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

**22<sup>nd</sup> meeting of the Monitoring Group**  
Strasbourg, 15-16 November 2005

### **Follow up report**

*Evaluation visit to Czech Republic on Compliance  
With the Anti-Doping Convention  
Prague, 24<sup>th</sup> – 28<sup>th</sup> June 2002*

#### **Introduction**

On request of the Ministry of Education, Youth and Sport (MEYS) the Evaluation Team in the composition of:

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carried out on 24<sup>th</sup> – 28<sup>th</sup> June 2002 an examination of compliance with the provisions, which the Czech Republic adopted through agreement with the Anti-Doping Convention. Based on the conclusions made by the Evaluation Team the Czech Anti-Doping Committee (hereinafter CADC) was committed to elaborate a report for MEYS about the visit and to bring up proposals for precautions. Regarding the fact that some of the legislative acts have been adopted during 2005 we have not submitted the Follow up report until now.

**Compliance with articles of the Anti-Doping Convention from the date of the Evaluation visit.**

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

The Czech Republic adopted the Anti-Doping Convention on 28<sup>th</sup> April 1995 and the Protocol of Amendment to the Convention has been signed in Warsaw on 12<sup>th</sup> September 2002. In order to increase the legislative impact of both documents the Czech government decided to ask the Czech parliament for ratification agreement. After the agreement of both parliament chambers the president ratified the Convention and its Additional protocol on 8<sup>th</sup> October 2004. Both documents came into power on 1<sup>st</sup> May 2005 and according to Art. 10 of the Czech Republic's Constitution they became part of the legal order and have superiority above the law.

Concerning individual citizens the provisions of the Convention and its Additional protocol are implemented within Regulations for Doping Control and Sanctions in Sport in the Czech Republic (hereinafter Regulations). It applies, however, only to people defined as athlete and athlete support personnel according to Appendix 1 of the World Anti-Doping Code (hereinafter Code). For expansion of the anti-doping rule violations (art. 2.6, 2.7 and 2.8 of the Code) to all Czech citizens these articles would have to be adapted into a law as criminal acts.

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

With signing the Copenhagen Declaration in June 2003 the Czech Republic accepted the World Anti-Doping Code and committed CADC, which is responsible for realization of anti-doping program in the Czech Republic, to its adoption. CADC implemented the Code provisions in its Regulations strictly following wording of the Code. The WADA List of Prohibited Substances and Methods is adopted by CADC every year. CADC publishes the List in the Czech language as binding for doping controls of athletes in accordance with the definition in Appendix 1 of the Code.

Every year CADC publishes an updated list of mass produced medicaments that contain prohibited doping substances and are registered in the Czech Republic. This list assists to athletes' doctors in what medicaments should not be used for the therapy. CADC has set up a Therapeutic Use Exemption Commission, which examines requests from athletes and grants Therapeutic Use Exemptions on national level.

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

In Czech Republic the MEYS is responsible for commitments accepted through the Anti-Doping Convention. To carry out the anti-doping program MEYS has set up the Czech Anti-Doping Committee on a level of governmental organization. From 2004 CADC has 6 professional employees, 10 members of an advisory body and 50 trained voluntary doping control officers. Test distribution planning is carried out by Executive for doping control (part of CADC), which has 3 professional employees. In realization of the anti-doping program CADC co-operates with the Czech Olympic Committee, the Czech Paralympic Committee and sport centers of 3 ministries (education, defense, internal affairs) on the agreement basis. From 2004 CADC also co-ordinates a research program. The activity of CADC is financed from the governmental budget. The MEYS decides about the total budget based on the yearlong plan submitted by CADC. Analysis costs for doping control samples that have been collected within the authority of CADC are included in the budget. Anti-doping program activities of CADC's partners (e.g. the Czech Olympic Committee) are financed by those organizations.

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

Problem of availability restriction of doping substances and methods in the Czech Republic is not covered by law yet. Anti-doping rule violations in Articles 2.6, 2.7 and 2.8 of the Code that are related to this problems are covered by the Regulations and apply to athletes and athlete support personnel as they are defined in Appendix 1 of the Code. Sanctions for violation of these rules in the Regulations are set exactly as in the Code. CADC is competent for investigation of such anti-doping rule violations. Sanctions based on validated anti-doping rule violations are in the competence of respective national sport association.

To regulate this problems in the law MEYS has set up a working group of lawyers who shall, in co-operation with CADC, bring up a draft for enactment. For it is an interdepartmental issue that concerns more ministries, it has been decided, that the draft will not be submitted for proceedings by MEYS but directly by parliamentary committee for sport. This act shall be submitted for enactment in 2006.

