerned;
- the idea that in a small state, with correspondingly limited resources, there are obvious advantages in avoiding overlap and friction between the different units. Accordingly, the policy of the Grand Duchy is to avoid duplication of effort and ensure that the work done by the different parties is complementary. This principle applies to the work done by the state and by the NGOs, but also to the work done by the different administrative departments;
- the principle that the state should not necessarily burden itself with new tasks when the self-regulating machinery of the NGOs is insufficient, but rather help them to correct their shortcomings. As a result, the whole anti-doping effort is based on the principle of subsidiarity.

Luxembourg does not consider the anti-doping effort as a well-defined task engraved in stone, but rather as a dynamic process. This approach is illustrated by the preparation of a new law on sport which includes provisions on co-operation between state and sports organisations (see Art. 5 below) and, for the first time, introduces measures into Luxembourg law to punish the entourage of the sportsmen and sportswomen concerned, but not the actual consumption of substances (see Art. 16 of the draft law).

## **Article 2**

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

1. *For the purposes of this Convention:*
  - a. *"doping in sport" means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;*
  - b. *"pharmacological classes of doping agents or doping methods" means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the Monitoring Group under the terms of Article 11.1.b;*
  - c. *"sportsmen and sportswomen" means those persons who participate regularly in organised sports activities.*
2. *Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the Monitoring Group under the terms of Article 11.1.b, the reference list in the appendix to this Convention shall apply.*

Luxembourg recognises the definitions of the international organisations (including that proposed by the Convention and that of WADA). The definition is accompanied by a list of prohibited substances and a list of trade names of medicines that contain prohibited substances.

## **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.*

#### Art. 3, para. 1

The body in charge of co-ordinating the anti-doping effort is the CNLDS. It is made up of representatives of sports organisations and members representing the public authorities (Ministry of Sport and Ministry of Health).

It seems to be well established and recognised, and to function to the satisfaction of the various partners.

Other state bodies that might be interested in tackling doping are not represented, although certain sectors, such as the police, the justice system and the customs authorities could conceivably be included in this co-operation (cf. recommendation n° 7).

#### Art. 3, para. 2

The main tasks involved in combating doping are performed by the CNLDS. The anti-doping effort is perceived as a whole. So the CNLDS' job is not confined to organising checks, but also includes harmonising the rules of the various federations, developing and carrying out awareness, information and education campaigns and providing advice and assistance to athletes, coaches and sporting associations and federations.

The CNLDS is the cornerstone of the anti-doping effort in Luxembourg. It is responsible for the operational side of things, but it is also, at a more strategic level, behind developments in efforts to curb doping. In a state the size of Luxembourg, such a concentration of responsibilities is perfectly justified. Generally speaking, human resources are limited. Yet the work involved and the skills required (in the medical, sporting and legal fields) in an effort to control doping are considerable, even in such a small community. In Luxembourg, for example, the Federations are generally not large enough to handle all the work on their own. This applies not only to the information and education measures, but also to the conducting of tests and the implementation of proper, transparent anti-doping regulations. Centralising certain responsibilities within the CNLDS therefore unburdens the federations and helps to guarantee the professional, effective character of the anti-doping effort.

The CNLDS has the operational framework needed to function smoothly. Through the representation of Luxembourg's Olympic and Sports Committee (COSL), it has a direct link with the sports federations. This considerably facilitates the implementation of CNLDS measures and decisions concerning the sporting associations. The CNLDS also has a clear and transparent legal status that specifies its role in combating doping. In fact, the CNLDS' activities are limited mainly by its human and financial resources. That said, its budget is sufficient for it to combat doping effectively.

