

**MONITORING GROUP (T-DO)**

ANTI-DOPING CONVENTION



Strasbourg, 6 May 2015

T-DO (2015) 04

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

Project on Compliance with Commitments

**Respect by Albania of the Anti-Doping Convention**

**Auto-Evaluation Report by Albania  
Report of the Evaluation Team  
Comments by the Albanian Authorities**

FINAL

**Adopted at the 42<sup>nd</sup> meeting of the Monitoring  
Group of the Anti-doping Convention**

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**Preface**

The Compliance with Commitments project was developed in 1997 by the Steering Committee for the Development for Sport (CDDS) with the main aim to help participating countries to determine how *the European Sports Charter, the Anti-Doping Convention and the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches* are applied in their countries. The preferred working method involves interactions between a national team who prepare a detailed report on compliance with the commitments entered into under the Convention or Charter (Auto-evaluation Report) and an examining team (the Evaluation Team) appointed by the Council of Europe. Following a visit by the Evaluation Team, a second report is drawn up detailing their findings, suggestions and possible recommendations for improved compliance with the commitments.

The Monitoring Group of the Anti-Doping Convention in 2013 identified Albania among the countries that might be benefited from the Compliance with Commitments project. In reply to a letter of the Council of Europe to the Albanian Ministry of Education and Sport informing them about the Compliance with Commitments project the Ministry invited the Monitoring Group of the Anti-Doping Convention to undertake an evaluation visit. The Albanian authorities submitted an auto evaluation report (see Part A of this document) ahead of the visit.

An evaluation visit was held on 24-25 September, 2014. The Program of the visit and the composition of the Evaluation Team are attached in the appendices to the Part B of this document.

The Evaluation Team agreed on a number of recommendations and compiled them in an Evaluation Team report (see Part B of this document).

The Albanian authorities reviewed the recommendations and submitted their initial comments (see Part C of the document).

This document is prepared for review and approval at the 42<sup>nd</sup> meeting of the Monitoring Group of the Anti-Doping Convention which will take place on 5 May, 2015 in Strasbourg.

## **Part A: Auto-Evaluation report by Albania**

### **Article 1 – Purpose 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.*

Albania has ratified the European Anti-Doping Convention by Law 9242, dated 17.06.2004 "On ratification of the European anti-doping Convention, 1989 " and the UNESCO International Convention against Doping in Sport by Law no. 9623, dated 16.10.2006 "On the accession of the Republic of Albania in the International Convention against Doping in Sport, 2005".

As well Albania is among the first signatories of the Copenhagen Declaration for recognition of WADA Anti-Doping Code.

In appliance of the obligations deriving from the implementation of the European Anti-Doping Convention and UNESCO International Convention against Doping in Sport, Albania approved a legal framework for the doping control. This has become possible as a result of systematic (and often very challenging work).

Since November 2011, Albania enjoys the status of a country whose Rules are completely compliant with the WADA Code.

Following the parliamentary elections 2013, the sport is part of the Ministry of Education and Sport and currently the anti-doping policies of the National anti Doping Commission target the following objectives: To develop national anti-doping education program, to improve administrative procedures of National Anti -Doping Commission (NADC) and to promote international cooperation in order to strengthen the fight against the use of prohibited substances and methods in sport.

### **Legal framework**

A. The legal act related to doping control in Albania, in appliance of the above Conventions is as follow:

1. The law nr. 9376, dated 21.04.2005 "On Sport", amended

The law provides the notions of anti-doping substance, rules, doping control, testing, and anti-doping organization, and determines the anti-doping policies which can be grouped as follows:

- the notions of doping substances prohibited in the Republic of Albania approved by Antidoping World Agency
- The measures foreseen and punishment against persons who use or incite the use of doping.
- The rights and responsibilities of the National Anti Doping Commission and those of the all-Albanian sport federations and organizing committees of sport events was defined as applicable to the field of anti-doping.
- The Establishment of the National Anti Doping as a consulting structure of the Ministry responsible for sport;
- Composition, functioning, rights and duties of this Commission determined by Order of the Minister responsible for Sports.

- The National Anti Doping Commission and all the sports organizations are obliged to abide by Anti doping, contained in the provisions of the Anti doping European Convention of 1989, ratified by Republic of Albania through the law no 9242, dated 17.06.2004.

