



Strasbourg, 24 October 2002

T-DO (2002) 2 Final

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

**« Compliance with Commitments Project »  
Respect by the Czech Republic  
of the Anti-Doping Convention**

**Report by:**

- the Czech Republic
- the Evaluation team

## Table of contents

Message.....	4
Introduction .....	5
Acknowledgement.....	5
<b>A. Report* by Czech Republic.....</b>	<b>6</b>
Article 1 <i>Aim of the Convention</i> .....	6
Article 2 <i>Definition and scope of the Convention</i> .....	7
Article 3 <i>Domestic co-ordination</i> .....	8
<i>Origins</i> .....	9
<i>Current Situation</i> .....	10
<i>Management of the ADC Activity</i> .....	11
<i>External Relations</i> .....	12
Article 4 <i>Measures to restrict the availability and use of banned doping agents and methods</i> .....	13
Current Situation.....	13
a) Penal Code .....	13
b) Act on Transgressions .....	13
c) Act on Habit-Forming Substances .....	14
d) Act on Prevention of Alcoholism and other Types of Addiction .....	14
e) Act on Medicinal Substances.....	14
f) Tariff Act.....	14
g) Act on Food and Tobacco Products.....	14
h) Act on Support of Sport.....	15
Future Developments .....	15
a) Incorporation of provision on doping into existing legal regulations.....	15
b) Anti-Doping Act.....	16
Transition Period.....	16
Financing.....	16
a) in the administrative area .....	17
b) in the field of education .....	17
c) with respect to doping control .....	17
Article 5 <i>Laboratories</i> .....	19
History.....	19
Current Situation.....	19
Routine Operation.....	20
Article 6 <i>Education</i> .....	20

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Books .....	20
Brochures .....	21
Leaflets, Folders, Cards .....	21
Training.....	22
Discussions .....	22
Conclusions.....	24
Article 7 <i>Co-operation with sports organizations on measures to be taken by them</i> .....	25
Legal Status and Competence .....	25
Doping Control .....	26
Disciplinary Proceedings and Penalty for Doping.....	27
Monitoring of Athletes.....	27
Survey of Performed Doping Controls .....	28
Article 8 <i>International co-operation</i> .....	29
<b>B. Report of the Evaluation Team .....</b>	<b>34</b>
Article 1 <i>Aim of the Convention</i> .....	34
Article 2 <i>Definition and scope of the Convention</i> .....	34
Article 3 <i>Domestic co-ordination</i> .....	35
Article 4 <i>Measures to restrict the availability and use of banned doping agents and methods</i> .....	37
Article 5 <i>Laboratories</i> .....	39
Article 6 <i>Education</i> .....	41
Printed material .....	41
Website .....	42
Educational efforts .....	42
Article 7 <i>Co-operation with sports organisations on measures to be taken by them</i> .....	44
The roles of sports organisations in Czech Republic.....	44
The Czech Sports Association .....	44
The Czech Olympic Committee.....	44
The sports federations .....	44
The Anti-Doping Committee of the Czech Republic .....	45
Conclusions.....	45
Article 8 <i>International co-operation</i> .....	49
Article 9 <i>Provision of information</i> .....	50
<b>General conclusions and recommendations .....</b>	<b>51</b>
Recommendations on methodology for future visits .....	51
The members of the Evaluation Team .....	52
Programme of the Evaluation visit.....	52

## Message

Over the recent years, we have witnessed remarkable developments in international sports. The world public is constantly amazed at outstanding achievements of sportsmen and sportswomen that often reach the limits of human capacity. This ongoing enhancement of athletes' performance and the frequently associated desire to attain the maximum possible success bring about an extremely dangerous phenomenon – doping.

The use of stimulants can help achieve victory which is, however, stained by unfair conduct and attained under unequal conditions. This seriously compromises sports ethics and mission, contradicts the spirit of fair play and entails a deliberate damage to the health of young people which is undoubtedly its most adverse impact.

Numerous national and international institutions make great efforts to minimise this threat and reduce its negative impact on sport. Although these efforts are impeded by indifference, lack of understanding and underestimation of danger, they are increasingly intense and sustained. The adoption of the Anti-Doping Convention represents one of significant measures to combat doping in sport. The Council of Europe member States agreed on its wording in December 1989.

The Convention was signed on behalf of the Czech Republic in Strasbourg on 28 April 1995 and took effect on 1 June 1995. It represents a binding basis for joint efforts of both the public and non-governmental sectors to combat doping in sport at all levels of the Czech sports environment. An immediate success of their endeavours is not guaranteed and partial failures and lack of understanding may accompany them initially. Nevertheless, we believe that advocates of fair sports competition will lend them their maximum support.

*Dr. Ladislav Malý*

*Deputy Minister  
of Education, Youth and Sport  
of the Czech Republic*

## **Introduction**

This report provides detailed information to the Council of Europe and its member States on a practical application of and compliance with the provisions of the Anti-Doping Convention in the Czech Republic that acceded to it in 1995. The report structure follows the order of the Convention articles. It describes the implementation of tasks arising from the Convention, both at the level of state administration bodies and non-governmental institutions engaged in organisation of sports activities and/or creation of conditions for sports provision. The Anti-Doping Committee of the Czech Republic was charged to draw up the report, in co-operation with the Department for Physical Education and Sports of the Ministry of Education, Youth and Sports since doping-related issues fall within the Ministry's competence. The authors drew mainly on the Anti-Doping Programme and annual reports on its implementation for information on the application of the Convention provisions. Background information for the report and basic statements have been discussed by the Expert Commission, an advisory body to the Anti-Doping Committee. The final draft was reviewed and approved by a Board meeting chaired by the Deputy Minister of Education, Youth and Sports who is responsible for implementation of the Convention provisions.

## **Acknowledgement**

The authors express their gratitude for information and valuable comments in particular to the Expert Commission members who represent individual institutions involved in the Anti-Doping Programme implementation, namely representatives of sports unions, the Faculty of Physical Education and Sports, Sports Medicine Society and Doping Control Laboratory.

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*Director of the Anti-Doping Committee of  
the Czech Republic*

## A. Report by Czech Republic

### Article 1

#### *Aim of the Convention*

The Czech Republic, being aware of its responsibilities towards global sports community, adopted a very radical attitude to the control of doping in sport immediately after the rearrangement of political relations in 1989. In line with this new trend, it was in the first place necessary to put an end to the past state-managed doping occurring in the 1980s. It was the transformed Czech Olympic Committee that took the lead in this process and initiated the Czech Anti-Doping Charter as well as the establishment of independent Anti-Doping Committee as a non-governmental organization. By signing the Czech Anti-Doping Charter, the sports organizations in the Czech Republic undertook to follow the globally accepted rules for combat with doping and to refrain from doping practices of the past and dissociate from those people who were involved in them. Without a conscious and active approach on the part of newly elected sports unions officials, no measures to combat doping would produce the desired effect.

The trustworthiness and prestige of the Czech Republic on the international sports stage had to be strengthened also through the activities of central government bodies. The Government of the Czech Republic therefore decided, at its meeting on 4 January 1995, to accede to the Anti-Doping Convention and adopted the Resolution No. 12 empowering the Ambassador Extraordinary and Plenipotentiary of the Czech Republic to the Council of Europe to sign the Convention, pursuant to its Article 14, par. 1 a). The Convention was signed on 28 April 1995 and took effect in the territory of the Czech Republic on 1 June 1995.

The Czech Republic considers the Convention as an international treaty of government category, pursuant to Article 63 of the Constitutional Law No. 1/1993, Coll. of the Constitution of the Czech Republic and in compliance with the Presidential Decree No. 144/1993, Coll. on conclusion of international treaties. In the case of the aforementioned category, ratification by the Parliament is not required. The Anti-Doping Convention does not bear characteristics of an international treaty on human rights and freedoms either, pursuant to Article 10 of the Constitutional Law No. 1/1993, Coll. of the Constitution of the Czech Republic. If the subject of an international treaty interferes in legal relations regulated by national law and the treaty should have a nation-wide scope of application, then the implementation of its provisions must be provided for by national legislation. This implies that the Convention does not have a direct binding force on the territory of the Czech Republic and its implementation requires the adoption of a special legal regulation.

The Convention provisions are currently implemented through the regulations of sports unions which are, however, binding only on their registered members and are not supported by valid rules of law. In its Resolution No. 12 of 4 January 1995, the Government of the Czech Republic charged the Minister of Education, Youth and Sport to ensure application of the Convention provisions and the Minister of Health to provide for the operation of a doping control laboratory. The major problem associated with the implementation of the aforementioned Government Resolution consists in the fact that sports unions in the Czech Republic are non-governmental organizations established under the Act No. 83/1990, Coll. on citizens' association. This implies that the Government is not authorized to interfere in their activity otherwise but *ipso iure*. As far as the fight against doping is concerned, sports unions are not directly liable for doping abatement towards the Government. They must only adhere

to their moral commitment accepted by joining the Czech Anti-Doping Charter and are answerable to their superior international sports federations and the International Olympic Committee. The Anti-Doping Committee of the Czech Republic is the co-ordinating body charged by the Ministry of Education, Youth and Sports to enforce the Convention provisions and to co-operate with sports unions and organizations within the framework of the Czech Republic Anti-Doping Programme (for more details see Article 3).

## **Article 2**

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

In 1993, the Czech Republic adopted, within the framework of its rules for ban on doping, the following basic definition of doping issued by the Medical Committee of the International Olympic Committee (IOC):

*Doping in sport means the use of substances falling into the banned pharmacological classes or banned methods that are listed in the Appendix by athletes themselves or with the aid of other persons during competition or in training.*

This definition as well as the above-mentioned Appendix became the basis of the Directive on the Control of and Sanctions for Doping in Sport issued by the Anti-Doping Committee of the Czech Republic on **1 December 1993**.

Following the adoption of the Anti-Doping Convention, the definition of doping was modified and its more accurate wording reflected several important changes made by the IOC Medical Committee. The rephrased definition was published on 7 September 1994 as follows:

*Doping contravenes ethics and medical science. Doping in sport means:*

- a) the use of agents pertaining to selected classes of pharmacological substances (stimulants, narcotics, anabolic agents, diuretics, peptide hormones and analogues);*
- b) the use of various doping methods: blood doping, pharmacological, chemical and physical manipulation.*

The definition and a reference list of banned substances and methods were elaborated by the IOC Medical Committee in agreement with international sports federations and national Olympic committees. It was decided that the definition should apply not only with respect to the Olympics, but also to sports competitions in general. The Czech Anti-Doping Committee amended on this basis the Directive on the Control of and Sanctions for Doping in Sport as of **1 February 1996**. The definition of doping applies to sports unions and organizations that subscribed to the Czech Anti-Doping Charter as well as to their organizational units, members, officials and participants in competitions organized by them.

The last modification of the definition of doping in sport followed from the adoption of revised Olympic Movement Anti-Doping Code and establishment of the World Anti-Doping Agency in 1999. According to the aforementioned document, the currently applicable definition of doping reads as follows:

*Doping contravenes the fundamental principles of Olympism and sports and medical ethics.*

*Doping is forbidden.*

*Recommending, proposing, authorizing, condoning or facilitating the use of any substance or method covered by the definition of doping or trafficking therein is also forbidden.*

*Doping is:*

- a) the use of an expedient (substance or method) which is potentially harmful to athletes' health and/or capable of enhancing their performance, or*
- b) the presence in the athlete's body of a Prohibited Substance or evidence of the use thereof or evidence of the use of a Prohibited Method.*

The Anti-Doping Committee accepted the definition contained in the Anti-Doping Code and, as of 15 August 2000, it carried out the last amendment to the Directive on the Control of and Sanctions for Doping in Sport, incorporating in its revised text an amplified wording of the definition. It, however, continues to apply only to sports environment, i.e. registered members of sports unions and constituents thereof and participants in sports competitions including foreign nationals.

Within the framework of application of the Anti-Doping Convention, the Czech Republic fully accepts the published lists of banned classes of doping agents and banned doping methods. Czech authorities received the latest list effective from 1 September 2001 till 31 December 2002. The list is regularly published for use by sports unions and organizations in the Czech Republic, in the form of an Appendix to the Directive on the Control of and Sanctions for Doping in Sport. If there are any changes to this list during the period of validity of the Directive, they are incorporated in the text through amendments to the Directive adopted as soon as possible after publication of the IOC reference list with a specified effective date.

The lists of examples under individual classes presented in the Appendix to the aforementioned Czech Directive are much more extensive as compared with the IOC reference lists – both their abridged and extended versions. Moreover, we do not consider the existence of two lists of examples to be well-founded.

The IOC reference list should comprise the widest possible enumeration of all known examples of related compounds under each class. Tolerance limits for formoterol, terbutaline and salmeterol that should be determined similarly as in the case of salbutamol are missing altogether. The inclusion of a general class of aromatase inhibitors without any concrete examples only on the second list appears completely incorrect.

As regards the example of permitted inhalant anti-asthmatics, we do not mention and do not deem it appropriate to explicitly mention the fact that their use is permitted for asthma prevention.

Class III.A and particularly the lack of list of international sports federations that put an additional ban on substances pertaining to class III.A or other substances (e.g. FITA) represents a weak point of both the IOC reference list and the list published in the Czech Republic.

### **Article 3**

#### ***Domestic co-ordination***

By the Czech Republic accession to the Anti-Doping Convention, the Czech Government undertook to co-ordinate procedures for implementing measures designed to reduce and eventually eliminate doping in sport, both among the relevant central government bodies



(authorities) and through co-operation with non-governmental organizations active in the field of physical education and sport.