As the system in operation in Luxembourg delegates broad powers to the sports organisations themselves in respect of disciplinary action and the execution of measures, there is a risk of similar cases being handled differently by different federations, if only because they do not all have the same means at their disposal. There is no monitoring system to guarantee the quality of the federations' anti-doping activities. However, the legal and regulatory foundations are theoretically sufficient to encourage the federations to play their part and, if necessary, to

penalise those federations which neglect their responsibilities (for example by depriving them of public funding, withdrawing official approval, barring them from the COSL – see also Art. 3 of the draft law on sport). The existence of sanctions is an incentive only if they are clearly linked to infringement of the rules. The monitoring, advisory and supervisory role of the CNLDS could thus be extended and the CNLDS should be in a position to step in when the federations fail to do their job (cf. recommendations 1 and 4).

There is also a need for machinery to ensure that the common rules are applied in the same way by the different federations. Responsibility for disciplinary action in the event of positive test results lies with the federations, not with the CNLDS, which has no part in them as examining judge, prosecutor or even observer (cf. recommendation 1).

The CNLDS' powers as an examining authority could be extended beyond merely revealing positive test results, so that it also looked into the facts of the case. The CNLDS could even be invited to act as prosecutor in disciplinary proceedings (cf. recommendation 2).

A single disciplinary body or a national court of appeal for doping cases would certainly contribute to equal treatment of the people concerned. The evaluation team notes that promising discussions along these lines are already in progress and recommends that such a solution be envisaged (cf. recommendation 3).

#### **Article 4**

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

1. *The Parties shall adopt, where appropriate, legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and in particular anabolic steroids.*
2. *To this end, the Parties or, where appropriate, the relevant non-governmental organisations shall make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.*
3. *Furthermore, the Parties shall:*
  - a. *assist their sports organisations to finance doping controls and analyses, either by direct subsidies or grants, or by recognising the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organisations;*
  - b. *take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen and sportswomen who have been suspended following a doping offence in sport, during the period of their suspension;*
  - c. *encourage and, where appropriate, facilitate the carrying out by their sports organisations of the doping controls required by the competent international sports organisations whether during or outside competitions; and*
  - d. *encourage and facilitate the negotiation by sports organisations of agreements permitting their members to be tested by duly authorised doping control teams in other countries.*

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

#### Art. 4, para.1

Various laws limit the availability of chemical and therapeutic substances, effectively restricting the circulation of doping agents, at least as far as the abuse of medicinal drugs is concerned. Some medicines may not legally be dispensed without a prescription, and the sale of certain substances (precursor drugs) is subject to legal restrictions (wholesalers require special authorisation, only chemists may sell to end users, documentary evidence of transactions must be kept, etc). Even though these laws do not specifically target doping agents, they (and in particular the restrictions on the sale of substances with therapeutic effects) have led to a decrease in the circulation of anabolic steroids. Violations of this law are punishable by imprisonment or fines.

#### Art. 4, paras. 2-4

Article 16 of the draft law on sport contains a provision that concords exactly with Art. 4, para. 1 of the Convention. It prohibits the sale, delivery, prescription, etc. of substances to third parties for doping purposes. The draft provision stipulates that infringements of the rule are punishable by 8 days' to 3 years' imprisonment or a fine ranging from 1,250 to 50,000 euros. It also contains special provisions concerning doctors, in particular those who prescribe doping agents to minors. The evaluation team welcomes this draft law, which should contribute to a lasting, fuller implementation of the Convention (cf. recommendation 4.2).

The state finances the analysis of anti-doping tests. The remainder of the funding required to run the CNLDS is provided by the Ministry of Sport (three quarters) and the sporting organisations (one quarter). The sporting federations also receive a general subsidy from the state designed to encourage sport. There is no explicit link between the granting of this subsidy and a minimum level of commitment by the federation to the anti-doping effort, but as the subsidy is awarded on a discretionary basis rather than on the basis of any actual right to the encouragement of sport, the state can also use it as an indirect incentive for the federations to take the fight against doping seriously. The evaluation team suggests making the link between the state subsidy and the federations' commitment to combating doping more explicit, in order to make it clear that combating doping is an integral part of the promotion of sport and an area where sports NGOs are expected to pull their weight (cf. recommendation 4.1). The draft law on sport includes a provision along these lines. The same also applies to the encouragement of athletes by the COSL provided for in the COSL's anti-doping Action Plan of September 1998, in particular sub-paragraphs b and d.