2. The legislation of the Albanian Republic provide for the criminal liability in relation to the anti-doping rule violation, for use of banned substances, that appear on the WADA Prohibited List, stipulated by article 197/b of the Albanian Republic Criminal Code.

The Article 234 of the Criminal Code of the Albanian Republic determines liability for Distortion of competition in sports participants, through the use of banned substances, constitutes a criminal offense and is punishable by fine or imprisonment up to two years.

3. Law No.7975 of 21 July 1995 “On narcotic and psychotropic substances” (*Official Gazette of the Republic of Albania No.20, date 25.08.1995, page 853*), amended by Laws: No. 9271 of 09 September 2004 and No.9559 of 8 July 2006. This Law defines the rules of production, manufacturing, importation, exportation, control, store and trade of narcotic and psychotropic substances. *The list of the drugs under control is part of this law. The amendments made by the Law No. 9559, provide the obligation and responsibility of the local government and the local police to cooperate in prevention and fight against cultivation of narcotic plants.*

- Law No.8750 of 26 March 2001 “On the prevention and combating of illicit trafficking of narcotic drugs and psychotropic substances” (*Official Gazette of the Republic of Albania No.14, date 13.04.2001, page 391*) defines the standards for the prevention and combating of illicit trafficking of drugs and their precursors. It allows for more special investigation means, such as “simulated purchase”, “controlled deliveries” and “infiltrated” or “undercover” agents. Also, the creation and functioning of the National Committee for Coordination of the Fight against Drugs is foreseen in this law.

- Law No. 8874 of 29 March 2002 “On the control of the substances that can be used for illicit manufacturing of narcotic and psychotropic substances” (*Official Gazette of the Republic of Albania No.12, date 29.04.2002, page 359*) defines the rules for the control of the substances that often are used for illicit manufacturing of narcotic and psychotropic drugs, with the aim to prevent the supply or deviation from legal destination of such substances. The list of the substances (precursors) under control is part of this law.

B. Practical implementation of the policies pursued by the National Anti doping Commission is ensured and enforced at the national level through a selection of normative acts issued and approved by the Ministry responsible for Sport in Albania:

1. The National Anti-Doping Rules of Albania came into force on 31 October 2011. The Rules were developed by the National Anti doping commission “NADC” and adopted by the Order of the Ministry of Sport and Tourism, Culture, Youth and Sports of Albania dated on 31 October 2011, No. 251, “On approval of the anti-doping rules and regulations for the functioning of the National Anti-Doping Commission (NADC)”.

- Responsibility for development and their implementation lies to the National anti doping Commission and and Responsible Doping Control Unit (near Sport Service Agency) to

accomplish activities of education, prevention and treatment of the doping cases on *Athletes* performing sport activities inside and outside of the Republic of Albania.

Provisions of the Rules are in conformity with the regulations of the International Convention against Doping in Sport, adopted at the 33rd UNESCO General Conference, Paris, 19 October 2005, and ratified by Law no. 9623, dated 16.10.2006 "On the accession of the Republic of Albania in the International Convention against Doping in Sport, 2005", the World Anti-Doping Code accepted by the World Anti-Doping Agency, and the WADA International Standards.

*The NADC Anti-Doping Rules apply to all Persons who:*

- are members of a *National Sports Federation* of Albania, regardless of where they reside or are situated;  
( athletes; coaches; other experts in the field of physical training and sports, including experts in the field of physical training and sports who are the part of national teams of the Albanian Republic; experts in sports medicine (physicians, instructors-methodologists, massage, nurses) (hereinafter referred to as “the Athlete Support Personnel”).
- are members of a *National Sports Federation’s* affiliated members, clubs, teams, associations or leagues;
- participate in any capacity in any activity organized, held, convened or authorized by a *National Sports Federation* of Albania or its affiliated members, clubs, teams, associations or leagues; and
- participate in any capacity in any activity organized, held, convened or authorized by a *National Event* organization, or a national league not affiliated with a *National Sports Federation*.

Participants including Minors, are deemed to accept, submit to and abide by these Anti-Doping Rules by virtue of their participation in sport.( parents or other legal representatives of minor athletes)

The majority of regulations of the Code are incorporated in the Rules with no essential changes. Code provisions not incorporated in the Rules are subject to implementation in accordance with the International Convention against Doping in Sport.