On the central government level, the responsibility for this area was delegated to the Ministry of Education, Youth and Sports (MEYS) and to the Ministry of Health (MH), pursuant to the Government Resolution No. 12 of 4 January 1995. At the MEYS, it is the Department for Physical Education and Sports of Section 5 that deals with issues relating to doping in sport while at the Ministry of Health this area falls within the terms of reference of the Department for Health Care (Doping Control Laboratory) and the Department for Narcotic and Psychotropic Substances.

Their respective responsibilities were more specifically delimited only by the recently adopted Act No. 115/2001 Coll., on Sports Promotion and Support, of 30 March 2001. Its Article 3, par. 1 e) imposes the obligation to issue the Anti-Doping Programme and supervise its implementation on the MEYS and charges the Ministry of Health to establish a doping control laboratory and ensure its operation to the extent determined by the International Olympic Committee.

### *Origins*

In 1995, the MEYS provided for a practical application of the Convention through the Anti-Doping Committee of the Czech Republic (ADC) that had already been active in the field. It had the status of a non-governmental organization and acted as the co-ordinator of anti-doping policies adopted by sports unions and other sports organizations.

The MEYS concluded an agreement with the ADC on compliance with the commitments ensuing from the Czech Republic's accession to the Anti-Doping Convention. Within the framework of co-ordinated policies of central government bodies and other public institutions on combat with doping in sport, a practical implementation of the respective Convention provisions in the field of organized sports and physical education was entrusted to the Anti-Doping Committee, as far as the following activities are concerned. Under the aforementioned agreement, the ADC was obliged to:

- a) publish anti doping regulations binding on sports organizations and constituents thereof pursuant to international standards;
- b) publish lists of banned pharmacological classes of doping agents and doping methods based upon the reference lists drawn up by the International Olympic Committee;
- c) carry out doping controls during and outside competitions, according to international regulations;
- d) report to the MEYS the names of athletes who committed a doping offence;
- e) provide for field-specific training and educational programmes on harmful effects of doping in sport;
- f) publish educational and information materials;
- g) provide support to sports organizations in the implementation of regulations and measures to combat doping in sport;
- h) supervise procedures of sports organizations and their constituents for performance of tasks ensuing from anti-doping regulations.

Within the framework of the aforementioned agreement, the MEYS:

- a) financed the ADC activities e.g. its administrative work and the ADC Executive Body's

- activity and covered the costs of sample analyses;
- b) cut down subsidies allocated to sports organizations in the case of doping offences committed by their athletes;
- c) co-operated with sports organizations in concluding international agreements on doping controls in accordance with Article 4, par. 3 of the Anti-Doping Convention;
- d) supported programmes of scientific monitoring of sports training aimed at detecting methods that lead to attempts to use doping agents;
- e) promoted educational programmes and their practical application, in particular with respect to the youth;
- f) co-operated with the Ministry of Health of the Czech Republic in ensuring the operation of the Doping Control laboratory and in other doping prevention activities.

The MEYS also co-operated with the Council of Europe Monitoring Group. The Anti-Doping Committee of the Czech Republic submitted proposals for nomination of representatives on the CE Monitoring Group. Funds necessary for participation in events organized by the CE Monitoring Group were provided by the MEYS.

Annually, the ADC submitted its plan of activity and budget estimate including the schedule of doping controls at dates determined by the MEYS. The ADC also evaluated, on an annual basis, compliance with the plan of activity over the previous calendar year.

As a non-governmental organization, the Anti-Doping Committee was established under the Act No. 83/1990 Coll., on citizens' association. In legal terms, this organization could perform its activities and take decisions only with the participation of its members. At that time, the ADC membership consisted of all entities that had signed the Czech Anti-Doping Charter, including individual sports unions, associations of sports unions, associations of technical sports, Autoklub, Česká obec sokolská (Czech Sokol Community) and other organizations engaged in athletes' training. The ADC activity was managed by the Executive Committee comprising representatives of member organizations and experts in doping-related issues. The Executive Committee was headed by a Chairman and the ADC administrative work was managed by its General Secretary. The members' rights and duties, ADC mission and goals, its organizational structure and management rules were stipulated in the ADC Statutes.

### ***Current Situation***

At the II. stage initiated in 2000, the MEYS decided to transform the ADC into an organization directly subordinated to the MEYS, in order to ensure a more effective application of the Convention. The non-governmental Anti-Doping Committee of the Czech Republic was dissolved as of 31 December 1999 at its closing meeting and a new Anti-Doping Committee of the Czech Republic was established by a foundation deed as of 1 January 2000, pursuant to the Act No. 576/1990 Coll. The new ADC comprised professional personnel headed by the ADC Director.

The Anti-Doping Committee is the sole professional organization with nationwide competence that provides for the Anti-Doping Programme in terms of policy-making, control and education.

Through its activity, the ADC ensures fulfilment of the objectives and targets set out in the international Anti-Doping Programme, in accordance with the Government Resolution No. 12 of 4 January 1995 on the Czech Republic's Accession to the Anti-Doping Convention:

*In the Czech Republic, the ADC:*

- a) draws up educational programmes to promote sports competition without the use of banned doping agents;
- b) organizes and arranges for educational events, using the latest scientific knowledge and methods, and publishes educational materials for this purpose;
- c) issues guidelines and lists of banned classes of doping agents and doping methods in compliance with the International Olympic Committee;
- d) schedules and carries out doping controls during and outside competitions and provides for the analysis of taken samples at the Doping Control Laboratory;
- e) co-operates with sports organizations in the implementation of anti-doping measures;
- f) supervises the sports organizations' procedures and practices in the fulfilment of tasks ensuing from anti-doping regulations;
- g) reports to the MEYS the instances of positive doping tests of the Czech Republic sports representatives;
- h) drafts legal regulations designed to promote the fight against doping, in particular as regards measures to restrict the availability and use of pharmacological substances containing banned doping agents;
- i) verifies, against the declared composition, harmlessness of dietary supplements designed for athletes in terms of presence of banned substances.

Abroad, the ADC:

- a) takes part in the activity of international anti-doping institutions at the level of the Monitoring Group and the International Olympic Committee and other international organizations and sports federations;
- b) schedules and carries out doping controls during and outside competitions in athletes registered in the Czech Republic.

### ***Management of the ADC Activity***

The ADC is, in economic and general methodology terms, directly subordinated to the MEYS and managed by the Deputy Minister of Education, Youth and Sports. As far as the field-specific issues and expertise are concerned, the ADC follows the provisions of the Anti-Doping Convention, adheres to the Czech Anti-Doping Charter, observes the Directive on the Control of and Sanctions for Doping in Sport in the Czech Republic and meets the relevant needs for co-operation at the Council of Europe and International Olympic Committee levels.

In its activity, the ADC draws on the long-term Anti-Doping Programme specified through targets set out in annual action plan that reflects the needs of sports unions and recommendations of international anti-doping bodies.

*The ADC organizational structure comprises the following units:*

- a) *administrative unit* – provides for the policy-making, legislative and administrative activity within the framework of the Anti-Doping Programme;

- b) *educational unit* – provides for the promotional and educational activity within the framework of the Anti-Doping Programme;
- c) *control unit* – arranges for and carries out doping controls and manages the work of doping control officers.

The organization, management and activities of the Anti-Doping Committee are defined in its Statutes issued by the Minister of Education, Youth and Sport of the Czech Republic. The ADC is headed by its *Director* who is appointed to and removed from office by the Minister of Education, Youth and Sport.

The ADV comprises also the *Executive Body for Doping Control* that is authorized to take independent decisions to perform doping controls during and outside competitions. Sampling is carried out by doping control officers licensed by the ADC Director upon proposal submitted by the head of the Executive Body.

The *Commission of Experts* is an advisory body providing consultancy in the field of medicine, pharmacology, psychology, law, and sports pedagogy. Its members are appointed by the Deputy Minister upon proposal of the ADC Director. The ADC organizational structure and its external relations are described in the Appendix.

### ***External Relations***

The Anti-Doping Committee of the Czech Republic co-ordinates the Anti-Doping Programme in close liaison with other governmental and non-governmental institutions that co-operate with it in field-specific areas within the Anti-Doping Programme according to their province:

#### *a) at the government level:*

- *Ministry of the Interior* – the Police of the Czech Republic and the National Anti-Drug Office co-operate with the ADC in investigations of criminal activity related to the illegal handling of banned doping agents;
- *Ministry of Finance* – General Directorate of Customs Authority co-operates with the ADC in the detection of importation and exportation of medicines and agents with a doping effect;
- *National Institute for Medicines Safety Control* co-operates with the ADC in issuing the list of pharmaceuticals that contain banned doping substances registered in the Czech Republic;
- *public institutions of higher education* providing education of sports teachers co-operate with the ADC in introducing field-specific courses of doping prevention.

#### *b) at a non-governmental level:*

- the *Czech Olympic Committee* discusses with the ADC essential issues related to the Anti-Doping Programme;
- jointly with the *Medical Commission of the Czech Olympic Committee*, the ADC provides for the health care of Czech Olympic representation;
- together with the *Fair Play Club*, the ADC prepares an educational anti-doping programme for Czech Olympic representation;
- together with the *Arbitration Commission*, the ADC resolves controversial cases, deals with and settles complaints and appeals filed by athletes accused of doping offence;
- the ADC co-operates with *sports unions* in application of the Anti-Doping Programme in sports clubs (for more details see Article 7);

- the ADC co-operates with *sports associations* (Sokol, STSČ, Autoklub) as far as education of young people to avoid doping is concerned;
- the ADC consults with the *Sports Medicine Society* on the latest findings on pharmacological agents and possibilities of treating athletes with pharmaceuticals that do not have any doping effects. The ADC co-operates with the Society in preparing the training and further training programmes for physicians specialized in sports medicine and assesses cases of positive doping tests, especially if a doctor is at fault.

The ADC managing and co-ordinating activities are considerably limited due to the lack of a general legal regulation. Consequently, co-ordination of anti-doping policy at the central government level is carried out through accord between the representatives of individual Ministries and, at the non-governmental level (most sports organizations) through the conclusion of agreements which, however, do not represent an unambiguously binding and enforceable instrument (for more detail see Article 7).

#### **Article 4**

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

The finding of numerous studies that doping is increasingly spreading from the environment of organized sport in the area of recreational sport, particularly in fitness centres, thus affecting young people who are not covered by the testing programmes of sport organizations applies fully also to the Czech Republic. Hundreds of thousands young people are exposed to the risk of abuse of steroids as well as other substances that almost reach the characteristics of drugs, leaving aside the illicit traffic in those substances often bordering on criminal activity.

#### **Current Situation**

The Czech legislation does not comprise any specific regulation on doping. Some of the valid legal regulations can be applied in this respect; they nevertheless cover the issue only in part and refer only to a certain group of doping substances.

##### *a) Penal Code*

The Act No. 200/1993 Coll. supplemented the Penal Code by the definition of a new criminal offence. Its Article 218 a) defines the administration of anabolic substances to the youth as follows: "Whoever administers repeatedly or in higher amounts anabolic agents or other agents having anabolic effect to a person under eighteen years of age for other than therapeutic purpose will be punished by up to one year's imprisonment." The Government Decree No. 72/1997 lays down the definition of anabolic substances (divided into six groups).

##### *b) Act on Transgressions*

Article 30 of the Act No. 200/1990 Coll., on transgressions, has been amended by the addition of a new definition of offence as follows: "Whoever deliberately facilitates the use of alcoholic drinks or the use of prohibited substances other than narcotic and psychotropic substances (regulated by a separate act) by an individual under eighteen years of age, threatening thus his or her physical or moral development, commits an offence." An offence under this provision can be penalized by a fine of up to CZK 5.000 and prohibition of activity for up to six months.

*c) Act on Habit-Forming Substances*

The Act No. 167/1998 Coll., on habit-forming substances, defines the term ‘narcotic and psychotropic substances’ which refers to some narcotics and stimulants pertaining to banned classes of doping agents on the IOC list. An unauthorized production and possession of narcotic and psychotropic substances is subject to Article 188 a) of the Penal Code that covers the spreading of drug addiction and thus applies also to an authorized handling of narcotics and stimulants provided that they fall into the category of narcotic and psychotropic substances.

*d) Act on Prevention of Alcoholism and other Types of Addiction*

The Act No. 37/1989 Coll., on prevention of alcoholism and other types of addiction, can be applied also with respect to doping since some narcotics and stimulants pertain to the category of narcotic and psychotropic substances and damage human health. Particularly, this Act regulates the liability to register sales and submit to educational and therapeutical measures.

*e) Act on Medicinal Substances*

Vast majority of doping agents are common medicines. That is why also the Act No. 79/1997 Coll., on Medicinal Substances, should be mentioned here, although – similarly to the aforementioned Acts – it does not incorporate a separate provision that would apply to the abuse of medicines as doping agents. Pursuant to its Article 5, par. 1 every person handling the therapeutic agents is obliged to limit to the minimum possible extent adverse effects of medicines on humans and is further obliged to follow instructions for therapeutic agents use as set out by their producer. Breach of this provision can occur if the therapeutic agent concerned is used without authorization or in amounts that do not correspond with a correct dosing, which is the case with doping.

*f) Tariff Act*

The Act No. 13/1993 Coll., the Tariff Act, regulates issues relating to the transboundary movement of goods, lays down obligations of persons importing or exporting goods and regulates the duties of customs authorities. Besides the provisions applying to the transboundary movement of narcotic and psychotropic substances, i.e. category that may include some narcotics or stimulants, the Act does not incorporate any special provision regulating the transboundary movement of doping agents or goods containing doping agents. Transgressions or criminal offences related to an unauthorized transboundary movement of goods that would involve handling of doping agents on the IOC list can be currently regarded only as breach of the customs law.