## **Article 5**

### ***Laboratories***

1. *Each Party undertakes:*
  - a. *either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the Monitoring Group under the terms of Article 11.1.b;*

- b. or to assist its sports organisations to gain access to such a laboratory on the territory of another Party.*
- 2. These laboratories shall be encouraged to:*
  - a. take appropriate action to employ and retain, train and retrain qualified staff;*
  - b. undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;*
  - c. publish and circulate promptly new data from their research.*

Even though it has the necessary infrastructure and know-how, Luxembourg has not set up a laboratory, as the total number of tests carried out does not justify such a step. However, the samples collected are always analysed in IOC-approved laboratories. At present it is the French National Doping Control Laboratory in Châtenay-Malabry that does the analyses. The situation is therefore fully compliant with Article 5.

## **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.*

#### Art. 6, para. 1

Generally speaking, the implementation of Art. 6 of the Convention through educational programmes is one of the strong points of Luxembourg's anti-doping programme. Even in the early years following signature of the convention, the national authorities did not confine themselves to technical and punitive measures such as testing and sanctions, but attached considerable importance to education and information measures. This effort was manifest in the search for international co-operation. So the level of education and training programmes in Luxembourg is high. The following comments of the evaluation team should help to maintain this high level and improve the impact of the measures.

The number of very high-level athletes is limited because of the size of the country, so these athletes are not the main target group of the information campaigns. This does affect the anti-doping effort, for the higher the level of the athletes, the more aware they tend to be of the problem. In a context where sport is practised mainly by amateurs or as a leisure activity,

there is a higher risk that positive cases of doping will be the result of inattention or ignorance. Information and awareness-raising activities therefore play an important role. Basic information, like the list of prohibited substances and methods, is communicated to top athletes directly by the CNLDS and to other athletes by the federations and associations. The list of prohibited substances and methods is complete. The CNLDS adds a list of trade names of medicines available in Luxembourg which contain one or more of these substances. The preparation of this list is a mammoth task, as medicines sold in France, Belgium and Germany are all sold in Luxembourg. The basic information thus disseminated is unanimously considered sufficient by the federations, the associations, the coaches and the athletes themselves. However, the information passed on in sports clubs is sometimes still considered to be insufficient. Some coaches and athletes regret that the list is so complicated and impractical from the point of view of a user when looking for suitable medicines to treat certain illnesses. Some say they are afraid to take medicines to treat a simple cold, for example, for fear of testing positive after inadvertently taking medicines that contain prohibited substances.

The CNLDS is updating a website containing full information accessible to all. Doctors in the Grand-Duchy are also kept regularly informed of the list of prohibited substances and methods and any changes made to it. This service is highly appreciated and increasing use is made of it.

In addition to the basic information on prohibited substances and methods, the CNLDS also prepares information and teaching aids that go even further. A fruitful partnership has been set up with anti-doping agencies in other countries and in particular in Switzerland. These aids are distributed not by the CNLDS, but mainly by the COSL, through the federations and associations.

The materiel is also made available to schools, for use in the classroom. The efforts made in this field are considerable, considering the size of the country. But as in other states, the CNLDS has no say in school syllabuses and it is up to the teachers to decide what they do with the information. Although considerable efforts are being made in the field of information and education, the resulting measures tend to be sporadic, with little co-ordination between them. It is difficult to distinguish an overall strategy. It should certainly be possible adapt the information better to suit the different target groups. There are no means of information, for example, specifically designed for the athletes' entourage (coaches, clubs, relations, federations, etc). The CNLDS could also develop a more systematic strategy. This is not a practical option, however, at its current manpower level. The question also arises as to whether the basic information disseminated is presented in the most suitable manner for the target group, particularly when the target is young athletes; would it not be better to present the list in a more reader-friendly manner?

