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

### **Compliance with Commitments project**

# **Report of the Monitoring Group's consultative visit to Georgia on the implementation of the Anti-Doping Convention**

Tbilisi, 4-5 May 2004

The consultative visit was organised at the request of the Ministry of Sport, Culture and Monument Protection and the team was welcomed by the Minister, Mr Giorgi GABASHVILI. The composition of the team and the programme of the visit are set out in the Appendices.

## **Observations and recommendations through the articles of the Convention**

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

Georgia signed the Anti-Doping Convention on 2 July 2001 and ratified it on 22 May 2003. According to the Georgian Constitution, the Convention itself has the status of a national law. However, the provisions of the Convention have not been put into practice, due mainly, to the economic situation, the political changes and the fact that doping did not appear as the most urgent issue in sports policy. It appears that doping is too expensive for Georgian athletes and there is, were told, no strong tradition of doping in Georgia. Nevertheless, the Georgian authorities showed their commitment to developing an anti-doping policy, to defending the ratification of the Convention to the Parliament and to inviting the consultative visit with the mission of advising the authorities to set up priorities for the implementation of the Convention.

The most important reasons to launch an anti-doping policy are:

- to avoid that Georgian athletes may be sanctioned for adverse results after unintentional consumption of doping substances due to lack of information;

- to prevent Georgia becoming a doping haven for foreign athletes;
- to set up a core policy in order to prevent doping developing in Georgia when doping substances are more easily available.

The Consultative Team recognises the commitment of the Georgian authorities to keeping the issue on the political agenda and agrees with their reasons to develop a core anti-doping policy.

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

The Georgian authorities have no sport law yet. Therefore, no other definition of doping than the one in the Convention is enacted in the Georgian legal order. There is no enactment of the Prohibited List.

*The Consultative Team recommends that the new sports legislation which is in preparation should give a definition of doping in accordance with the Convention's definition, should recognise the list of banned substances approved by the Monitoring Group (WADA) and should also clearly define those liable to be subject to the law.*

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

In Georgia, many governmental agencies are involved in doping issues. The Consultative Team had the opportunity to exchange views with the Ministry of Sport, Culture and Monument Protection, the Ministry of Health Care, the Sport Department. Ministries in charge of police, customs and education may be concerned as well by specific issues of the fight against doping.

*The Consultative Team recommends that the Georgian Authorities set up a co-ordination body which will be in charge of the co-ordination of efforts of the various public agencies concerned. Among other tasks, this body should co-ordinate the legal issues and the fight against the traffic of doping substances.*

At the time of the visit, the National Anti-Doping Commission was the national body in charge of anti-doping issues. Its legal nature and its mission were not so clear as it was a recently established body. The National Anti-Doping Commission could develop its activity in order to take over responsibility for a national anti-doping programme. This agency could also look after education and information measures.

*The Consultative Team encourages considering the National Anti-Doping Commission as the starting point to putting in place a national anti-doping organisation with a clear status and mission, for the implementation of a national anti-doping programme.*

This organisation should have full power and authority for planning, co-ordinating, implementing and monitoring the anti-doping programme. The legal nature of this organisation should be defined and the relation between this organisation and the public authorities should be stated in the law. It can even be a specialised public agency or an NGO. The Consultative Team considers that setting up such an organisation as a joint venture of public authorities and the sports movement is appropriate. The Consultative Team considers

that the National Anti-Doping Commission could become the leading body of this organisation and should be comprised of 9-12 members with various backgrounds. However, the Consultative Team considers that the Commission itself should not include the doping control officers (DCOs) who should act under the authority of the Commission. Depending on the development of the disciplinary procedure, the Commission may act a prosecutor. Thus, DCOs should avoid having any such function in the Commission at the same time.

#### **Article 4: Restriction of the availability and use of doping substances and methods**

There is no legislation in Georgia to restrict the availability and use of doping substances and methods. Indeed, it is quite easy to buy all kinds of medicine without appropriate medical prescriptions. For the time being, medicines are very expensive for most of the population, including the top athletes and there is no evidence of trafficking, production, transportation and sale of prohibited substances in Georgia.

Considering the situation, the Consultative Team agrees that the restriction of availability is not the most urgent issue to tackle in Georgia. However, this is a duty exclusive for public authorities and in the future there might be a few measures to consider in this respect.