*g) Act on Food and Tobacco Products*

The Act No. 110/1997 Coll. lays down the producers’ obligations and duties in the production and distribution of foodstuff and tobacco products and provides also for the state supervision of the fulfilment of obligations and duties ensuing from it. The Act is implemented through the Order of the Ministry of Agriculture No. 23/2001 that defines categories of food products intended for special alimentation as well as the way such food products should be used. Article 2 of the above-mentioned Order stipulates that food products designed for special alimentation include also foodstuffs intended to meet nutritional demands resulting from an

increased physical exertion, especially in sport. It also specifies that such food products include those that provide a higher energy intake, stimulate the building of muscles, ion drinks, mineral water etc. Requirements for such food products composition include the obligation to indicate caloric values and contents of nutrients. The Order explicitly states such food products must not contain any substances considered as anabolic agents or agents having anabolic effect.

Although these products must be, under the law, marked by the label “Product is suitable for athletes”, their producers are not obliged to indicate whether the product concerned contains any substance on the list of banned doping agents. Producers can apply for the ADC attestation documenting that the declared product composition does not contain any substances banned as doping agents.

#### *h) Act on Support of Sport*

The Act No. 115/2001 Coll., on Support of Sports, was adopted in February 2001. This Act regulates the respective powers of state administration bodies and regional and local authorities with respect to sport. Doping is, however, addressed only in provisions governing the division of duties between the MEYS and the Ministry of Health in the administrative area.

### **Future Developments**

As stated above, no generally binding legal regulation has been adopted yet in the Czech Republic that would regulate in a comprehensive manner the issue of doping and provide simultaneously for the Convention transposition into the Czech national legislation. The aforementioned Acts can be described as related legislation that addresses the issue of doping rather on a theoretical basis. The same applies to the provision of Article 218 a) of the Penal Code (administration of anabolic substances to the youth) which refers only to a clearly defined population group and addresses only one class of banned doping agents. Moreover, this provision is isolated, without links to legal regulations outside the penal law. The fact it has not been applied yet testifies to its problematic position in the Czech legal system.

Considering the current social significance of sport as well as hazards inherent in doping, it appears clear that the existing sports unions regulations of non-legislative nature cannot satisfactorily guarantee a full implementation of the Convention provisions, either. Hence the demand for regulation by virtue of law is quite legitimate.

#### *a) Incorporation of provision on doping into existing legal regulations*

The incorporation of provisions on doping and related action into valid legal regulations is theoretically a viable alternative. Regarding the complexity of this issue, however, this solution appears quite controversial. Some types of conduct could be penalized as minor offences where culpability would have to be proved, while other types of conduct would be assessed as offences of administrative nature and penalized, as a matter of principle, irrespective of the culpability. A problem would arise also in case that no factual relation to provisions of valid legal regulations could be found and some types of conduct would hence remain unpunished.

### *b) Anti-Doping Act*

The adoption of a separate legal regulation represents the most comprehensive and appropriate solution to the problem. It simultaneously implies the creation of a legal basis for anti-doping policy implemented by sports organizations. The adoption of a special anti-doping law does not preclude the possibility of applying sports organizations regulations to cases that are not provided for by law. In compliance with their regulations, sports unions can penalize their members for infringement of sports rules that include a ban on doping. The anti-doping act would facilitate penalization of persons whose conduct contravenes not only the principles of sports ethics but first and foremost jeopardizes the health of athletes and public engaged in sports activities.

In terms of legal system, such an act would, according to the method of legal regulation, pertain to the body of public law since the contents of subjective rights and duties would be laid down by binding rules of law which must be complied with by all respective entities.

### **Transition Period**

Asserting the adoption of a separate legal regulation on doping is a long-term process the outcome of which depends not only on a political will to understand this social phenomenon but also on expert assessment of a whole number of factual doping-related issues. It is also necessary to address other exacting but solvable issues to prepare the basis for enactment. Regarding the urgency of the matter, it seems reasonable to assert at least the adoption of such statutory rules that would facilitate a more effective control over the handling of doping agents. Based upon consultations with numerous experts, it has been recommended to focus upon the elaboration and subsequent adoption of:

- a) bill providing for the control over illegal production, importation, receiving and distribution of medicines containing banned doping agents;*
- b) bill providing for penalizations of complicity in doping through instigation to doping, sale of doping agents and obstructing a doping control.*

The ADC has recently consulted foreign experts and compared legal provisions of other countries on this issue. As regards the Parliament of the Czech Republic, the Legislative Department of the House of Representatives has already promised to provide an active assistance in drafting the respective regulations and the Committee for Health Care and Social Policy of the Senate has also expressed its support to this legislative activity.

The ADC has also initiated co-operation with the General Directorate of Customs Authority consisting in a mutual provision of information on illegal importation and exportation of medicines containing banned doping agents.

The ADC has negotiated and initiated co-operation with the National Anti-Drug Office of the Police of the Czech Republic in detection of and action against illegal traffic in and distribution of medicines and dietary supplements containing doping agents.

### **Financing**

The Anti-Doping Programme of the Czech Republic is, in the first place, funded from the state budget. Public funds represent a basis of its overall financing. These funds are almost



exclusively entrusted to the ADC that is authorized to allocate them to cover individual components of the Anti-Doping Programme:

*a) in the administrative area*

- drafting legislation providing for control over doping;
- co-operation with both governmental and non-governmental organizations in the Czech Republic and abroad;
- administrative activities to ensure the ADC operation;

*b) in the field of education*

- creation of educational programmes;
- study programmes and other educational programmes;

*c) with respect to doping control*

- doping controls carried out during and outside competitions;
- financing the analyses performed by the Doping Control Laboratory.

The amount of subsidy from public funds to finance the implementation of Anti-Doping Programme depends on the number of scheduled doping controls performed by the ADC over a given year. The overall demands for government subsidies are confronted with the budgetary resources that can be expended to support sports and sports representation in particular. On average, the subsidy allocated to the Anti-Doping Programme implementation amounts to 1.5% of annual appropriations from public funds to support the sports representation.

The part of the Anti-Doping Programme that is implemented directly by sports unions is financed from public funds received directly by those sports unions, i.e.:

- distribution of educational materials on doping and programme of teacher training;
- financing the doping controls performed during international competitions;
- financing analyses of samples taken during international competitions and performed by the Doping Control Laboratory.

Within the framework of supervision over the utilization of subsidies from public funds, the MEYS has adopted:

*“Principles of Reducing Government Subsidies Allocated to Sports Unions upon Positive Doping Tests of Sports Representatives.”*

*Definition of Representative*

An athlete registered on the list of junior and senior representatives submitted by the appropriate sports union to the Department for Physical Education and Sports of the MEYS who remains on that list for the entire calendar year.

An athlete charged by the appropriate sports union to represent the Czech Republic at international competitions throughout a given year from the date of nomination as sports representative till the end of that year.

### *Powers*

In the case of a positive doping control report on a sports representative, the amount of subsidy from public funds allocated to the respective sports union to support the state sports representation will be curtailed.

The reduction of subsidy is decided by the MEYS, following the discussion on each individual case conducted with the respective sports union and attended by the ADC representatives.

The relevant provision of the Olympic Movement Anti-Doping Code on the type of banned substance abused that is mentioned in the Directive on the Control of and Sanctions for Doping in Sport is applied to calculate the amount by which the subsidy is reduced.

The total amount of subsidy allocated to the given sports union to support state sports representation is reduced by a percent portion determined in dependence on the overall number of positive doping tests over a calendar year.

In the case of positive doping control reports during a given year, the MEYS reduces the subsidy, allocated to the respective sports union to support the state sports representation, also in the following calendar year according to the table presented below:

Number of positive doping tests over a calendar year	Class I Stimulants, alcohol, cannabiniods, local anaesthetics, glucocorticosteroids	Class II Narcotics, beta-blockers, anabolic agents, diuretics, peptide hormones and their mimetics and analogues Prohibited doping methods
1	1%	3%
2	3%	10%
3	10%	25%
4	15%	60%
5	20%	100%
6	50%	
7	75%	
8	100%	

### Note:

If a positive doping test shows the presence of substances pertaining to both Class I and Class II, the financial sanction amounts to the sums of percent reductions given in the columns of the table above.

If a positive doping control report is not sufficiently addressed at the level of the sports union concerned, in compliance with the respective anti-doping guidelines and rules and with the agreement concluded between that sports union and the ADC, a total amount of subsidy for state sports representation may be withheld.

The sports achievement of a representative who showed a positive doping test will not be taken into account when calculating the subsidy for sports achievements over a given year.

## **Article 5**

### ***Laboratories***

#### ***History***

The Doping Control Laboratory in Prague established in 1968 and affiliated with the Favorit Brno sports union was one of the first laboratories of its kind in the world. Since 1973 it has resided in Prague as an independent division of the Teaching Hospital. When the Institute of Sports Medicine for Top-Class Sport was established in 1984, the Doping Control Laboratory affiliated with it and, at the same time, it became an organization directly subordinated to the Ministry of Health of the Czech Republic. Following the definitive dissolution of the aforementioned Institute in 1999 as a result of its privatization, the Doping Control Laboratory as a unit ineligible for privatization fell under the administration of the General Teaching Hospital in Prague.

The Doping Control Laboratory worked as a national reference laboratory until 1982. In 1982, the International Amateur Athletic Federation awarded it an international accreditation and in 1984 it was accredited by the International Olympic Committee. Until 1990, the Doping Control Laboratory co-operated directly with sports unions that supplied it with samples from doping controls carried out both during and outside competitions. The Laboratory reported samples analyses results – negative or positive findings – to the Top-Class Sport Department of the Czechoslovak Union of Physical Education (CUPE), an umbrella organization incorporating individual sports unions. The number of samples analyzed in the Laboratory at that time ranged from 2.000 to 2.500. The cost of laboratory operations, including equipment and instrumentation, was covered from the CUPE funds (non-governmental resources).

#### ***Current Situation***

The accession of the Czech Republic to the Anti-Doping Convention has created conditions for ensuring state supervision over the activity of the Doping Control Laboratory. Until 2001, this status was ensured only by the Government Resolution No. 12 of 4 January 1995. It was the adoption of Act No. 115/1991 Coll., on Support of Sports that provided a solid legal basis for this decision. This Act charges the Ministry of Health to institute a doping control laboratory and provide for its operation to the extent determined by the IOC.

The current legal status of the Laboratory ensues from the fact it is one of the department of the General Faculty Hospital in Prague which is, in turn, an organization directly subordinated to the Ministry of Health. This legal status implies that the Laboratory enjoys independence in relation to its field-specific specialized activities while in legal and economic terms it is represented by the General Faculty Hospital as a legal entity.

The Doping Control Laboratory is one of IOC-accredited laboratories and re-accreditation is carried out successfully on an annual basis. As of 2001, the new Anti-Doping Code Olympic Movement moreover requires an accreditation according to the ISO Guide 17025 that the Laboratory did not comply with at the beginning of 2001. Together with other 11 laboratories, it was granted an exception on condition that it would obtain the ISO 17025 accreditation by

the end of 2001. The ISO accreditation was performed by the Czech Institute for Accreditation from May to October 2001. On completion of the assessment, the Doping Control Laboratory was awarded a Certificate of accreditation ref. no.: 517/2001 on 19 December 2001 regarding the fact the Laboratory fulfilled all requirements stipulated in the ISO/IEC 17025 standard. The certificate will remain valid until 31 January 2005. Thus the IOC requirements have been met and the Laboratory currently possesses a valid international accreditation.

### ***Routine Operation***

The Doping Control Laboratory carries out analyses of urine samples taken during doping controls according to the IOC methodical instructions and procedures set out in the ISO 17025 standard.

Samples taken during doping controls under the national Anti-Doping Programme (during and outside competitions) that is exclusively provided for by the ADC are delivered to the laboratory by the ADC Executive Body staff. Only sample "A" is handed over while sample "B" is kept in the ADC premises for the period of 1 month starting from the date when a negative test result for sample "A" is reported, unless sample "B" itself is subject to analysis. The Laboratory submits reports on performed sample analyses containing a code indication of negative samples as well as positive samples to the ADC. The Laboratory usually prepares an overall report on each competition. The ADC matches the codes and names of athletes listed in a copy of doping control record and – if the doping test of sample "A" is positive – it notifies by registered letters both the athlete concerned and the respective sports union chief executive of the doping control result.

Both sample "A" and sample "B" taken within the framework of doping controls during international competitions organized by sports unions upon decision of an international federation are delivered to the Laboratory directly by the competition's organizer. In this instance, sample "A" is analysed and sample "B" maintained in the Laboratory, similarly as within the ADC premises. The laboratory reports on analyses of supplied samples and the respective findings to the sports union concerned and simultaneously to the respective international sports federation.

## **Article 6**

### ***Education***

Empirical experience as well as the results of long-term research have supplied evidence on the young generation attitude towards doping. Together with experience gained during the implementation of model preventive programmes, these results were utilized to draw up an educational programme that represents a basis for the ADC activity in the field of education and prevention. In agreement with the EUROPACK model, this programme focuses upon various population groups, but primarily on athletes registered in sports organizations. It is being implemented through the following means and methods:

#### ***a) preparation and publication of educational materials, books and brochures***

##### ***Books***

. *Doping and Sport* summarizes findings on doping in the world and in the Czech Republic. This publication is designed for coaches, trainers, organization personnel in sport, students preparing for education and health-related professions as well as for a wider sports public.