#### **Article 5 – Laboratories**

The Anti-Doping Laboratory in Prague is according to Art.4 Par.2 Act 115/2002 Coll. in competence of the Ministry of Health. Organizationally the laboratory belongs to the General faculty hospital as Department for doping control. It is accredited by WADA (re-accredited in 2004) and accredited according to ISO/IEC 17025, certificate Nr. 517/2001. Extension of ISO accreditation has been completed on 23<sup>rd</sup> November 2004. Running of the laboratory is secured with finances that consist of payments for analysis from CADC (governmental resources), payments for analysis from national sport associations when organizing international competitions (sport association resources), payments for analysis from foreign anti-doping organizations and sport federations.

#### **Article 6 – Education**

CADC elaborated a program for prevention and education, which is realized every year in the following points:

Educational materials, which consist of printed and audiovisual methodical tools. In years 2003 – 2005 a handbook for doctors, a brochure about doping control procedure and a flashcard with prohibited and allowed mass used medicaments for athletes have been published. In 2005 a textbook about anti-doping prevention for coaches will be published.

Educational programs on anti-doping prevention in schools for physical education teachers. CADC provides anti-doping prevention seminars for sports management students at the Charles University in Prague, physical education students at the Masaryk University in Brno and students attending courses for coaches at the Charles University in Prague.

Meetings and seminars in sport oriented high schools and courses, chats in mass-media.

Internet information on anti-doping program and actual information from the sport practice.

#### **Article 6 – Research**

CADC elaborated and submitted a two-years long research program on abuse of doping agents in organized and non-organized sport. This task has been appointed to a research team from the Faculty of sport studies at Masaryk University in Brno. Findings of the research are continuously presented on conferences with sport themes (e.g. international conference “Sport and quality of life” on 10<sup>th</sup>-11<sup>th</sup> November in Brno).

## **Article 7 – Co-operation with sports organizations**

### **Competence**

National sports associations in the Czech Republic are not considered as anti-doping organizations in terms of Code definitions. CADC is the only national organization authorized to conduct doping controls and to issue Regulations. National sports associations adopt and are in compliance with the Regulations of CADC. Each national sport association, which has joined the Czech Anti-Doping Charter and receives governmental subventions, shall sign an agreement on co-operation with CADC.

### **Doping Controls**

By agreement on co-operation CADC conducts in- and out-of-competition doping controls including doping controls at international events in the Czech Republic. CADC has the right to decide whether the doping control will or will not be conducted. On the recommendation of the Evaluation Team CADC increases the total amount of doping controls by 100 every year (i.e. 1200 tests in 2004, 1300 in 2005 and 1400 in 2006, which is considered as the limit capacity of CADC). In addition to those numbers CADC conducts about 300 controls every year on behalf of national sport associations organizing international competitions. About 100 controls are conducted on behalf of the Czech Olympic Committee on athletes who are in the Olympic nominations. About 20% of all doping controls conducted on behalf of CADC are out-of-competition.

### **Disciplinary Proceedings**

After enforcement of the Code CADC has set up the Anti-Doping Hearing Committee (AHC) consisting of experts in law, medicine and biochemistry, which examines every anti-doping rule violation. The AHC submits its decision to the disciplinary body of respective national sports association for further proceedings. In case of disapproval with the decision the person/organization involved can appeal either to the appeal body of the sport association or to the highest appeal body in the Czech Republic – Court of Sport of the Czech Olympic Committee. In 2004 and 2005 AHC has dealt with 40 cases of anti-doping rule violation so far. Of these cases 37 have been closed with a sanction already.

### **Sanctions**

Sanctions administered in case of anti-doping rule violations are according to the Art. 10 of the Code. Sanctions are given by disciplinary body of national sport association and its decision is communicated to CADC and respective international federation.

When the national sport association or an international level athlete violate the anti-doping rule, governmental subventions to the respective sport shall be reduced or withdrawn. Competence for reducing the subventions belongs to the sport department of MEYS. Amount of subventions to be reduced depends on relevant regulations and criteria issued by MEYS.

### **Monitoring of athletes**

After agreement and in co-operation with national sports associations CADC established a national register for testing. Currently 21 sports are joined in the register with about 500 athletes. Athletes included in the register are obliged, according to Art. 14.3 of the Code, to submit accurate whereabouts information to CADC either by regular post, by fax or electronically.

**Article 8 – International co-operation**

In 2004 CADC became a member of ANADO. Within the capacity and budgetary limits CADC takes part in ANADO activities.

After CADC has met the conditions for conducting doping controls on international level (compliance with the Code, responsibility insurance) a co-operation agreement with WADA has been signed. By this agreement CADC has conducted about 220 doping controls on behalf of WADA(IF) in 2004 and 2005. Besides the Czech Republic other individual missions have been conducted in Austria, Hungary, Poland, Slovakia and Germany. These controls have been carried out by CADC trained doping control officers.