2. Based on the Law no. 9376, dated 21.04.2005 “On Sports”, amended is approved the first National Anti Doping Commission by Order of the Minister responsible for Sports No. 207, dated 21.12.2005, and the latest one dated on 18 April 2014, No. 137, which define the composition of the NADC.
3. Setting up the responsible unit for the realization of doping control near the Sports Service Agency.
4. Implementation of the agreement with the Greek Laboratory accredited by WADA (Olympic Sports Center of Athens OAKA (Spiros Louis) for delivery of analysis, since Greece has a lower cost for carrying out doping tests.

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

*1. For the purposes of this Convention:*

*a. "doping in sport" means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;*

*b. "pharmacological classes of doping agents or doping methods" means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the Monitoring Group under the terms of Article 11.1.b;*

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

*2. Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the Monitoring Group under the terms of Article 11.1.b, the reference list in the Appendix to this Convention shall apply.*

Albania is among the first signatories of the Copenhagen Declaration for recognition of WADA Anti-Doping Code and became a signatory to the World Anti-Doping Code, including the International Standard of Prohibited List, which is implemented without modifications. The Prohibited List is translated in Albanian language and its updates is printed and web-published on the ex Ministry of Tourism, Culture, Youth and Sports. Each year the newly effective version of the WADA Prohibited List delivered to athletes, athletes support personnel, students in sports schools, as well as to all persons interested in the problems of anti-doping.

Section IV dealing with the Prohibited List forms part of the National Anti-Doping Rules of the Albanian Republic, according to which the Prohibited List becomes effective for all the Stakeholders of the Rules in three months since the date of its publication on the official WADA website, without any additional action or clarification on NADC part. Further, in order to prevent and fight doping in sport the NADC adopts the lists of substances and (or) methods prohibited in sport which are issued in accordance with the effective WADA Prohibited List.

The members of the National Anti doping Commission (NADC) are representatives of the Ministry of Education and Sport, Ministry of Internal Affairs, Ministry of Healthcare, and other institutions whose competence in the legislative initiative extends to the anti-doping issues. The meetings of NADC are aimed at the elaboration of a strong jurisdictional basis for restriction and prevention of use and distribution of substances and methods prohibited by the effective WADA List.

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

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

*2. They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organisation.*

The main body that is responsible for realization of commitments of the Albanian Republic under Convention is the Ministry of Education and Sport. For purpose of fulfillment of these obligations the National anti-doping Commission of the Ministry of Sport was created. It is responsible for the following:

- formation of the state anti-doping policy;

- drafting of national anti-doping legislation (see comments to Article 1 of the Convention);
- intensification of cooperation with other state bodies the Ministry of Health and Ministry of Finance with regards to the necessary financial provisions for technical equipment and other material needed for *Doping Control*, research, training and qualification of the persons working in this sector;
- financing of organizations involved in anti-doping activities by distribution of money from the state budget;
- representation of interests of the Albanian Republic in international organizations in connection with fight against doping.

In 2005 National Antidoping Commission was created in order to realize in practice provisions of the WADA Code. Its covers all stages of doping-control except laboratory analysis.

The ex Ministry of Tourism, Culture, Youth and Sports signed a agreement with the Greek Laboratory accredited by WADA (Olympic Sports Center of Athens OAKA (Spiros Louis) in order to realize the delivery of analysis, since Greece has a lower cost for carrying out doping tests. *The special lists of such drugs were approved by the Albanian Government as mentioned above. This list contains some substances prohibited by WADA including anabolic steroids and narcotics. There is a channel of information exchange between these governmental agencies and NADC in order to make fight against doping in sport more effective.*

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

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

A. Legal measures to restrict availability of prohibited substance

Narcotics and anabolic steroids have limited circulation in the Albanian Republic. They can be acquired only by special prescriptions on rigorous medical reasons. For this purpose the special lists of such drugs were approved by the Albanian Government (potent drugs including anabolic steroids). According to the Criminal Code of the Albanian Republic distribution and/or smuggling of these substances via national boarder is a criminal offence that leads to criminal liability including imprisonment.

Moreover inducement to narcotics is also a criminal offence. So athlete's personnel can be found guilty if they insist on using narcotics by their athletes.

#### B. Funding of anti-doping activity

NADC budget is financed by the Ministry responsible for Sport of the Albanian Republic. Meantime a part of the Anti Doping testes are financed by the national Federations as well by the project financed by EERADO and WADA.