. *Doping, Health, Performance* enumerates classes of doping agents, pharmaceutical, their therapeutic use as medicines and their possible effects on sports performance and negative impacts of their abuse as doping agents in sport. This publication is designed for athletes, coaches, sports doctors, students and other interested public.

### **Brochures**

. *Sport without Doping for Doctors and Sports Officials*. This publication provides a brief account of the significance of sport, abuse of doping agents, ban on doping and sport-related legislation, doping control, banned pharmaceuticals and possibilities of athletes' treatment.

. *Sport without Doping for Athletes*. This handbook is designed for elementary and secondary school pupils, young athletes and other interested public including parents, teachers, coaches and sports officials. It underlines the importance of sport for the youth and provides information on what doping is, why it is banned and what hazards it entails.

. *Stop Doping in Sport* is a 'pocket book' designed for athletes who train in sports centres for youth attached to sports clubs, sports schools and classes and/or athletes already engaged in Olympic training. It acquaints athletes in a simple manner with all doping-related issues they might come across in their training or during competitions.

. *Banned Pharmaceutical*. This publication presents a list of pharmaceuticals manufactured in bulk that contain banned doping agents registered in the Czech Republic. Individual medicines are listed in an alphabetical order; the names of banned substances and class identification according to the IOC list are indicated under individual headings. The brochure is designed mainly for doctors to help them identify medicines they should not prescribe to athletes unless they are completely out of training.

### **Leaflets, Folders, Cards**

. *Doping Control* is an information folder designed for athletes. It provides information on doping control procedures and on a proper conduct in case that the athlete is invited to undergo a doping test. It also describes the way doping control is performed and lists the athletes' rights and duties.

. *Information Card for Athletes* contains a brief enumeration of examples of banned medicines according to the classes of banned doping agents. The reverse side of it presents examples of medicines that athletes can use to treat the most common health complaints. It is designed for athletes to help them quickly select the right product for self-treatment, though it is useful also in case that they wish to consult the use of a medicine with their doctor, especially if the doctor is not specialized in sports medicine.

. *Leaflet on the harmfulness and side effects of anabolic steroids*. It contains an illustration of human body indicating organs that can be affected as a result of anabolic steroids abuse and specifies the extent of possible damage to these organs.

### **b) Training, Briefings, Discussions**

### ***Training***

. *Training of officials* of sports unions is focused on trainers engaged in the sports training of young people and on doctors treating the sports representation. It can possibly serve also as in-service-training for other interested physicians.

. *Briefings for doping control officers* are incorporated into the programme of continuous training for doctors and health service officers who co-operate with the ADC on an external basis and pertain to doping control teams.

### ***Discussions***

Discussions concentrate on current issues relating to the fight against doping and they are organized mainly at schools oriented at physical education and sports and, if required, they are arranged for athletes in sports clubs.

The doping-related issues have been often included on the agenda of discussions broadcast by radio stations and TV channels, in particular recently.

### ***c) Study Programmes***

. *Essentials of Doping Prevention for secondary educational establishments oriented at physical education*. The thematic study plan comprises 4 lessons of 45 minutes' lecture and discussion focused upon basic doping-related issues, doping agents and methods, anti-doping policy and doping control. This programme is offered and applied by secondary technical schools with extended physical education and is also included in short-term special training courses designed for fitness centres staff, masseurs, sports instructors or couches of lower qualification. Lecturers pertain to the ADC personnel.

. *Essentials of Doping Prevention for institutions of higher education* oriented at preparation of sports programmes and education of sports managers and officials. The thematic study plan comprises 7-9 lectures plus discussions per semester, each unit lasting 90 minutes. Lectures focus on basic doping-related issues, psychological and sociological aspects and history of doping, doping agents and methods, health aspects of doping, anti-doping policy, doping control, doping control laboratories, prevention and education to avoid doping. This course is included in the study plan at the Faculty of Physical Education and Sport in Prague and it will be gradually offered to other institutions of higher education. Lecturers are recruited from the ADC personnel and external collaborators.

### ***d) Provision of Information and Services***

. *Dietary supplements suitable for athletes*. The ADC provides for verifications of harmlessness of food products for special nutrition designed for athletes, as far as the contents of doping agents is concerned. In the Czech Republic, these kinds of food products are subject to approval by the Ministry of Health confirming their harmlessness according to hygienic standards. The assortment of products designed for athletes' nutrition is not subject to an obligatory attestation of doping-related harmlessness and the ADC therefore offers to producers or vendors, based on agreement with the Ministry of Health, checks of their products for contents of substances included on the IOC list of doping agents. This verification is performed by the National Health Institute or Faculty of Pharmacy, Charles University in Prague, in dependence on the extent of product composition and complexity of

its assessment. The resulting expertise serves as a reference for the ADC to either grant or deny application for product's attestation confirming that the product concerned is suitable for use by registered athletes and can bear the label "Approved by the Anti-Doping Committee of the Czech Republic".

#### *. Information Service*

Within the framework of its promotional activity, the ADC publishes the list of approved products that can bear the label "Approved by the Anti-Doping Committee of the Czech Republic" via its website. Currently, the list comprises 410 products offered by 38 distributors. The published list serves mainly the registered athletes in that it helps them to get a clear view of the market for foodstuff designed for special alimentation.

The ADC carries out an ongoing update of its Internet pages (found at [www.antidoping.cz](http://www.antidoping.cz)) providing constant access to major documents relating to doping, the list of banned products, information materials and doping control statistics.

#### *e) Research*

The Anti-Doping Programme has allowed so far only for research into the sociological and psychological aspects of doping that represent the main focus of research activity pursued by the respective departments of the Faculty of Physical Education and Sports, Charles University in Prague. Based on the project's terms of reference stipulated by the MEYS and a subsequent award of a grant, a four-year research project "Social Aspects of Doping and Options of Anti-Doping Prevention in Children and Youth" was launched in 1994 by an introductory study and completed in 1998 by a final evaluation.

The introductory study draws on available information on the spreading of drug addictions among young people and compares it to the increasing incidence of doping in sport – not only in its organized form. In the summary the authors state that young people are not in general sufficiently informed about adverse impacts of drug abuse and doping and society as a whole seems quite helpless and indecisive with respect to the appropriate approaches towards prevention.

The subject of research was divided into two parts:

- q) verification and evaluation of both short-term and long-term prevention programmes on the basis of views and opinions expressed by various groups of young people on the use of doping agents;*
- b) monitoring of the abuse of anabolic androgenic steroids in recreational activities of adolescents.*

Both sections of the research report are supported by graphic representations of findings and the Appendix contains tables presenting second degree distribution in absolute and relative values. Questionnaires and synopsis of moderated discussion are attached to both sections of the report.

#### *Part I*

The authors draw on empirical findings gained in previous stages which are reflected in a wider context of the causes and state of the values' system in youth today. They perceive the doping-related issues and knowledge of its adverse impacts on human beings as phenomena springing from the young people's attitude to sport, consumer life-style and considerably weakened natural defence mechanisms. They also mention the yet inadequate participation of schools and parents which fall short of their duty to sufficiently inform the children and youth about harmful effects of doping and the issue of drug abuse as such.

The research focused upon continuous identification of opinions on the use of doping in various groups of young people and attempted to verify the efficacy of doping prevention means. The authors amplified the subject of their research by including other target groups of young people, in particular with respect to other areas of physical activity, i.e. participants in training organized by fitness centres. As far as the verification of Anti-Doping Programme effectiveness is concerned, they checked those groups before the introduction of the Anti-Doping Programme and then reviewed the situation following the implementation of a short-term and a long-term programme. At this stage of the research, it was already possible to utilize audio-visual aids devised on the basis of findings obtained during previous stages well as methodical materials for lectures and discussions.

## *Part II*

The authors draw on findings on the abuse of anabolic androgenic steroids during recreational sports activities of adolescents. At the same time, they underline this phenomenon's tendency towards spreading and emphasize the in fact uncontrollable risk of health damage. They also acknowledge that it is practically impossible to impose control over it and introduce effective sanctions. Their reflections are supported by findings drawn from foreign literature on the subject as well as several investigative reports elaborated in the Czech Republic so far.

The research focused upon detection of the degree of anabolic steroids abuse, on the manner and method of their application, awareness of health risks, sources of supply and opinions of target groups on the use of anabolic steroids. The basic research method consisted in a moderated discussion conducted by the researcher according to the respective questionnaire. Regarding the specific nature of this subject matter, major advantage consisted in the fact that the inquiry was conducted by the researcher in co-operation with a doctor who was acquainted with the environment, which enabled the researcher to adopt the most appropriate approach towards respondents.

## *Conclusions*

The long-term project of research into social aspects of doping and options of anti-doping prevention demonstrated a considerable lack of awareness among youth, but also in their parents and teachers, of doping-related issues and particularly hazards inherent in doping. Nevertheless, it also showed path towards adopting the optimal approach to the youth education against doping, it the first place through implementation of long-term programmes using all available means of anti-doping prevention. The data collected during the project implementation provides a basis which can help devise other materials and tools for disseminating and upgrading the educational and preventive programmes. In this respect, the research project reached its goal, both in terms of targets set out initially and quality and professional level of its implementation.



## **Article 7**

### ***Co-operation with sports organizations on measures to be taken by them***

#### ***Legal Status and Competence***

In the Czech Republic, there are 160 registered sports motoring and paramilitary – technical unions pertaining to four sports organizations (the Czech Union of Physical Education, Association of Technical Sports and Activities, Association of Sport for All, Autoklub) that are independent legal entities. The aforesaid organizations are registered as citizens' associations under the Act No. 83/1990 Coll., on Citizens' Associations. No permission by state administration bodies is required for the pursuit of their activities and state-level authorities may intervene in their activity and status only within the limits stipulated by law. Their members' rights and duties are laid down in their statutes. Such organizations must not perform activities pertaining to the governmental bodies' competence and must not impose obligations on citizens who are not affiliated to them.

Out of this number, doping might occur in 88 sports unions including all those engaged in Olympic sports. The latter adopted the Czech Anti-Doping Charter which provides that signatories shall abide by the decisions taken by the ADC as a body authorized to combat doping and perform the related tasks. By signing the Anti-Doping Charter, sports unions delegated powers to carry out doping controls with respect to independent organization, including supervision over the settlement of cases of positive doping tests. In order to implement co-operation between the ADC and sports unions, all sports unions concluded an *“Agreement on Co-operation in Fulfilling the Commitments Embedded in the Anti-Doping Programme and Ensuing from the Czech Anti-Doping Charter and from the Czech Republic Accession to the Anti-Doping Convention”* with the ADC. Pursuant to this agreement, powers and responsibilities are distributed as follows:

#### *a) Anti-Doping Committee:*

- is authorized to issue the Directive on the Control of and Sanctions for Doping in Sport as well as the other regulations complying with the recommendations from the International Olympic Committee, Council of Europe's Anti-Doping bodies and other international sports institutions;
- shall make available an updated list of classes of banned doping agents and doping methods according to the IOC or the relevant international sports federation;
- is authorized to supervise a sports union's procedures for the fulfilment of tasks set out in the adopted Directive;
- within the framework of the design of educational programmes, it will provide the sports union with recommendations and instructions to help it draft its own anti-doping programme and will assist in its implementation;
- will make available an adequate number of copies of published educational materials to each sports union;
- will arrange for training and briefings of designated sports union's staff and, as far as possible, it will organize lectures and discussions with athletes, coaches and doctors;
- will, at its own discretion, organize and perform doping controls during competitions included on the calendar of the given sports union; the conditions under which doping controls are carried out shall be stipulated by the ADC;
- will, at its own discretion, organize and perform doping controls outside competitions;

- will ensure the intactness of samples taken during doping controls and their delivery to the Doping Control Laboratory for analysis;
- will assist sports unions in all negotiations regarding doping controls at the level of the relevant international sports federation;
- covers, within the limits of its budgetary resources, costs connected with the publication of educational materials and their distribution to sports unions;
- covers the costs of doping controls including the laboratory analysis of samples taken within the framework of doping controls.

*b) Sports union:*

- will, in the pursuit of its activities, strictly follow the Directive on the Control of and Sanctions for Doping in Sport. Additional requirements ensuing from the regulations of international sport federations will be mentioned in an appendix to the agreement concluded with the ADC. The sports union will incorporate a reference to the Directive in its sports and technical rules and will acquaint athletes and officials with them;
- is responsible for a proper conduct of disciplinary proceedings according to the Directive and taking account of regulations of its international sports federation;
- is responsible for disseminating information on and education towards combat with doping among athletes and for a conscientious and timely distribution of educational materials and other tools;
- is responsible for organization of educational events, lectures, discussions, briefings and for the attendance of invited audience;
- can directly or through an authorized competition organizer request the performance of doping controls, including controls during competitions with international participation;
- has the responsibility to ensure that the competition organizer authorized by it creates conditions facilitating the doping controls according to the Directive and will meet requests for co-operation with the ADC;
- covers the costs relating to the educational events it arranges;
- covers the cost connected with the performance of doping controls requested on the basis of orders of the international sports federation, included the cost incurred by sample analysis.

***Doping Control***

The doping control may be carried out during competitions organized by sports unions or their organizational units or out of competitions, both in the territory of the Czech Republic and with respect to Czech athletes abroad.

The doping controls out of competitions focus upon these classes of doping agents and doping methods: I.C anabolic steroids, I.D diuretics, I.E peptide hormones and their mimetics and analogues, and II.B pharmacological, chemical and physical manipulation.

It is the ADC Executive Body that takes exclusive decisions on the performance of doping controls, except in the case of international competitions organized by the sports union concerned.