As mentioned above, education and information are the strong points of Luxembourg's anti-doping policy. But these measures could be further strengthened by analysing their impact. This could be done quite simply, using a questionnaire to discuss people's expectations concerning anti-doping information and the use they make of it. The replies could be used to develop the strategy mentioned earlier (cf. recommendation n° 5).

#### Art. 6, para. 2

The scientifically-based physiological and psychological training programmes that respect the integrity of the human person called for in Art. 6.2 are promoted in different ways. The mandatory consultation system and the advice dispensed to top athletes, and the information

supplied to federations and coaches, are a step in the right direction. Furthermore, in the last two years, the training course for coaches at the national school of physical education and sport (ENEPS) has included a compulsory module on doping. The evaluation team therefore considers that Luxembourg meets the requirements of Art. 6.2.

## **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. *lists of banned pharmacological classes of doping agents and banned doping methods, on the basis of the lists agreed by the relevant international sports organisations;*
  - c. *doping control procedures;*
  - d. *disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:*
    - (i) *the reporting and disciplinary bodies to be distinct from one another;*
    - (ii) *the right of such persons to a fair hearing and to be assisted or represented;*
    - (iii) *clear and enforceable provisions for appealing against any 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 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 organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;*

- 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.*

Art. 7 of the Convention refers to some key aspects of efforts to combat doping which states parties need to take into account. They include:

*Harmonising anti-doping regulations and procedures*

- A clear and uniform regulatory framework for combating doping in all the federations is a key feature of the battle against doping. This applies to the list of prohibited substances, but also to sample collection and disciplinary procedures. In all these areas Luxembourg's policy is in compliance with the provisions of the Convention. Luxembourg's top sporting organisation adopted a single framework regulation on 25 February 1989 to combat doping. The rules of this anti-doping charter were to be incorporated into the by-laws of all the COSL's member federations, which they have been, without exception.

As yet there is no real monitoring of the federations to determine whether they are complying with anti-doping standards and properly applying the rules they have set themselves. True, flagrant violations would not go unnoticed in a country the size of Luxembourg. However, more systematic monitoring by the COSL or the CNLDS would be a good thing. The means already exist to penalise federations or associations which do not honour their commitments. They include withdrawal of their legal status (as provided for in the law on sport), their exclusion from the COSL or cuts in their subsidies (cf. recommendation 4.1).

The anti-doping charter mentions the main aspects of the efforts to tackle doping and gives the CNLDS certain powers vis-à-vis the sports federations. The main provisions are:

- the prohibition of doping (this applies to athletes and also to their entourage);
  - the definition of disciplinary sanctions (disqualification and suspension) and of the penalties incurred in the event of infringement of the ban on doping;
  - the list of prohibited substances and methods;
  - the responsibility of the CNLDS in doping control procedures;
  - its responsibility for carrying out tests;
  - its responsibility in the selection of athletes for testing;
  - the power of the CNLDS to choose the analysis laboratory.
- *Establishment of disciplinary procedures and compliance with certain standards*

Anti-doping rules are often as important as the machinery meant to guarantee their application. Rules are only observed when there is a disciplinary procedure for punishing transgressions. If disciplinary measures are to be taken, athletes must be subject to strict rules. The COSL has sought to establish such rules through two channels: through the national

federations, which are required, as members of the COSL, to incorporate the national anti-doping charter into their rules for athletes; and through licensing contracts with athletes under which they agree to abide by the rules of the anti-doping charter. These licensing contracts are not concluded with all the athletes who take part in competitions, but rather with high-level competitors. Perhaps this practice should be extended to all the country's athletes, to provide a clear and transparent basis for the disciplinary procedure.

At present disciplinary procedure is determined by each federation; no uniform procedural standards have been produced by the COSL or the CNLDS. It is therefore impossible to say exactly to what extent the examining body is still distinct from the disciplinary body and whether the procedure can be considered fair. One may suppose that things are done fairly, however, as association decisions in Luxembourg are reviewed by the civil court, which is also responsible for examining procedural irregularities.