Responsible Doping Control Unit (near Sport Service Agency) collected more than 95 samples in-competition and out-of-competition, during the period September 2011-2014, at the national and international activities conducted in Albania (Final Chess World Championship, World Mountain Running Championship etc.), as well the candidates for the Olympic Games "London 2012".

A prioritized direction of the Albanian anti-doping policy is education and popularization of sport free of doping. The main aim of this direction is changing public opinion and developing zero tolerance to doping, especially among young people. The Ministry responsible of Sport of the Albanian Republic subsidizes the realization of educational programs for different age target groups as well as for organization of the scientific conferences and forums completely dedicated to anti-doping issues or forming part of an event. Special attention is given to young athletes.

The Ministry responsible for Sport subsidizes collection of samples during international events that take place in Albania with national federations as organizers. But if a national federation wishes to collect additional samples or conduct doping-control outside of the subsidy of the Ministry of Sport it pays for doping-control from its own budget.

### **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; or*
- b. 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.*

Since Albania has not a accredited Laboratory by WADA, the Ministry responsible for sport signed on 2011 a agreement with the Greek Laboratory accredited by WADA (Olympic Sports Center of Athens OAKA (Spiros Louis) for delivery of analysis, because Greece has a lower cost for carrying out doping tests.

### **Article 6 – Education**

- 1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport. Such programmes and campaigns shall be directed at both young people in schools and sports clubs and their parents and at adult sportsmen and sportswomen, sports officials, coaches and trainers. For those involved in medicine, such educational programmes will emphasise respect for medical ethics.*
- 2. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person.*

The main purpose of educational programs is increasing athletes and their personnel awareness in the matters related to doping deterrence and prevention. The programs were worked out in accordance with provisions of the UNESCO International Convention against Doping in Sport, the WADA Code and International Standards.

Seminars and interactional education quizzes are conducted by National Antidoping Commission and the responsible doping control unit.

The main target audiences of educational programs are:

- Athletes (of different ages and levels),
- Athletes personnel (coaches, instructors, team managers and sport doctors),
- Athletes parents.

A number of framework presentations on the most urgent anti-doping issues: «Anti-Doping Rules Violations and Sanctions», «Doping Side Effects», «Athlete's Rights and Obligations», «Athletes Personnel Obligations and Responsibility», «Doping-Control Procedure», «Dietary Supplements in Sports», «prohibited list » were elaborated for these seminars.

A number of presentations were created especially for doctors taking into account their competence, professional features and sphere of responsibility: «WADA Prohibited List», «Therapeutic Use Exemption» and «Athlete Biological Passport».

In accordance with its responsibilities the Responsible doping control unit:

- integrates questionnaires to evaluate the quality of educational seminars and to find out the participants' wishes and preferences.
- organizes regularly seminars for athletes and their personnel in accordance with inquiries received from the national sport federations and organizations.
- also organizes the educational workshops with the persons responsible for anti-doping in the national sport federations and for submitting requests for therapeutic use exemption in anticipation of major sport events. For example, such seminars and workshops were conducted before the London 2012 Summer Olympic Games.

In this framework NADC in collaboration with *Responsible doping control unit organized:*

- National Doping Conference supported by UNESCO project and assistance of OAKA-Greece, May 2010
- National seminar on doping control officials May 2011;
- National Seminar with NOC, Sports Managers Course Korce May 2012;
- National Seminar for UEFA AFF course for trainers and managers of football clubs, April 2013;
- Seminar with national sports federations for the fight against doping in sport, February 2013;
- National Seminar on the fight against doping in sport in all sports federations, April 2014.

The other important direction of educational department is issuing of educational materials. NADC translated the international documents into Albanian language (for example, Word Anti-Doping Code.), they also have developed and printed own brochures such as «Doping», «Supplementary foods», «Questions & response for coach», «Questions & response for parents».

All Albanian Conferences "Doping in Sport: Risks, Resistance, Prevention» are organized annually. A lot of athletes, coaches, doctors, team managers and other representatives of national sport federations participate in it. They present reports on subject on fight against doping, discuss important questions.

The system of education in institutions of higher medical and sport education in the field of anti-doping is developed and functioning in Albania. As part of the curriculum the classes on the subject about fight against doping in sport are conducted. Students gain knowledge about the kinds of anti-doping rules violations, sanctions for violations, as well as the legal aspects of the fight against doping. In Sport University and Medicine Faculty the students attend lectures on the adverse side effects of doping and licit ways to enhance performance.