Neither the sports union, nor the competition organizer receive a prior warning about a planned doping control and the number of athletes to undergo it selected in accordance with an established key. Any organizer of a competition has to allow for the fact that a doping control may be carried out during competition and, in accordance with the Directive, the organizer must have proper premises ready to facilitate its execution.

Sampling within a doping control is carried out by doping control officers of the same sex as the athlete undergoing it. Those officers are authorized to take samples on the basis of licence granted by the ADC Director. Officers must bear no relation to the sports union controlled.

The ADC is responsible for the control officers' training. Each new commissioner receives training on the basis of which he/she is granted a licence of an ADC doping control commissioner. Officers undergo retraining every year which acquaints them with the latest findings in the field of combat with doping.

No officer of this category is allowed to perform a doping control at his/her discretion. Every officer is delegated to perform a doping control through a written authorization issued by an ADC member.

Only a member of the ADC Executive Body is authorized to independently carry out a doping control out of his/her own will, even without approval by the ADC Director.

A doping control officer can select an assistant whom he/she grants a single authorization to discharge the office. The officer is responsible for his/her assistant's conduct during the entire period of doping control.

The course of doping control is governed by standard provisions stipulated in the Anti-Doping Code Olympic Movement (ISDC – ISO/PAS 18873).

### ***Disciplinary Proceedings and Penalty for Doping***

Disciplinary proceedings initiated upon a positive doping control report on an athlete or another person are, as a matter of principle, conducted by the sports union concerned. The ADC only supervises and checks the correctness of disciplinary proceedings which must be initiated within 14 days from the notification of a positive doping test.

Sports unions impose penalties for doping on athletes and/or other individuals according to tariffs contained in the Anti-Doping Code Olympic Movement, unless otherwise specified in the regulations of the respective international federation.

The penalization of an athlete or another individual must be fully observed. It applies proportionally to other sports the athlete pursues or to offices he/she discharges.

An athlete of another penalized person may appeal against the decision of disciplinary bodies to a superior body or to an international sports federation.

In the Czech Republic, the supreme appeal authority for doping offences is the Arbitration Commission of the Czech Olympic Committee that settles disputes between the penalized athlete and sports union. The appeal may be filed by either party.

### ***Monitoring of Athletes***

An annual calendar of sports competitions at the highest level elaborated by each sports union represents the basis for drawing up the schedule of doping controls during competitions. The calendar – list of competitions' dates – is submitted by each sports union that has concluded an agreement on co-operation with the ADC. Based on this list, competitions are selected for doping controls according to their significance, while respecting the limit of overall number

of doping controls in a given year. The ADC makes an inquiry about the exact date and time of competition with the appropriate employee responsible for relations with the ADC who is also obliged to notify the ADC in advance of any changes to the dates of any competitions.

The list of representatives in selected sports – in which it is suspected, on the basis of a long-term monitoring, attempts at enhancing the performance in competition through the use of banned doping agents might occur – forms the basis for drawing up the schedule of doping controls outside competitions.

The sports unions submit the lists of sports representatives to the ADC always at the beginning of each calendar year, pursuant to an agreement concluded with the ADC and agreement concluded with the MEYS on the allocation of subsidy from public funds to support sports representatives' training. The ADC simultaneously monitors the training, i.e. training periods, and confronts them with the calendar of competitions including international competitions and scheduled nominations of sports representatives.

The selection of athletes to be subjected to a doping control outside competitions is performed following the evaluation of all information on the need to keep a concrete athlete under a doping control over a specific period.

### ***Survey of Performed Doping Controls***

The ADC has been submitting surveys of performed doping controls ever since its establishment. Thus it has guaranteed and continues to guarantee the implementation of the national Anti-Doping Programme. The attached table contains data describing in this respect the period from 1 January 1993 till 31 December 2000. This information is complete and comprehensive and includes the results of analyses carried out in the Doping Control Laboratory. The table presenting data for the year 2001 is complete as regards the number of performed doping controls. Considering the fact that all samples taken over the year 2001 have not yet been analysed, the number of positive doping tests is not yet final. The survey shows that 7.090 doping controls were carried out until 2000, out of which 6.108 during competitions and 982 outside competitions, in 44 kind of sports. Doping controls focused mainly on cycling (road, track, cyklocross, mountain bikes) and athletics. A higher number of doping controls was carried out in relation to swimming, soccer, ice hockey, body building, power lifting, canoeing, basketball, triathlon, skiing, volleyball, handball and rowing. On the average, the number of executed doping controls amounts to 886 per year and depends in all cases upon the availability of financial resources provided from public funds to finance doping controls in a given year as well as on the capacity of the Doping Control Laboratory. This Laboratory complied with the requirements of the ISO 17025 standard in 2001 which diminished its free capacity and lead to delays in presenting sample analyses results.

The overall number of positive doping tests of samples taken within doping controls during and outside competitions amounts to 2% of the number of controls performed. This percent portion is higher than the European mean value but it should be noted that this results reflects the high incidence of doping in body building. If body building is excluded from calculation, the rate of positive doping tests out of the overall number of controls amounts to 1.06% (see Appendix – tables).

Apart from the national testing programme, Czech athletes undergo doping controls abroad (during and outside competitions) and in the Czech Republic during visits of doping control

officers affiliated with agencies that co-operate with international sports federation. Statistics of these doping controls are not available to the ADC which is a shortcoming in our opinion. We expect that a full participation of the WADA and implementation of the Athlete Passport project will improve this situation.

## **Article 8**

### ***International co-operation***

International co-operation was initiated in 1992 when the Czechoslovak delegation for the first time attended the T-DO meeting. The representative of former Czechoslovakia (Dr. Jan Přerovský) became a member of the educational commission and took part in the preparation and elaboration of the Clean Sport Guide. When the Czech Republic came into existence in 1993, Dr. Přerovský together with Prof. Čestmír Nápravník represented the new state at the T-DO meetings which they attended regularly at first as observers. Since 28 April 1995 when the Czech Republic acceded to the Anti-Doping Convention, following the completion of necessary legislative procedures, they have been regular members of the Monitoring Group.

Within the framework of the Spring Programme we have also attended, on a regular basis, all seminars devoted to the combat with doping that were organized by the Council of Europe. In 1996, we were entrusted with the preparation and organization of the seminar "Anti-Doping Policies in Sport". Czech experts gave lectures at the Madrid seminar in 1997 that focused upon the activity of laboratories and the course of doping controls.

One delegate participated in the role of observer in the seminar on education held in Bulgaria. In 2000, a representative of the Czech Republic was invited to give lectures at the seminar dealing with education and combat with doping in countries of the former Soviet Union that was held in Lithuania. During the same year, the Czech Republic was invited to co-operate in the implementation of an EU project on fight with doping in the countries of the former Soviet Union and Baltic region, Poland and the Czech Republic. This EU project was completed in 2001.

A delegation of the Czech Republic composed of representatives of the Ministry of Education, Youth and Sport, Czech Olympic Committee and Czech Anti-Doping Committee took an active part in the World Conference on Doping in Sport organized by the International Olympic Committee in 1999. In his address to the conference, the Deputy Minister of Education, Youth and Sport, Dr. Ladislav Malý, expressed our support to the creation of the World Anti-Doping Agency (WADA). Moreover, the representatives of the Czech Republic attended the seminar held in Swedish Solna in 2001 as well as the meeting of International Inter-governmental Consultative Group on Doping in Sport (IICGDS) held in Cape Town.

The Czech Doping Control Laboratory (Department for Doping Control of the General Faculty Hospital in Prague) has been accredited by the International Olympic Committee and co-operates with the WADA. This laboratory personnel attend all regular as well as irregular seminars dealing with doping control laboratories that are organized by the IOC and, at a request, give lectures at international seminars organized by the T-DO.

The Permanent Missions of the Czech Republic to European Communities and to the Council of Europe inform the Ministry of Education, Youth and Sport on all activities of the European

Commission and the Council of Europe related to fight against doping and, if necessary, the Permanent Missions consult their positions with the MEYS.

To conclude, we might state that the Czech Republic is fully participating in the development of international co-operation, fulfils its obligations and commitments ensuing from its accession to the Anti-Doping Convention and, besides, it is able to provide relevant experts for exchange of experience and work in specialized international bodies.

## CZECH REPUBLIC STATISTICS 2001

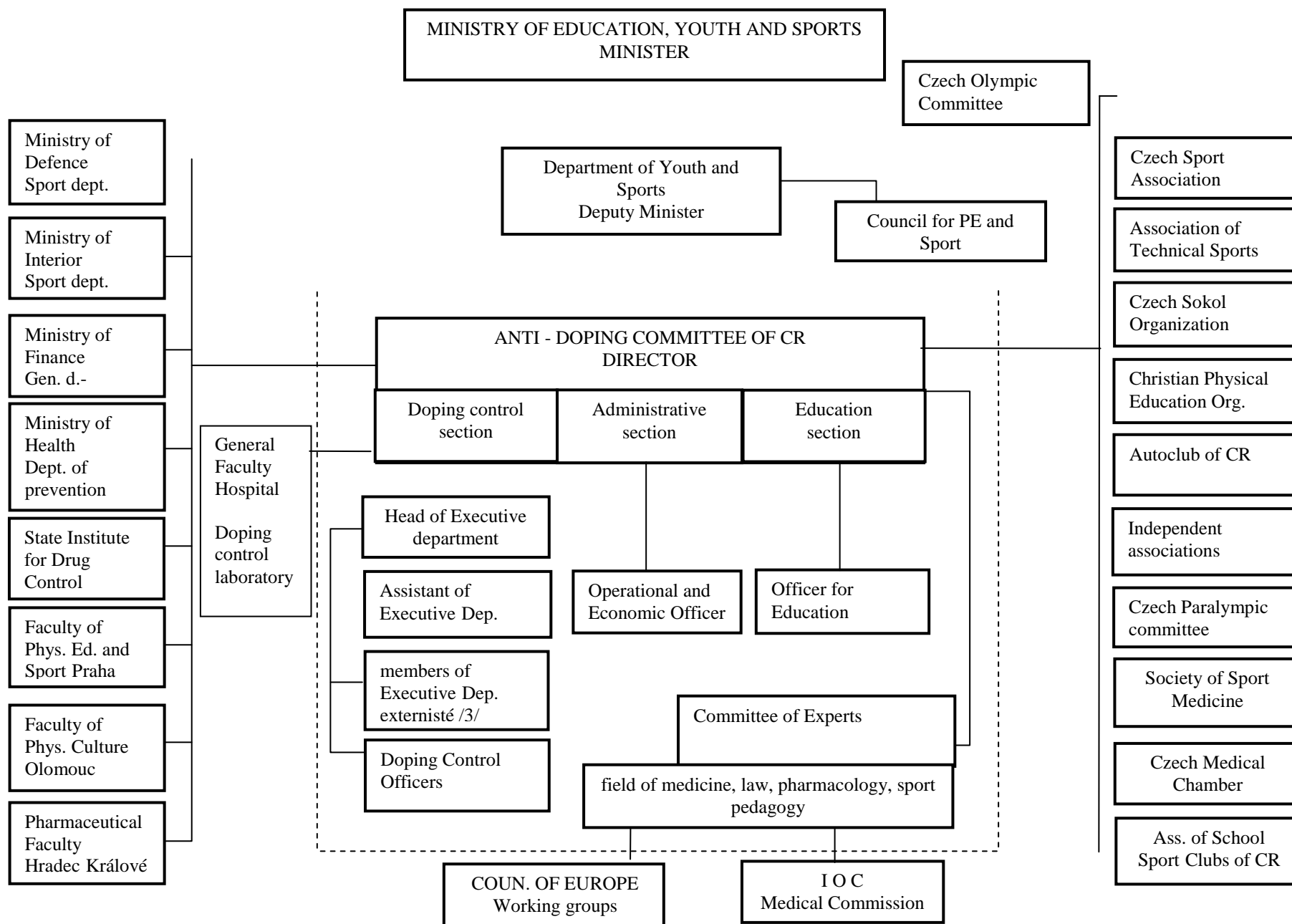
SPORT	COMPETITION			OUT-OF-COMPETITION			TOTAL		
	No.	No. posit.	% posit.	No.	No. posit.	% posit.	No.	No. posit.	% posit.
aerobic	4	0	0	6	0	0	10	0	0
athletics	94	0	0	33	0	0	127	0	0
basketball	31	0	0	0	0	0	31	0	0
biathlon	27	0	0	0	0	0	27	0	0
bobsleigh	0	0	0	4	0	0	4	0	0
boxing	4	0	0	0	0	0	4	0	0
cycling	58	0	0	9	0	0	67	0	0
floorball	4	0	0	0	0	0	4	0	0
football	24	0	0	12	0	0	36	0	0
handball	32	0	0	5	0	0	37	0	0
ice-hockey	36	0	0	3	0	0	39	0	0
judo	10	0	0	0	0	0	10	0	0
canoeing-speed	21	0	0	17	0	0	38	0	0
canoeing-slalom	6	0	0	0	0	0	6	0	0
karate	5	0	0	0	0	0	5	0	0
figure-skating	4	0	0	0	0	0	4	0	0
body.building	27	7	25,9	2	0	0	29	7	24,1
skiing	44	0	0	10	0	0	54	0	0
mod.pentathlon	3	0	0	1	0	0	4	0	0
swimming	59	0	0	10	0	0	69	0	0
arm wrestling	2	0	0	0	0	0	2	0	0
rugby	4	0	0	0	0	0	4	0	0
speed skating	0	0	0	7	0	0	7	0	0
powerlifting	31	2	6,5	0	0	0	31	2	6,5
skibob	5	0	0	0	0	0	5	0	0
sport.gymnastics	10	0	0	0	0	0	10	0	0
table tennis	12	0	0	0	0	0	12	0	0
shooting	3	0	0	0	0	0	3	0	0
fencing	8	0	0	0	0	0	8	0	0
taekwondo	5	0	0	0	0	0	5	0	0
tennis	4	0	0	0	0	0	4	0	0
triathlon	37	0	0	6	0	0	43	0	0
rowing	30	0	0	8	0	0	38	0	0
volleyball	32	0	0	1	0	0	33	0	0
weightlifting	19	1	5,3	0	0	0	19	1	5,3
wrestling	16	0	0	2	0	0	18	0	0
disabled	3	1	33,3	0	0	0	3	1	33,3
<b>TOTAL</b>	<b>714</b>	<b>11</b>	<b>1,5</b>	<b>136</b>	<b>0</b>	<b>0</b>	<b>850</b>	<b>11</b>	<b>1,3</b>
total No. of sports	35		94,6	17		45,9	37		100
total No. of controls	714		84	136		16	850		100