The situation would certainly be improved by the adoption of a project currently in preparation to set up a single supra-federal appeal body to deal with doping. Such a body would be the best guarantee of fair application of the rules governing disciplinary procedures, but also of equal access for all to an appeals body. This project also takes into account the size of the country (and the correspondingly limited professional apparatus available to its federations) and makes up for it by proposing a low-cost solution that offers guarantees of professionalism and efficacy. All the arguments put forward earlier in favour of a centralised control system plead in favour of a single disciplinary appeals body. The evaluation team welcomes this project and encourages its implementation. (cf. recommendation n° 3).

- *Anti-doping controls*

Luxembourg carried out 166 tests in 2002. The number has increased steadily, from 76 in 1991 to 166 today, and is expected to continue to increase gradually. Given the size of the population, this is a higher rate than that found in other states. Almost half the tests (81) were carried out outside the competition context. This is also a high rate compared with other countries. As tests performed outside the competition context have a marked deterrent effect, however, the question arises as to what can be done to increase the number and/or the quality of these tests. The number of tests cannot increase indefinitely without causing financial problems or threatening to impinge on athletes' rights. Interestingly, however, the athletes themselves do not object to more frequent testing; on the contrary, when interviewed by the evaluation team they not only tolerated it but actually called for more tests outside the competition context.

As for the quality of the tests, it is worth noting that the tests carried out in Luxembourg meet high quality standards. It is the CNLDS or an independent body that decides how many tests are carried out, when and on which athletes. The CNLDS also acts as a "clearing house", keeping the samples and storing the results of the analyses. As in other countries, the athletes tested are primarily members of the national sporting elite. As there are fewer very high-level athletes than in countries with larger populations, the tests cover a relatively broad spectrum of athletes. The result is that athletes who would never be tested in other countries are tested in Luxembourg. The evaluation team consider this situation very positive, but are aware of the great efforts needed to convey the information to the population concerned. The testing procedure proper meets high quality standards. The basic details are set out in the "Procedural instructions for carrying out anti-doping controls" produced by the CNLDS. They satisfy the need for effective anti-doping controls, while at the same time protecting athletes' rights. The tests are carried out exclusively by qualified medical staff. The samples are collected by two inspectors. The size of the country is a distinct advantage for testing outside competitions. For

one thing, athletes are unlikely to go astray. And the inspectors do not have far to go to test them. The size of the country does not only have advantages, however: it also means that athletes regularly go abroad to train for important competitions. The CNLDS also carries out tests abroad, it is true, but the number is limited by the human and financial resources available. It would therefore be in the interest of the CNLDS to conclude co-operation agreements with similar anti-doping agencies abroad, at least in the neighbouring countries. Even if the CNLDS has an exemplary co-operation record as far as information is concerned - particularly in its partnership with Switzerland - Luxembourg still has a lot to gain by developing international co-operation on anti-doping controls.

The team's conversations with athletes pinpointed one area where there is no doubt room for improvement: apparently the athletes can guess with reasonable accuracy when and at what competition they will be tested. It would probably be possible, without bringing the whole system into question, to make spot checks less predictable, for example by occasionally carrying out two checks at a brief interval, or by not necessarily focusing on the major sporting event of the season, or by testing athletes at home or where they train, rather than at the competition venue (cf. recommendation n° 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;*
  - 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.*

Luxembourg has participated in an exemplary manner in the different international institutions for co-operation on doping, ever since the 1984 European Charter against doping in sport. Other than the Convention (and the protocol to it), which it has ratified, Luxembourg is active in international co-operation in the European Union context and in the World Anti-Doping Agency, where a Luxembourg expert sits on the medical committee and is a member of the pool of independent experts. Furthermore, Luxembourg works in close co-operation with Switzerland on information and prevention and with France in the fields of sample analysis and testing procedure and equipment.

## 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.*

Luxembourg regularly answers the questionnaire on the monitoring group's database on national anti-doping programmes.

Furthermore, when the monitoring group gathers additional information on specific aspects of efforts to tackle doping, Luxembourg is always open and co-operative.

The evaluation team therefore considers the situation compliant with Art. 9.