Ministry of Education and Sport is responsible for the school curriculum. Anti-doping is taught in schools, specially at the secondary schools and high schools realised through cross curricula and curricular projects classes. The subjects that include anti-doping issue are the physical education and the biology.

The Government Program in sport following the parliamentary election in 2013 provides a reform of Physical education at the educational system.

Taking in consideration the great importance, the responsibility of the public authorities and sports organizations to prevent and combat doping in sport, and to defend the principle of fair play the new school curricula to be implemented in 2014 – 2015 provides prevention programs on anti-doping issues.

In this framework the Ministry of Education and Sport will implement a new curricula of school (primary, secondary and high school).

In this curricula the subject "Physical education, sport and health" has in its content a sub strums titled " the risk from the use of the substances that create dependency".

The education program intend to educate pupils and young athletes at the early phases on their sporting career.

The Government Program in sport following the parliamentary election in 2013 provides a reform of Physical education at the educational system.

The commitments of the government consist in the institutional reconstruction and sports facilities, using best European models and targeted partnerships with the community and promoting its decentralization.

Taking in consideration the great importance, the responsibility of the public authorities and sports organizations to prevent and combat doping in sport, and to defend the principle of fair play the new school curricula to be implemented in 2014 – 2015 provides prevention programs on anti-doping issues.

In the frame of collaboration the Republic of Albania and Kosovo, signed the new curricula of school (primary, secondary and high school).

In this curricula the subject “Physical education, sport and health” has in its content a sub strums titled “the risk from the use of the substances that create dependency”.

The responsible special workshops for the sport doctors, coaches and lecturers from institutions of higher medical and sport education are conducted too. Moreover in several regions specialist in the field of anti-doping were educated to consult athletes and supporting personnel and coordinate the cooperation in the anti-doping field.

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

1. *The Parties undertake to encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.*
2. *To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their:*
  - a. *anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;*
  - b. *lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;*
  - c. *doping control procedures;*
  - d. *disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:*
    - i. *the reporting and disciplinary bodies to be distinct from one another;*
    - ii. *the right of such persons to a fair hearing and to be assisted or represented;*
    - iii. *clear and enforceable provisions for appealing against any judgment made;*
  - e. *procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;*
  - f. *procedures for the mutual recognition of suspensions and other penalties imposed by other sports organizations in the same or other countries.*

3. *Moreover, the Parties shall encourage their sports organizations:*
- a. to introduce, on an effective scale, doping controls not only at, but also without advance warning at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;*
  - b. to negotiate agreements with sports organizations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorized doping control team of that country;*
  - c. to clarify and harmony regulations on eligibility to take part in sports events which will include anti-doping criteria;*
  - d. to promote active participation by sportsmen and sportswomen themselves in the anti-doping work of international sports organizations;*
  - e. to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;*
  - f. to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.*

#### A. Anti-doping legislation in Albania

As it was mentioned above that the Albanian Anti-Doping Rules were developed by NADC and approved by the Ministry responsible for Sport as a regulation that gives them obligatory force on the territory of the Albanian Republic making these rules a part of the Albanian legislation. That is why national federations, the Albanian Olympic Committee and other sports bodies do not have to elaborate their own anti-doping rules. This form was chosen as it guarantees uniform application of principles of the WADA Code. Annually the NADC approves WADA Prohibited List as a regulation.

#### B. Results management, disciplinary procedures, sanctions and appeals

All possible anti-doping rules violations are investigated in accordance with the Albanian Anti-Doping Rules that were elaborated in strict conformity with principals of the WADA Code.

The special Disciplinary Anti-Doping sub Commission was established in 2012. It consists of 9 members (lawyers, doctors and sports representative) from the National Sports Organizations, Ministry of Sport, etc. All its members are independent from NADC.

The Disciplinary Anti-Doping sub Commission conducts hearings that athlete or athlete's personnel can attend with their representatives. A decision of the Disciplinary Anti-Doping sub Commission is a NADC decision. It is sent to a relevant national federation for application. The Albanian Anti-Doping Rules provide responsibility of the athlete's personnel for violation of anti-doping rules.