## CZECH REPUBLIC STATISTIC 1993 – 2000

SPORT	COMPETITION			OUT-OF-COMPETITION			TOTAL		
	No.	No. posit.	% posit.	No.	No. posit.	% posit.	No.	No. posit.	% posit.
aerobic	24	0	0	4	0	0	28	0	0
archery	6	0	0	0	0	0	6	0	0
athletics	920	11	1,2	338	1	0,3	1258	12	1
badminton	18	0	0	2	0	0	20	0	0
basketball	280	1	0,4	23	0	0	303	1	0,3
biathlon	92	0	0	12	0	0	104	0	0
boxing	72	2	2,8	15	0	0	87	2	2,3
bobsleigh	22	2	9,1	15	0	0	37	2	5,4
body-building	237	*60	25,3	92	18	19,6	329	*78	23,7
bowling	3	0	0	0	0	0	3	0	0
canoeing-slalom	87	0	0	3	0	0	90	0	0
canoeing-speed	210	0	0	55	0	0	265	0	0
curling	3	0	0	0	0	0	3	0	0
cycling	977	6	0,6	29	0	0	1006	6	0,6
fencing	24	0	0	0	0	0	24	0	0
figure skating	66	0	0	0	0	0	66	0	0
floorball	8	0	0	0	0	0	8	0	0
football	335	5	1,5	10	0	0	345	5	1,4
handball	226	2	0,9	5	0	0	231	2	0,9
hockey	9	1	11,1	0	0	0	9	1	11,1
ice-hockey	315	2	0,6	15	0	0	330	2	0,6
judo	65	0	0	26	1	3,8	91	1	1,1
luge	18	0	0	0	0	0	18	0	0
mod.gymnastics	12	0	0	0	0	0	12	0	0
mod.pentathlon	14	*1	7,1	0	0	0	14	*1	7,1
motocross	3	0	0	0	0	0	3	0	0
orienteering	39	0	0	0	0	0	39	0	0
powerlifting	263	11	4,2	10	2	20	273	13	4,8
rowing	214	1	0,5	77	0	0	291	1	0,3
rugby	29	1	3,4	0	0	0	29	1	3,4
shooting	54	0	0	0	0	0	54	0	0
skibob	6	0	0	0	0	0	6	0	0
skiing	203	3	1,5	61	0	0	264	3	1,1
snowboarding	4	0	0	0	0	0	4	0	0
speed-skating	0	0	0	1	0	0	1	0	0
sport.gymnastics	50	0	0	12	0	0	62	0	0
swimming	367	*1	0,3	91	0	0	458	*1	0,2
table tennis	58	1	1,7	3	0	0	61	1	1,6
tennis	69	0	0	3	0	0	72	0	0
triathlon	242	*3	1,2	3	0	0	245	*3	1,2
volleyball	230	3	1,3	3	0	0	233	3	1,3
water polo	8	0	0	0	0	0	8	0	0
water skiing	7	0	0	0	0	0	7	0	0
weightlifting	160	6	3,8	46	1	2,2	206	7	3,4
wrestling	59	2	3,4	28	1	3,6	87	3	3,4
<b>TOTAL</b>	<b>6108</b>	<b>125</b>	<b>2</b>	<b>982</b>	<b>24</b>	<b>2,4</b>	<b>7090</b>	<b>149</b>	<b>2,1</b>
total No. of sports	44		97,8	27		60	45		100
total No. of controls	6108		86,1	982		13,9	7090		100
* = MEMBER OF FOREIGN SPORT FEDERATION (in body-building 2, in triathlon 1)									



## ORGANISATION STRUCTURE OF ANTI-DOPING COMMITTEE OF CR



## **B. Report of the Evaluation Team**

### **Article 1**

#### ***Aim of the Convention***

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

The Anti-Doping Convention entered into force in the Czech Republic on 1 June 1995. With regard to the Constitution of the Czech Republic, the Convention is not a binding legal force and the implementation of the provisions of the Convention need to be introduced by a national law. Until now such a law has not been adopted. The Evaluation team noticed that the governmental representatives whom we met during the visit were quite aware of the situation and of the necessity for adopting national legislation on doping. Such a law has, however, not yet been drafted. The elaboration of such a law will not be easy as many different ministries are involved, and several existing laws, including the Penal Code, will have to be revised. Co-ordination between the various ministries does not seem to be easy. There is no formal or permanent mechanism between them and/or the other governmental bodies in the field of anti-doping. Other difficulties mentioned were the budgetary problems and insufficient funding.

In order to implement the provisions of the Convention, a governmental resolution charged the Ministry of Education, Youth and Sport (MEYS) and the Ministry of Health (MH) with the task. The MEYS undertook a certain number of initiatives to put the necessary structures and regulations into place. A National Anti-Doping Committee (ADC) has been set up. An anti-doping IOC and ISO accredited laboratory works under the auspices of the Ministry of Health. Several initiatives have been taken in the field of education.

**The Evaluation Team noticed with satisfaction the political willingness and commitment of the Czech Government to implement the provisions of the Convention. The structures put into place and the initiatives taken until now are a good basis for further action. The Evaluation Team recommends the preparation and adoption of appropriate legislation as soon as possible.**

### **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;*

The Czech Republic has always adopted the doping definition of the International Olympic Committee (IOC) and accordingly updates the list of prohibited substances and prohibited methods. Published as an Appendix of the Regulations on the Control of and Sanctions for

Doping in Sport (authorised by the Anti-Doping Committee of the Czech Republic from 1 December 1993 onward), the current version is always amended immediately after the IOC's update, the list and its approval by the Monitoring Group. The above-mentioned Directive was reworded in September 1994, as well as in 1996, 1999 and 2000.

The Czech representatives criticize in their written report, as well as in their oral statements, the openness of the current IOC Doping List and recommend strongly that it should comprise the widest possible enumeration of all examples of related compounds under each class of prohibited substances, instead of referring to "...and related substances".

In the same sense, the general prohibition of "aromatise inhibitors," without any concrete examples, is considered to be completely incorrect.

- c. *"sportsmen and sportswomen" means those persons who participate regularly in organised sports activities.*

The national report submitted by the Czech Republic does not deal specifically with the definition of the category targeted. The Regulations for Doping Control and Sanctions in Sport of the Anti-Doping Committee specify in Article 1.3 that "Regulations apply to all individuals, registered members of sports federations and their units, and to participants of sports competitions, including foreigners". The Regulations, however, are only applicable within those sports accepting the Czech Charter Against Doping and having signed the Agreement with the Anti-Doping Committee of the Czech Republic. Out of 135 sports (the figure given during the evaluation visit; it says 160 in the report) only 89 sports federations have so far done this. This definition seems more restricted than the category aimed at by the Convention. In practice, the Czech anti-doping programme seems mainly focused on elite sport. For example, as in many countries, the lack of doping controls for fitness club regulars has been observed and mentioned on some occasions. **The anti-doping strategy of the Czech Republic does not include such a large public health approach.**

### **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.*

The main responsibility for fulfilling this article of the Convention in the Czech Republic lies with the Ministry of Education, Youth and Sports (MEYS) and the Ministry of Health (MH). By an act adopted in March 2001 on Sports Promotion and Support, the responsibilities of the two ministries are defined. Whereas the MEYS is responsible for planning and implementing the Anti-Doping Programme and, therefore, financing the Anti-Doping Committee of the Czech Republic (ADC), the MH is responsible for the establishment and running of the Czech laboratory for doping analysis. According to the organisational structure given in the Czech report, some other governmental departments and institutions are also involved, especially through the ADC, e.g. the Ministry of Defence, Ministry of Finances and faculties of different universities. So, since the fight against doping is a typical cross-sectional task, it seems quite natural that there are certainly different linkages, formal and informal, between these various departments and institutions. For the Evaluation Team, however, it was not possible to judge or to look in detail as to how well and how intensive these interrelations work.

**The Evaluation Team deems it necessary for the Czech authorities to put in place a mechanism to ensure the internal co-ordination between different ministries and/or public bodies involved in the implementation of anti-doping strategy as a whole.**

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.*

In 1995, following the ratification of the Anti-Doping Convention, the ADC was entrusted with the co-ordination of the fight against doping by the MEYS. At this time, the ADC was a non-governmental organisation. In 2000, the MEYS transformed the statute of the ADC into a governmental organisation subordinated directly to it. The ADC is the sole professional organisation with a nationwide competence for policy-making, control and education.

The Deputy Minister of the Department of Youth and Sports assigns the director. The ADC has an independent budget and personnel policy. The ADC has three sections (doping control, administration, education) with a total staff of five professional employees and five volunteers. The director has to submit every year a strategic plan that has to be approved by the Council for Physical Education and Sport (comprising 15 members assigned by the Department of Youth and Sports). The director is supported in his work by an Advisory Body of eight experts in the fields of medicine, law, pharmacology and sport pedagogy. This Advisory Board also evaluates the results and achievements of the ADC.

The Evaluation Team had the opportunity to meet several times with the director of the ADC and also a whole afternoon with the staff of the ADC. It came away with the impression that the work is well co-ordinated and suitably organised. Therefore, the Czech Republic has put in place the necessary structures for fulfilment of this article of the Convention.

**However, the Evaluation Team recommends some additional reforms for clarity and consistency in the implementation of the Czech anti-doping policy:**

**- a national legislation would give a stronger basis and more power to the ADC to intervene when sport organisations are not consistently and efficiently applying and respecting the anti-doping rules or sanctions;**

**- from the organisational structure in the report and from several discussions during the visit, the Evaluation Team was made aware that the ADC has the lead in co-ordinating the fight against doping in the Czech Republic. However it is not yet clear where all the different governmental organisations and public organisations mentioned in the organisational structure fit in, nor which duties and responsibilities and what co-operation with the ADC they have. It is advisable that there should be a smaller number of direct partners to the ADC;**

**- transformation of the statute of the ADC into a more independent organisation would give a stronger position to the actions of the ADC, in case of discovery of any positive results of national/political importance.**

**- in the Database on Anti-Doping Initiatives 2000 (T-DO (2001) 25) it is stated that the Czech Republic spent approximately 128,000 euros in the fight against doping. The**

**Czech authorities later informed the Evaluation team that the total budget of the fight against doping in the year 2001 was 134,000 €. During the visit, the Evaluation Team learned that the ADC is mainly financed by the MEYS, the laboratory by the MH, and that there were some contributions for special projects from the Czech Olympic Committee and some sponsors. Clear figures about these different sources could not be obtained. The appropriate authorities should thus develop tools to follow and show more completely the financial flows of the fight against doping.**

#### **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.*

It is a commonly known fact that anabolic steroids are used both by athletes and in society outside sport. Even if the Convention only addresses the use of prohibited substances in sport, this Article puts the responsibility on a Convention Party to “adopt where appropriate legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) .....” of banned doping agents and doping methods and in particular anabolic steroids.”

From the report and from the discussions during the evaluation visit, the Evaluation team could understand that several provisions exist in the field of the medicine market and the traffic of drugs, etc. which aim to prevent different types of addiction, especially amongst young people. Some actions, for example, administration of anabolic agents or other agents having an anabolic effect to a person under eighteen years, are sanctioned. But there is no specific legislation nor enough regulations in existing laws to restrict the availability of doping substances.

The Czech authorities are aware of the problem and have discussed a solution along two lines - incorporation of provisions on doping into existing legal regulations and a special Anti-Doping Act.

A law on doping in sport is, in itself, not necessary if the athletes are legally bound under other regulations to take part in doping controls and to submit to sentences in the case of infraction. But with the structure of Czech sport, where the sports federations are not united under one confederation, a law as described in the report might prove the most comprehensive and appropriate solution to the problem. Such a proposed law does not provide measures to restrict the availability and use of certain doping agents, in particular anabolic steroids in society. The solution described in the report for the transition period e.g. a bill providing for the control over illegal production and other types of handling of stuff containing certain doping agents, could be useful, and not only in a transition period.

**The Evaluation Team agrees with the analysis of the Czech authorities and supports them in the adoption of an anti-doping law comprising all aspects of the fight against doping, including legal measures against the supply, administration and trafficking of doping substances and methods, on the basis of Recommendation No. 2/94 of the Monitoring Group and Recommendation (2000) 16 of the Committee of Ministers of the Council of**

**Europe. Such an anti-doping law concerning sport should be combined with measures to restrict the availability of certain banned doping agents in society.**

Following up the discussion, mainly with sport federations, on the role of **nutritional supplements**, it should be emphasised that:

- A guarantee for the purity (absence of prohibited substances) of nutritional supplements can only be provided for products under permanent quality control, i.e. in the case of the Czech Republic, by Czech manufacturers for the obviously numerous commercial products prepared by them.
- Analysis of any other commercial nutritional supplements can only provide general information about the frequency of prohibited side constituents or contaminations, but none about reliability in individual cases, because experience shows that each package can be different.
- A general warning should be indicated on the use of such preparations, unless products have certified purity.
- This approach is supported by the prevailing opinion of experts, namely that a balanced diet with a variety of daily foods is in general sufficient for the majority of individuals, including high performance athletes.