### **General conclusions and recommendations of the evaluation team**

The evaluation team appreciated the commitment of the state and the sporting hierarchy alike to combat doping together. This partnership is reflected in the observance of the principles of subsidiarity and complementarity.

Luxembourg's anti-doping system is of a high standard and the solutions adopted take into account the national context. The evaluation found no evidence of any major shortcomings, or any particular obstacle to access to information. The system works well, with no unnecessarily complex structures or procedures. Indeed, the evaluation team feels that Luxembourg could serve as a model for other states with small populations faced with the task of setting up an anti-doping system.

The recommendations made by the evaluation team are listed in the following table, in order of priority:

1	Give the CNLDS a role in supervising the activities of the federations, particularly disciplinary procedures. It should be involved in prosecution and the right of appeal, for example, in the federations' disciplinary proceedings.	Ministry of Sport
2	Broaden the powers of the CNLDS to investigate cases of doping.	Ministry of Sport
3	The possibility of setting up a single inter-federation appeals body (composed, for example, of independent experts, but with institutional ties to the COSL) should be given careful consideration.	Ministry of Sport
4	The draft law currently under examination should be passed rapidly.	Conseil d'Etat, Parliament
4.1	This new law should be an opportunity to establish a link between compliance by the federations with anti-doping standards and the public funding they receive. Other regulations (eg those of the COSL) could also be clarified along these lines.	Ministry, Parliament, COSL

4.2	This new law will clearly prohibit trafficking in doping agents, in conformity with Art. 4 para. 1 of the Convention.	Ministry, Parliament
5	Concerning information and education measures, an evaluation system should be set in place to help improve the work done and the material produced. Thought should also be given to how the CNLDS could adopt a communication strategy targeting selected groups (coaches, associations, parents, clubs, etc.) and setting objectives and defining specific means for each group.	CNLDS
6	Co-operation agreements with anti-doping agencies in neighbouring countries are recommended, with a view to improving the testing of Luxembourg athletes training abroad.	CNLDS
7	Broaden the co-ordination role of the CNLDS to include other state bodies concerned by the battle against doping (courts, police, customs), in order to improve the effort to combat trafficking and reduce the availability of prohibited substances; or set up another, formal or informal, inter-ministerial co-ordinating body to take up these issues with the competent authorities.	Government
8	Make spot checks less predictable (for example by increasing the weighting of random parameters in the choice of times, places and athletes).	CNLDS

### **Acknowledgments**

The evaluation team wishes to thank all those who contributed to the preparation of its visit and to the visit itself. In particular it would like to thank the Minister, Ms Anne Brasseur, for the hearing and Dr Anik Sax for organising the numerous open discussions, and for the hospitality received.

\* \* \* \* \*

### **Composition of the evaluation team:**

- Mr Stanislas FROSSARD, Sport Department, Council of Europe
- Prof Dr Ulrich HAAS, Chair of the National Anti-Doping Committee, Germany
- Dr Mathias KAMBER, Institute of Sport Sciences, Macolin, Switzerland
- Mr Mesut ÖZYAVUZ, Council of Europe

### **Programme of the evaluation visit:**

7 October 2003

#### *Morning:*

Welcoming of the experts by the Government Commissioner for Physical Education and Sport, Mr Guy Fussenig

Presentation of the national report by its author, Mr Marc Ant

Meeting with officials from the Ministry of Education, Vocational Training and Sport

Interview with Ms Anne Brasseur, Minister of National Education, Vocational Training and Sport

*Afternoon:*

Meeting with officials from the National Committee Against Doping in Sport

Meeting with officials from the Luxembourg Olympic and Sports Committee and the Luxembourg Sport Arbitration Court

Meeting with federation officials

8 October 2003

*Morning:*

Meeting with officials from the Ministry of Health

Meeting with athletes

Meeting with coaches

Conclusions of the experts

### **C. Comments from Luxembourg**

The Luxembourg authorities expressed their satisfaction at the report of the evaluation visit and did not wish to make any comments.