*It would be appropriate to introduce a legal provision on restricting trafficking of doping substances in the legislation. The reference for such a provision should be the Recommendation No. 2/94 of the Monitoring Group and Recommendation (2000) 16 of the Committee of Ministers of the Council of Europe.*

*Administrative units in charge of fighting against narcotics should be informed of the issue of doping substances.*

This would allow the prosecution of abuse if such activity ever developed. It would also allow international co-operation and prevent criminal organisations involved in trafficking doping substances from choosing Georgia for their activities.

The National Anti-Doping Commission has started a national anti-doping programme. The Consultative Team met people in charge of the programme, and remarked that two of the Doping Control Officers have been appropriately trained, and that some practical tools are already set up.

*The Consultative Team supports the implementation of a doping Control programme.*

Such a programme should not aim to perform numerous controls but rather to aim to meet high quality standards. Elements such as the selection of athletes, doping control procedures, and the chain of custody should be defined accurately and in accordance with the relevant international standards. The equipment used for the control should comply with the international standards.

The Consultative Team recommends that the programme should include at least as many out-of-competition controls as in-competition controls.

If the Georgian Authorities are interested in developing co-operation at regional level with its neighbouring countries, it would be appropriate to focus on the shaping and implementation

of the doping control programme (training of DCO, overall organisation of a doping control programme, development of practical tools, etc).

***The Consultative Team recommends training some women in order to include them in the DCO pool since control of female athletes should be performed by female DCOs.***

#### **Article 5: Laboratories**

Georgia has no doping control laboratory. The samples collected in Georgia are sent to foreign laboratories (currently to Oslo, Moscow or Ankara). Given the number of samples collected each year in Georgia, the population of the country, the required investment and exploitation costs of such a laboratory, as well as the stage of development of the anti-doping policy, the creation of a laboratory is not considered necessary.

***The Consultative Team recommends the body in charge of doping control programmes to make agreement with one or more existing accredited laboratories for the analyses and insuring that conditions of transport of samples are good, especially in terms of security and conservation. These agreements could also include co-operation on research or traineeship opportunities, e.g. for Georgian DCOs.***

#### **Article 6: Education**

The Consultative Team took note of the considerable efforts of the Tbilisi State Medical University Clinic as well as the Georgian Sport Medicine Association to maintain and to develop a high level of training for health professionals. The curriculum of Medical Doctors includes one course of 6 lectures (12 hours) on anti-doping. The curriculum of the Physical Academy (trainers, teachers of physical education) also includes one lecture on this topic in the Tbilisi State Medical University Clinic.

***The Consultative Team considers that the information and education of athletes should constitute the first priority in anti-doping measures.***

The Consultative Team recommends separating target groups. Target groups should be clearly defined and should not only include the elite athletes. Other possible target groups for information or education programmes are schools, teachers, media, athletes, civil servants of concerned authorities (e.g. custom officers, policemen). Training of specialists should not only focus on health professionals, but also include lawyers, sports managers, nutritionists, etc.

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

Georgia is a country with great sporting traditions. Georgian athletes have regularly attained good results in international competition. All national federations have endorsed relevant international standards (World Anti-Doping Programme) and the prohibited list in their regulations. Agreements on mutual recognition of controls exist with Caucasian and Balkan countries.

The National Olympic Committee (NOC) has been involved for years in fighting against doping and actively participates in the work of the National Anti-Doping Commission. The NOC has signed the World Anti-Doping Code and has taken steps to implement it in all its federations. Thus, the co-operation between sports organisations and public authorities works well.

Athletes are involved in the fight against doping through the so-called Athlete Passport. Sports doctors are highly competent and have quality training methods for safeguarding the health of athletes.

*The Consultative Team advises developing the disciplinary procedure with only one unique appeal court for all sports. This could be implemented under the authority of the umbrella sport organisation (National Olympic Committee). Due to the small amount of cases, it is certainly impossible for every federation to set up an appeal court and to define a procedure. A more central way to proceed would also guarantee the independence of the court. The National Anti-Doping Commission may hold the position of prosecutor, but should not be used as the Disciplinary Body.*

### **Article 8: International Co-operation**

Currently, international co-operation is essential for Georgia. Close co-operation with the Council of Europe and WADA is important for the development of a good anti-doping system in Georgia along with the exchange of knowledge, experience and benchmarking best practices. The development of bilateral relations with neighbouring countries should also be considered. The National Anti-Doping Commission could also seek co-operation with a national anti-doping agency.