In the light of this, the particular article of the Act on Food and Tobacco Products (Producers' obligations and State supervision implemented through Order of the Ministry of Agriculture) should be contemplated again:

Article 2 of the Order stipulates that special foodstuffs aiming to meet the nutritional demands which result from increased physical exertion through sport, including those that increase the energy intake, stimulate muscle building, together with such products as ion drinks or mineral water etc, must not contain anabolics if labelled "This product is suitable for athletes". Manufacturers should have the right to apply for official approval by the Anti-Doping Committee to confirm that the product does not contain any other doping agents. (Also see comments under Article 6).

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.*

If it is a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations is not clear to the team. According to Article 6 of the agreement between the ADC and sport organisations, the MEYS has the possibility of reducing the public subsidies to sport organisations in the case of non-respect of the obligations of the agreement. It seems though, that not all sports organisations which are funded by the state have signed the agreement. The reduction applies following a scale of percentages. It has been used, for example, in the case of the Bodybuilding Federation. There was no unanimity about the efficiency of this measure. The reduction of government subsidies for participation in international events when positive cases are found or when a positive doping case is not sufficiently handled can be seen as one way to get the sports federations to apply anti-doping regulations and to adhere to them.

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;*

The MEYS funds the budget of the ADC, who allocate the funds received to cover the anti-doping programme, including the doping controls. The number of tests realised in 2001 was 850 for a population of around ten million.

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*

Articles b and c have not been detailed.

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.*

There are no such bilateral agreements between the Czech sport organisations and those 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.*

On the whole, the Czech Republic, by setting up the ADC with the main responsibilities and funding it with the necessary resources, has applied this provision.

## **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.*

The Anti-Doping Laboratory in Prague is amongst the oldest and most well-known laboratory of its kind:

established in 1968  
moved from Brno to Prague in 1973  
accredited by IAAF in 1982  
accredited by IOC since 1984  
since 19 December 2001 additional certification to standard ISO 17025.

With a staff of nine persons (eight scientists and technicians plus one secretary), it handles about 2000 urine samples per year. A considerable increase of the number of samples would require additional staff of at least one or two, whereas a mentioned expectation of an estimated capacity of 5000 samples would be illusionary under the present circumstances.

Independent of considerations about the enhancement of the number of samples collected under the responsibility both of the Anti-Doping Committee and the federations, the number of trained Doping Control Officers should obviously be increased. This seems to be a field of possible future mutual contacts and co-operation with neighbouring countries like Germany, Poland and Austria, developing on from the background of existing co-operation.

The laboratory is managed under the jurisdiction of the Ministry of Health of the Czech Republic, being part of the General Faculty Hospital, which finances the expenses and takes over any income (paid analyses) of the laboratory. Additional support (e.g. one mass spectrometer, expenses for the ISO accreditation) has been provided by both the National Olympic Committee and by the Ministry of Youth and Sports. From samples taken by the Czech ADC, only the A-sample comes to the laboratory, whereas the B-sample remains at the office of the ADC.

Questions arose on the obligation to publish positive results (ADC or federation) as well as about the consequences of refusals to provide urine samples, and the authority to decide about sanctions in those cases. Following international rules, refusal to provide a sample has to be sanctioned as an offence, and must not remain undecided following the principle "statement against statement".

The quality of the equipment at the Doping Control Laboratory of Prague meets international requirements; additional investment is needed with respect to increasing capacity. Auto-samplers for the GC-MS instruments, as well as for the HPLC equipment, would considerably decrease the manual part of the operation, supporting the increase of manageable sample numbers.

While effective research activities are hardly possible with the present number of staff and samples, an improvement could be expected (considering that research is one essential aspect



of permanent accreditation of doping control laboratories) by an increase of personnel resources, as well as by strengthening the existing international connections.

## **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.*

For many years now the Czech Republic has been very actively involved in the field of education and information. Since the outset it has taken part in the work of the Council of Europe's T-DO Advisory Group on education and information and helped in this context to develop the "Clean Sport Guide". It is obvious that the concept and principles of this "Clean Sport Guide" are still being used and applied. The Evaluation Team congratulates the Czech Republic for its ongoing work in this important field of fighting doping in sport.

Today, the main responsibility for information and education lies with the Anti-Doping Committee (ADC). The ADC follows a multiple approach with different tools for different target groups. But the main target group are the athletes, registered in sports organisations. The available information material is impressive considering the relatively low budget that is available for information, education and research. From a total of approximately 128,000 Euros in the year 2000, about 5,400 were used for education and information (Source: Database on Anti-Doping Initiatives 2000 in T-DO (2001) 25). Some of the printed material is co-financed by other partners, such as the Czech Olympic Committee or the private industry.

### ***Printed material***

The athletes who are eligible for doping tests receive different relevant information (e.g. on the banned list, doping control procedures, or about medication to treat common health complaints) directly from the ADC. The Evaluation Team thinks that there is enough information material for this target group. Unfortunately the Group did not have the opportunity to talk with top-level athletes about their reception and perception of this information material. Although a meeting with athletes was planned during the evaluation visit, it did not take place because no athletes came. Young athletes who train in sports centres can get a "pocket book" with the main information about doping.

Since 2000 there has been a comprehensive publication, summarising existing findings, about the doping problem in the Czech Republic, as well as abroad. This publication not only provides information for students of sport and medical branches, but it is also complemented by a list of national and international literature.

Special material has been prepared for young students, young athletes and their close entourages. The use of this material is not mandatory and is based on the interest of the target groups.

Sports officials, medical doctors and pharmacists can receive information about rules and regulations, the legislation, banned substances (e.g. in the list of medications registered in the Czech Republic, the ones that contain substances on the prohibited list are specially indicated) and health effects of doping substances.

### *Website*

The Evaluation Team noted especially that a website ([www.antidoping.cz](http://www.antidoping.cz)) exists, available to read in both Czech and English. It is easy to use and presents relevant information like the list of prohibited substances, documentation about the regulations (including the Czech Charter against Doping), the content of several information brochures, leaflets and statistics, as well as a list of links.

A unique type of information on the website is a list of approved nutritional and food products. These food products were approved by the Anti-Doping Committee solely on the basis of documentation submitted by the producer or importer. The ADC does not guarantee the content of the products and does not hold itself responsible for the list. Compliance with the content as stated on the package of the products with its actual content, is supposed to be guaranteed by the producer or importer. In spite of this disclaimer, the products can bear the label "Approved by the Anti-Doping Committee of the Czech Republic." The list is thought to be for the use of athletes registered in sports federations which signed the Charter against doping, for their better orientation on the sport supplement product market.

From international studies (e.g. USA, Germany, Belgium, Switzerland) it is known that this market is not well regulated. There are many cases of products where the description of the content does not match the analysed content of the products. There are even cases where the content of the products varied from production batch to production batch. Even though the ADC disclaims any responsibility in publishing this list, **the Evaluation Team advises the ADC to stop publishing such a list.** It is known that the supplement market is hotly discussed among athletes. Many of them argue that it is important to use such supplements (e.g. as an alternative to doping agents), but many of the athletes do not question the sometimes very aggressively over-stated effects of some of these products. In the opinion of the Evaluation Team, such a list gives a false feeling of security to potential users. Rather, the problem of supplements should be addressed by the proper education of athletes on the one hand, e.g. in answering questions like: Do they really need such products? If yes, which ones? Are athletes properly informed about their basic nutritional needs? Do they have access to advice from a dietician? In addition, existing laws on labelling and quality control of food supplements should be adapted to this problem.

(Also see comments under Article 4 on food supplements).

### *Educational efforts*

Besides the above-mentioned written products, there are a number of noteworthy efforts to educate some target groups by special study programmes, training and discussions. The Evaluation Team learnt of a study programme at the Faculty of Physical Education and Sport in Prague. In the study programme for sports managers and officials, seven to nine lectures (90 minutes each) on the essentials of doping prevention are taught. Teachers are personnel from the ADC and external experts. These lectures are mandatory. It is planned (and the Evaluation Team supports this plan strongly) that this course shall also be given at other Czech Universities.

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.*

The Evaluation Team did not investigate this topic in detail. From a short discussion with the director of the ADC it is clear that the limited resources do not allow a broad research programme and especially not in the field of medical or natural sciences. Nevertheless, the work on education and information against doping is based on research into the sociological and psychological aspects of doping among young students. This project was a four-year project that was finalised in 1998. Some of the results were presented at the Council of Europe's SPRINT Seminar in 1996. The Evaluation Team expresses its feeling that this type of research is important for the understanding of doping use. So, the final results should be published in an appropriate international journal. The Group also hopes that there will be more research in the future.

Evaluation of the success, or otherwise, of information and education work is always difficult. The Evaluation Team thinks that some kind of basic evaluation to check the success of the efforts with the main target group, top-level athletes, should be planned. Evaluation could start immediately, for example, with an easy-to-fill-out questionnaire for top-level athletes on the information provided (did they get it, from whom did they receive it, did they look at it, did they understand it, is something missing, do they use the services like the website...). This pattern in evaluation could then be extended to other target groups.

It is obvious that information and education are the strong points in the Czech Republic's fight against doping. It is also a strong point that there is mainly only one source providing information, namely the ADC. In this way, it is easier to maintain a transparent and coherent programme. Nevertheless, the Evaluation Team wishes to make some **recommendations**:

- **Now that there is basic information and educational material, a broader approach for a long-term strategy or policy (e.g. five years) could be addressed. This strategy should include finances, new target groups (e.g. mass media, fitness industry...), aims to be reached in each target group and means to evaluate the success.**
- **Rethink the idea of providing information about nutritional supplements. Try to replace the list of "approved" supplements by adequate education, and information on a healthy diet.**
- **The anti-doping information and education activities via the website could be improved by a discussion forum and/or a hotline that also cover the general public, including schools.**
- **The research, begun in 1994, into the sociological and psychological aspects of doping / drug use should be, if possible, continued.**

**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.*

***The roles of sports organisations in Czech Republic***

There are more than 100 sports in Czech Republic, organised in sports federations. Sports federations are in their turn members of umbrella associations. The state funding goes through the umbrella associations, with whom the state has an agreement. The funding is followed by an evaluation before new funding is decided upon. It is the MEYS that carries out the reduction of grants after the finding of a doping infraction.

***The Czech Sports Association***

The Evaluation Team met with representatives from the Czech Sports Association. This association counts 80 % of the sports federations as members, including all Olympic sports except two. The association has a role of assistance to the member organisations and has no power over them and no role in anti-doping work except in prevention. Doping questions are discussed once a year by the Board. The legal department of the association only has a consultative role in a case on doping. If the case is taken to Civil Court the sports federation receives assistance from the legal department of the association.

The Czech Sports Association and the Czech Olympic Committee were the initiators to the ADC.

***The Czech Olympic Committee***

The Czech Olympic Committee is governed by the IOC rules. The role of the NOC in the fight against doping is:

- To defend and to promote principles approved by the IOC and by International Sports Federations within the sports movement of the Czech Republic
- To defend principles of fair-play in sports
- To help sports organisations in their fight against doping
- To conduct specific activities in the fight against doping.

Thus, the NOC, among other things, helps Olympic sports federations to observe disciplinary proceedings and to conduct arbitration proceedings in disputes between athletes and sports federations. The Arbitration Commission consists of five persons, of whom four are lawyers, elected by the Assembly after nomination from the sports federations. The commission has its own rules of procedure and the decisions are based on IOC rules, with which the ADC regulations are harmonised.

***The sports federations***

Apart from the more consultative role of the umbrella associations or the NOC, the anti-doping measures lies within the sports federations. They have the possibility to accept the Czech Charter Against Doping and enter into the Agreement with the ADC. Only those who have signed the

agreement are subject to the stipulations in the agreement. The ADC only has the power to conduct doping controls on athletes belonging to these sports federations. The result management of a doping infraction is the responsibility of the sports federation. It is responsible for correct disciplinary procedure pursuant to the Regulation with respect to the regulations of its international sports federation. The ADC is only entitled to supervise the proceedings. If there are provisions in the international federation's rules for an appeal body, and it is an Olympic sports federation, the appeal body is the Arbitration Commission of the Czech NOC. In some sports there is also the possibility to appeal to the Court of Arbitration (CAS).

### *The Anti-Doping Committee of the Czech Republic*

Some of the ADC responsibilities are already described under Article 3. Here only subjects concerning doping control will be commented upon. As mentioned before the ADC has the right to conduct doping controls only in sports federations that have accepted the Czech Charter Against Doping and signed the Agreement with ADC. The Evaluation Team had some difficulties in getting information on which sports federations have signed the agreement.

The members of the ADC Executive Department are named by the Director of ADC. **The ADC Executive Department is solely responsible for deciding which doping controls to carry out, except in the case of international competitions organised by the sports federation concerned or national controls decided upon by the sports federation itself. Surprisingly, a member of the ADC Executive Department is also authorised to carry out an independent doping control, even without approval from the ADC director.**

The ADC tests on the basis of an annual calendar of sport competitions at the highest level, elaborated and submitted by each sports union. The ADC makes an inquiry about the exact date and time of the competition with an appropriate employee responsible for relations with the ADC, who is also obliged to notify the ADC in advance of any changes to the dates of any competition. Sports federations also give a list of representatives and selected sports to the ADC at the beginning of each year.