Since 2011 one case was positive and the Disciplinary Anti-Doping sub Commission gave a decision according the NADC Rules in force.

If an athlete or athlete's personnel do not agree with a decision it can be appealed to Albanian Anti-Doping Appeal Panel. Since 2011 no cases have been appealed to this Sub Commission.

#### C. Testing

For the first time we are assisted by the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) for conducting doping controls for the games "Beijing 2008" and as well by the Greek agency ESCAN.

Approximately 95 samples are collected during September 2011- till 2014. As it was described above under subsidy of the Ministry of Sport, the responsible unit for doping control collects in-competition

and out-of-competition samples with priority on out-of-competition testing. Test distribution plan was developed on basis of risk assessment that included different parameters: violations of anti-doping rules in previous years, sports with good perspectives to medals, etc. Priority has been given to Olympic sports and specially in weightlifting.

Upon requests of organizers NADC collects samples during international competitions conducted on the territory of the Albanian Federation. NADC also collects out-of-competition samples under requests of EERADO and international federations.

Doping-control is conducted on all levels including junior sport in order to prevent use of prohibited substance in youth.

#### D. Appointment of people responsible for anti-doping

Under order of the Ministry of Sport people responsible for anti-doping were appointed in each national federation. Special meetings and workshops take place on basis of the Ministry of Sport with these representatives from the national federations and NADC where all problems in anti-doping sphere are discussed, suggestions to improve fight against doping in sport are made.

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

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

*2. The Parties undertake:*

*a. to encourage their sports organizations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organizations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;*

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

*c. to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organizations in order to achieve, at the international level as well, the purposes set out in Article 4.1.*

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

A. The foreign anti-doping policy of the Albanian Republic forms an important part of the internal anti-doping policy development. The officials of the Ministry of Sport of the Albanian Republic and the representatives of the NADC have participated in the working sessions of the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) hosted by the Council of Europe.

Albania makes the annual fee payments to the WADA.

Albania has benefited two projects on 2009 and 2013 which are approved by UNESCO Fund for the elimination of doping in sport.

B. NADC international cooperation forms a major part of the international anti-doping activities in Albanian Republic.

In accordance with the Rules, NADC collaborated and provided testing services for the International Sport Federations for both out-of-competition and in-competition doping controls, as well during the international events organized in Albania.

(see also Table 1. Testing services by NADC for the International Sport Federations in 2011 – 2014).

Table 1. Testing services by NADC for the International Sport Federations and other ADOs worldwide in 2011 – 2014
IAAF– International Association of Athletics Federation
FIDE– International Chess Federation
IWF – International Weightlifting Federation

In order to make them user-friendly for to the international sports community and other stakeholders, in 2011 NADC prepared the English translation of the anti-doping normative acts in Albania.

The collaboration between NADC and ESCAN Greece and Bosnia Herzegovina NADO, intend the training of Albanian doping officers as well the implementation of the quality anti-doping program.

An important aspect of the international cooperation for NADC is the collaboration with the WADA and EERADO. Their assistance was very useful regarding the implementation in Albania of the NADC Rules in line with WADA Code as well the realization of the necessary infrastructure for the realization of doping control in Albania in order to achieve the international standards.

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## **Part B: Report of the Evaluation Team**

### **Introduction**

The visit of the Evaluation Team (for the composition of the Team see Appendix 1) was organised by the Ministry of Education and Sport of the Republic of Albania. The Compliance with Commitments Report (Auto-evaluation Report) from Albania was prepared by Mrs Violeta Shqevi, Coordinator at the Ministry of Education and Sport. The Auto-evaluation report as well as the English translation of the relevant legislation were received ahead of the visit and provided some information about the anti-doping programme in place in the country.

The visit of the Evaluation Team in Tirana, Albania was held from 23 to 26 September, 2014 and included meetings with Mr. Rauf Dimraj, Deputy Minister of Education and Sport, Mrs Milva Ekonomi, Deputy Minister of Health, and Dr. Klodian Allajbeu, Chairman of the Albanian National Anti-Doping Commission. The Evaluation Team visited the *Sport Service Agency* and met with its Director Mr Bledar Doci as well as Dr. Muhamet Ostreni, the director of the *Doping Control Unit* which is part of the *Sport Service Agency*. At the *Sport Service Agency* the Evaluation Team met and discussed with a group of representatives of national sports federations and one high level athlete. Moreover, the Evaluation Team had meetings at the premises of the Albanian National Olympic Committee, the Sports University of Tirana, and the General Directorate of State Police in the Ministry of Interior Affairs. In most parts of the visit the Evaluation Team was accompanied by Mrs Violeta Shqevi, Coordinator at the Ministry of Education and Sport; Mr Plarent Ndreca, Director for Sports was also present at some of the meetings of the Evaluation Team. The programme of the visit of the Evaluation Team is shown in Appendix 2.