### **Conclusion**

The Consultative Team noted that the Georgian authorities have a strong determination to take further action in the field of anti-doping. The adoption of an anti-doping policy is welcomed at the highest political level. The Consultative Team hopes that its recommendations will help to prioritise the work and to organise the anti-doping policy in a comprehensive way in Georgia.

### **Order of priority in the implementation of recommendations**

Following the proposal of the Group on Commitments, given the number of recommendations formulated in this report and the limited resources of the country, the Consultative Team considers that it would be worthy to advance step by step and suggests the order of priority (see below) in the implementation of these recommendations. These suggested priorities do not judge the importance of each related action.

1. To set up a national anti-doping organisation (article 3)
2. To adopt legislation (article 2), including provision on availability of substances (article 4)
3. To develop an educational programme
4. To develop the Doping Control Programme (art. 4)
5. To make agreements with laboratories

6. To set up a disciplinary process and disciplinary bodies
7. To set up a co-ordination body of public authorities (article 3)

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The Consultative Team thanks the Georgian authorities for hosting this well-organised consultative visit. The Team appreciates the very warm hospitality shown in Tbilisi, in particular by the Minister Giorgi GABASHVILI and by Deputy Minister Mr. Tamaz TEVZADZE. The Consultative Team also wishes to express its thanks and gratitude to Prof. Dr. Zurab KAKHABRISHVILI, Dr. Valeri AKHALKATSI and their colleagues for their precious efforts, organisational skills and permanent assistance during the visit.

## **Appendix**

### **Composition of the Consultative Team**

- Mrs Rima BERLOVIENE, Head of the Division of European Integration, Ministry of Health Care, Vilnius, LITHUANIA
- Me. Kýsmet ERKINER: Attorney at Law, Arbitrator at the Court of Arbitration for Sport (Lausanne), Lecturer of Sports Law at Ýstanbul & Marmara Universities, TURKEY)
- Mr. Stanislas Frossard, Sport Department, Council of Europe

### **Hosts**

Ministry of Culture, Monument Protection and Sport

Organisers:

- Mr. Tamaz TEVZADZE, Deputy Minister responsible for Sport, Ministry for Culture, Monument Protection and Sport
- Prof. Dr. Zurab KAKHABRISHVILI, President, Georgian Sports Medicine Association
- Dr Valeri AKHALKATSI, Vice –president, Georgian Sports Medicine Association

### **Programme**

#### **4 May, Tuesday**

##### *Morning*

- Meeting with the Mr Nikoloz PRUIDZE, First Deputy Minister, Ministry of Labour, Health and Social Affairs of Georgia
- State Sport Department, Chairperson Mr Irakli MEDMARIASHVILI
- Visit at the Dispensary of Sport Medicine and Rehabilitation and
- Department of Medical Physical Culture and Ride-therapy

##### *Afternoon*

- Georgian National Olympic Committee, President Mr Jano BAGRATIONI and Secretary General Mr Emzar Zenaishvili
- Football Club “Dinamo” sport complex, visit to Georgian Football Federation Mr D. Petriashvili

#### **5 May, Wednesday**

##### *Morning*

- Medical Pharmaceutics Company GPC- Discussions on doping issues
- Visual and computer presentation of future doping laboratory and sport medicine and rehabilitation center for the Caucus countries.
- Tbilisi State Medical University (TSMU), Department of Sport Medicine and Rehabilitation Prof. N. Chabashvili

- Meeting with TSMU Board of Rectors, deputy rector Prof. Z.Avaliani

*Afternoon*

- Seminar at the Conference Hall of TSMU conducted by advisory visit group members (with Doping Commission, doctors (pharmaceutics), athletes, authorities of national sport federations, journalists), sightseeing around medical library
- Meeting with the Minister of Sport, Cultural and Monuments Protection Mr Gabashvili, Deputy Minister Mr Tevzadze
- Briefing with media representatives