All the elite sports people in the sports system under the sports federations represent the base of the schedule of doping control during competition.

The selection of athletes to be subjected for an out-of-competition doping control is decided following the evaluation of all the information on the need to keep a designated athlete under a doping observation over a specific period of time.

### *Conclusions*

The only sports organisations engaged in the combat against doping on the basis of governmental efforts are those that have accepted the Charter and signed the agreement. The Evaluation team cannot come to another conclusion than that the Czech Republic at this time cannot fulfil the duty to encourage all sports organisations in the country. Likewise, the Evaluation Team could not observe a concerted approach towards encouraging the national federations to work with their IFs in the development of appropriate anti-doping policies.

The intention to pass a bill on doping in sport is therefore highly appreciated by the Evaluation Team.

**The co-ordination between the ADC, the National Olympic Committee and the federations should be improved.** Today there are too many umbrella organisations and some of their responsibilities in the fight against doping are not totally clear. There should be clear documentation about the federations that signed the Czech Charter Against Doping, the ones that signed a contract with the ADC and the ones that are financially supported by the government.

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;*

Those sports federations who have signed the Agreement are subjected to the provisions in the Agreement and in the Regulations for Doping Control and Sanctions in Sport. Olympic sports are under the IOC rules. They are said to be harmonised. The Evaluation Team has not had the possibility to ascertain if this harmonisation is a fact in all details.

- 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;*

The list of banned substances is the List of Prohibited Classes of Substances and Methods, compiled by the IOC. Sports organisations can add doping substances prohibited by its international sport federation to this list.

- c. *doping control procedures;*

Standard provisions stipulated in the Olympic Movement Anti-Doping Code (OMADC) and provisions in the Regulations govern the course of doping control.

The control is without warning - "no notice". The athlete shall report to the doping control station immediately and no later than one hour after notification, or – if the athlete is unable to submit to doping control due to serious or urgent reasons at the set time the officer can settle the nearest possible time, no later than within 24 hours. There are not always enough means to chaperone the athlete between notification and the sampling procedure. In practice, 90 % of the out-of-competition controls are carried out in maximum 2 hours after notification. The remaining 10% are carried out between 2 – 24 hours after notification, including the T/E tests.

Officers are educated, trained and authorised to take samples on the basis of a licence granted by the ADC director. There is an education programme for the DCO and each officer is delegated to perform a doping control through a written authorisation issued by an ADC Executive Department member.

The Evaluation Team is of the view that the provisions mentioned before are not detailed enough to ensure the athlete a doping control procedure good enough to give him/her full confidence in the control procedure. As there now exists a quality system for doping controls, namely the ISO/PAS 18873 and in the light of the discussion around the new world-wide Anti-Doping Code of WADA, the recently adopted additional protocol to the Anti-Doping Convention as well as the Resolution (2002)1 of the Monitoring Group (T-DO (2002) 10 rev.) **the Evaluation Team recommends the Czech Republic to engage in the IPT programme,**

**to be able to introduce a doping control procedure that can be certified to the ISO standard or meet the quality of that standard.**

**The Evaluation Team also recommends that enough personnel is engaged in a doping control so that a notified athlete can be followed until the moment he/she is able to give the sample, thus eliminating the risk of manipulation. A doping control that takes place as late as 24 hours after notification should not be considered as a “no notice” control.**

A survey shows that 7090 samples have been carried out from 1993 to 2000. In 2001 there were 850 samples (986 in 2000) and 11 positive samples (21 in 2000). Only 136 samples in 2001 were out-of-competition. In bodybuilding there were seven positive samples. The samples are primarily taken in power lifting, athletics, cycling, skiing and ice hockey.

The amount of samples each year depends in all cases upon the availability of financial resources provided from public funds to finance doping controls in a given year, as well as on the capacity of the doping control laboratories.

Apart from the national programme, Czech athletes are tested abroad and during visits to the Czech Republic of doping control officers from WADA and foreign international agencies, engaged by international sports federations. Statistics of these controls are not available to the ADC.

**The ADC has concentrated on high profile sports. However, the numbers in these groups are too small, as well as the total number of samples. The Evaluation Team recommends that, within the next 3 to 5 years, the number of samples be raised to 1400 and at least half of the samples should be taken out-of-competition. In high priority sports, such as athletics, cycling, football, handball, ice hockey, bodybuilding, swimming, power lifting, weight lifting, triathlon and canoeing, about 80-100 samples should be taken in each sector.**

*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;*

Athletes may appeal against the legitimate decision of the sports federation authority. Athletes may also appeal against the legitimate decisions of the sport federation to an international sports federation, if its rules so enable (regulation art. 5.6.)

The Evaluation Team does not feel comfortable about how the result management is handled in all sports that are subject to doping controls. The Monitoring Group and several international federations have procedural guidelines on how to handle disciplinary procedures. It is not clear if the disciplinary procedures in other sports really apply agreed international principles of natural justice and ensure respect for the fundamental rights of suspected sportsmen and sportswomen.

A structure should be made on the application of legal procedures in a positive doping case, which could be used in those cases where there are no other acceptable procedural guidelines.

Even if guidelines or provisions exist, there can be no certainty that they are applied in every case. According to the Agreement, the ADC is entitled to supervise and check the correctness of disciplinary proceedings, while it is the sports federations that impose doping penalties for athletes and other individuals according to the rules and penalties contained in the OMADC or in the Regulations.

Although the federations are independent, there should be a system enabling the ADC to check a judgement in a doping case and make an appeal when it is not in line with internationally accepted judgements.

**The Evaluation Team recommends that it should be the ADC that proceeds with the case, which would give the ADC the possibility to appeal if it is not satisfied with the treatment given by the sports federation. This would satisfy Article 7.2.d (i) which points out the importance of the reporting and disciplinary bodies to be distinct from one another. The appeal board for Olympic sports is today the Arbitration Commission of the Czech Olympic Committee. The Evaluation Team recommends that this Arbitration Commission should be the highest appeal body in all Czech sport – if the international federation in a singular case does not stipulate otherwise.**

*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;*

Sanctions are foreseen for officials, coaches and physicians in Article 7 of the Regulations for Doping Control and Sanctions in Sport.

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

No evidence of such procedures was made known to the Evaluation team.

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;*

It seems that the testing programme is mainly directed towards to top-level athletes. The Evaluation Team has been informed that about 20% of the athletes tested are from the 2<sup>nd</sup> level and 2<sup>nd</sup> junior category.

*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;*

No multilateral or bilateral agreements provide for this.



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

The Evaluation Team could not check this point in detail.

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

No evidence was provided to the Evaluation team in this regard.

- 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;*

See comments under Article 5.

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

No evidence was provided to the Evaluation team in this regard.

## **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 among their sports organisations.*

The Czech Republic regularly attends the meetings of the Monitoring Group and its expert groups and the seminars organised by the Council of Europe. One of the first SPRINT seminars on topical problems of anti-doping policy was organised in Prague in November 1996. Several Czech experts provided lectures and contributions on different international activities.

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;*

The Evaluation team is not aware if a programme was established to this end.

- b. *to promote co-operation between the staff of their doping control laboratories established or operating in pursuance of Article 5;*

The staff of the laboratory in Prague holds regular annual meetings with the laboratories of Kreisha, Vienna and Moscow, for exchanges of information and experiences and they take part in the Köln Workshop and some other international meetings on the question of laboratories.

- 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.*

No indication was given in this regard.

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.*

No indication was given in this regard.

## **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.*

This article was not addressed in the Czech report and was not a matter of discussion during the visit. However, the Evaluation Team congratulates the Czech authorities for having replied to the questionnaire of the Database on National Anti-Doping Programmes of the Monitoring Group every year since its inception in 1995.

## **General conclusions and recommendations**

The Evaluation team welcome the clear political will and commitment of the Czech Government in the fight against doping. The days of a structured state doping policy for what was then Czechoslovak athletes have been turned back. The Czech Republic was the first country from among those from Central and Eastern Europe to enter the Council of Europe's monitoring and evaluation process in this field.

The strong points of the Czech anti-doping policy are the education and information programme and doping control laboratory. The national structures are also in place for the implementation of the anti-doping programme.

However, some challenges still have to be faced in order to improve the consistency and efficiency of the anti-doping strategy. They are as follows:

- The adoption of comprehensive legislation to create a strong legal basis for the fight against doping; for combating the trafficking of doping substances and for reinforcing the legal position of the ADC, thus ensuring for the latter a more independent and powerful position.
- The setting up of an adequate mechanism for internal co-ordination (including the description of the responsibilities of each partner), between public bodies and also between the ADC, NOC and sports federations.
- The introduction of international standards on the handling of samples and test results management: the Czech Republic is invited to apply to the World Anti-Doping Agency (WADA) for inclusion on the IPT team for having the ISO/PAS 18873 recognised by the Monitoring Group;
- The clarification of the disciplinary procedures.

(See also the other recommendations detailed under articles of the Evaluation Report).

The Evaluation Team is convinced that the Czech Republic has the necessary commitment and expertise at a high level to face these challenges.

### **Recommendations on methodology for future visits**

At the beginning of the visit, there should be a session with the author of the report for eventual questions/answers. Then, for each article, there should be a short presentation by an expert who summarises the achievements and explains eventual problems and specificities. Afterwards, the Evaluation Team should ask further questions and discuss weak or strong points. The visit should be more structured for this purpose. The person responsible for the organisation of a visit should keep to this framework. The Sports Department of DGIV should make this clear before arranging a visit to a country.

**The members of the Evaluation Team**

Mrs Kristina OLINDER, Chairperson, Swedish Doping Commission of the Swedish Sports Confederation, STOCKHOLM, SWEDEN

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Mr Finn MIKKELSEN, Head of Division, Anti-Doping Denmark Agency, BRØNDBY, DENMARK (Chair of the Project Group on Database of the T-DO)

Mr Mesut ÖZYAVUZ, Secretary to the Monitoring Group, Sport Department, Council of Europe

**Programme of the Evaluation visit**

Prague, June 2002

**Monday 24 June: Arrival of the members of delegation**

Late in the evening: informal meeting with Dr. Jan Přerovský (MEYS)

*Tuesday 25 June*

Morning meeting at the Ministry of Education, Youth and Sports

Theme: Article 4 ADC, financing

Participants: Dr. Ladislav Malý, Deputy Minister,

Doc. MUDr. Karel Barták, Senator, Vice-Chair of the Czech Sports Medicine Society,

Augustin Bubník, Member of the Council of P.E. and Sport (Advisory Body to the

Minister), ... Former M.P., Ladislav Šustr, M.P., Alena Brožková, Interpreter, Dr.

Radim Bureš, Ministry of the Interior

Dr. Jan Přerovský (MEYS)

Afternoon meeting at the Czech Anti-Doping Committee

Theme: Domestic co-ordination (Article 3), Doping Control Procedures (Article 7)

Education, Information and University Study Programme (Article 6)

Participants: Dr. Jaroslav Nekola, Director of the Czech Anti-Doping Committee, Dr. Jan

Chlumský Chief of the Executive Department, Mgr. Yveta Rudová, Czech Anti-Doping

Committee, Mgr. Lenka Nekolová, Expert,

Dr. Jan Přerovský (MEYS)

**Wednesday 26 June**

Morning meeting at the Czech Sports Association

Theme: Co-operation with Sports Organisations (Article 7)

Participants: Ing. Vladimír Srb, Chairman of the Czech Sport Association, Mgr. Pavel Kořan,

Vice-Chair of the Czech Sport Association, Coaches, Secretaries of the Sport Federations,

Athletes

Dr. Jan Přerovský (MEYS)

Afternoon meeting at the Czech Olympic Committee

Theme: Domestic Co-ordination and the Role of the Czech Olympic Committee and its Commissions (Article 3)

Participants: MUDr. Milan Jirásek, Chair, Doc. PhDr. František Dvořák, Vice-Chair responsible for Sport, Doc. Josef Dovalil, Vice-Chair responsible for the Olympic Movement, Dr. Pelikán, Head of Fair Play Movement, Dr. Vladimír Dostál, NOC Secretary General  
Dr. Jan Přerovský (MEYS)

#### **Thursday 27 June**

Morning meeting and visit to the Doping Control Laboratory

Theme: Laboratory (Article 5),

Participants: MUDr. Růžena Šlechtová, Director of the Laboratory, Dr. Jan Chundela, Deputy Director, Dr Jan Přerovský (MEYS)

Afternoon: Evaluation Meeting: Conclusions and Recommendations

Participants: Dr. Ladislav Malý, Deputy Minister, PhDr. František Dvořák, NOC Vice-Chair responsible for Sport, Dr. Jaroslav Nekola, Director of the Czech Anti-Doping Committee, MUDr. Růžena Šlechtová, Director of the Laboratory  
Dr. Jan Přerovský (MEYS)

Meeting with the journalists

#### **Friday 28 June: Departure of the members of the Evaluation Team**

The Evaluation team wishes to thank the Czech authorities for the very good organisation of their visit and for the warm hospitality shown them during the visit and, in particular, Dr Ladislav MALÝ (Deputy Minister), Dr Jan PREROVSKI (MEYS), Dr Jaroslav NEKOLA (Director of the ADC) and their colleagues, Mr Vladimír SRB (Chairman of the Czech Sport Association), Mr Milan JIRÁSEK (Chairman of the Czech Olympic Committee), Dr Růžena ŠLECHTOVÁ, Director of the Laboratory and her colleagues and all persons involved in the organisation of the visit and evaluation work.