The programme of the visit allowed for the Evaluation Team to meet representatives from the Government as well as the sports field and other relevant organisations, receive comprehensive information, and thus get a good understanding of the situation regarding anti-doping in Albania.

At this stage of the Report it is worth pointing out that even though the visit was supposed to be an Evaluation Visit, taking into account the circumstances in Albania, it was made clear that, in practice, it was of consultative nature. Most of the meetings were conducted in a friendly and open way and all of the governmental and sport representatives with whom the Evaluation Team met shared their concerns and showed great interest to hear how their anti-doping programme could be improved.

This Report describes the findings, as well as the suggestions and recommendations of the Evaluation Team for improved compliance with the commitments of Albania. The Evaluation Team's findings on each of the articles of the Convention focus mainly on the existing network of partners responsible for the implementation of the Convention, the areas of weakness, and the progress that remains to be made to achieve full compliance. The Report includes also the Team's general conclusions and a list of the most important recommendations.

### **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.*

Albania ratified the Anti-Doping Convention of the Council of Europe (hereinafter “the Convention”) by the *Law on the Ratification of the European Anti-Doping Convention* (Law Nr. 9242, dated 17.06.2004). Albania has also ratified the *International Convention against doping in Sport of UNESCO* and signed the World Anti-Doping Code of the World Anti-Doping Agency.

In 2005, the Law on Sport (Law Nr. 9376, dated 21.04.2005) was the first legal instrument to address anti-doping. The said Law established the Albanian National Anti-Doping Commission (NADC) with the aim to “*direct the activity against doping in the Republic of Albania*” (article 42.1) and under Article 42.5 it is indicated that “*The National Anti-Doping Commission and all sport organisations are obliged to abide by anti-doping, contained in the provisions of the European Anti-Doping Convention of 1989*”.

Nowhere in the abovementioned Laws the competences of the governmental and sport organisations on the implementation of the Convention and the fight against doping are defined. The only exemption is the NADC Anti-Doping Rules which were adopted in 2011 based on the Code and define the obligations of the NADC as the national anti-doping organisation and the national sports federations; however, nothing is mentioned about the obligations of the governmental bodies on implementing the provisions of the Convention.

### **Conclusions:**

The Evaluation Team concludes that the political commitment expected in Article 1 is only partially fulfilled.

### **Recommendations:**

- The Albanian authorities should consider either to modify the Law on Sport or adopt a comprehensive anti-doping law in which the obligations of the NADC, the sports organisations and the governmental departments and public bodies towards the implementation of the Council of Europe’s Convention as well as the UNESCO Convention against doping will be described.

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

### **2.1 For the purposes of this Convention:**

**a** “*doping in sport*” means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;

**b** “*pharmacological classes of doping agents or doping methods*” means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;

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

The definition of “doping in sport” found in Article 3.12 of the *Law on Sport* (Law No. 9376, dated 21.04.2005) is not entirely consistent with the one found in the Convention. Article 3 provides a list of definitions used throughout the *Law on Sport* and defines doping in sport as “the administration by the sportsmen or the use by them of the pharmaceutical classifications of doping agents”, not mentioning

the prohibited methods. Moreover, Article 41.1 of the *Law on Sport* on the prohibition of doping refers only to the use, and not to the administration of doping substances.

Furthermore, the National Anti-Doping Commission (NADC) established under the Article 42 of the *Law on Sport* adopted its Anti-Doping Rules developed on the 2009 WADA Model Rules for National Anti-Doping Organisations. Article 2 of the NADC Anti-Doping Rules forms a definition of “doping in sport” based on the World Anti-Doping Code which is broader than the one found in the Convention.

Article 41.2 of the *Law on Sport* refers directly to the WADA Prohibited List by indicating that “*the list of doping substances prohibited in the Republic of Albania is the same as the one approved by the World Anti-Doping Agency*”. It seems that the WADA Prohibited List after its publication by WADA applies directly on the territory of the Republic of Albania. The role of the Monitoring Group of the Convention on approving the list of banned substances and methods is not mentioned in the *Law on Sport*. In this case, the issue of compatibility of lists should be raised. The WADA Prohibited List is beyond doubt compliant with the Convention. However, if the Monitoring Group of the Convention adopts a prohibited list that differs from the WADA Prohibited List, which is fairly improbable, then the Republic of Albania (as well as many other State Parties to the Convention) would have to deal with such a peculiar situation.

In addition, Article 4.2.1 of the NADC Anti-Doping Rules contains a standard clause on the Prohibited List stating that “*unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by the NADC*”.

Taking the abovementioned into account as well as all the information given to the Evaluation Team, the annual and/or revised Prohibited List is not published in the Official Gazette. Nevertheless, the Criminal Code of the Republic of Albania provides in Article 197/b concrete penal sanctions for the use of prohibited substances under certain circumstances. This may give grounds for legal challenges based on the lack of legal certainty. In addition, WADA publishes its Prohibited List in a limited number of languages and Albanian is not among them. The Evaluation Team was familiarised with the 2010 WADA Prohibited List being translated into Albanian. However, it is not clear if the subsequent versions of the Prohibited List have been translated in Albanian language.

Article 3.4 of the *Law on Sport* provides the definition of “*sportsman*” that is “*an individual performing sport in different forms and have acceded a sports organisation*” whereas “*sport organisation*” are “*the Albanian Olympic Committee, federations, sports clubs and associations, which conduct sports activities*”. The Convention defines “*sportsmen*” and “*sportswomen*” as the persons who “*participate regularly in organised sports activities*”. Comparing the definition found in the Albanian Sports Law with the definition of the Convention it can be concluded that the definition found in the Albanian Sports Law covers the definition found in the Convention. It should also be noted that the Anti-Doping Rules of the NADC include the definition of athlete found in the Code.

**2.2** *Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the monitoring group under the terms of Article 11.1.b, the reference list in the appendix to this Convention shall apply.*

As mentioned under Article 2.1 above, Article 41.2 of the *Law on Sport* refers directly to the WADA Prohibited List by indicating that “*the list of doping substances prohibited in the Republic of Albania is the same as the one approved by the World Anti-Doping Agency*” and nowhere in the Albanian legislation the role of the Monitoring Group of the Convention on approving the list of banned substances and methods is mentioned.

### **Conclusions:**

The Evaluation Team concludes that the definitions established under Article 2 of the Convention are mostly covered by the relevant Albanian legislation. The most important non-conformities under this Article are: a) the lack of prohibited methods within the definition of doping in sport; and b) reference being made to the WADA Prohibited List without any link to its adoption by the Monitoring Group.

### **Recommendations:**

- The Albanian authorities should amend the *Law on Sport* to ensure that the definition of doping covers also the administration to sportsmen or sportswomen, or the use by them, of doping methods.
- The Albanian authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods biding in Albania is the one adopted by the Monitoring Group; it does not mean, however, that it cannot be the WADA Prohibited List.
- The Albanian authorities should consider translating to Albanian and publishing the List of banned pharmacological classes of doping agents and doping methods in the Official Gazette whenever it is modified.

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

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

**3.2** *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.*

The legal framework that regulates sport in Albania, including anti-doping, is based on the *Law on Sport* (Law Nr. 9376, dated 21.04.2005) and its follow-up amendments. The *Law on Sport* establishes the National Anti-Doping Commission (NADC) as “a consultative structure” to the Minister of Tourism, Culture, Youth and Sports of Albania (until 2013) and currently the Ministry of Education and Sports, with the aim “to direct the activity against doping in the Republic of Albania”. Further, the *Law on Sport* indicates that the Albanian sports federations accept the authority of the NADC for testing and for sanctioning their member athletes and requires the Albanian sports federations to include this obligation in their statutes.

The NADC developed its Anti-Doping Rules for the first time in 2011. The NADC Anti-Doping Rules are based on the Model Guidelines for National Anti-Doping Organisations of the World Anti-Doping Agency (WADA) and following review by WADA, were deemed to be compliant with the 2009 World Anti-Doping Code. The Rules were enforced by the Order of the Minister of Tourism, Culture, Youth and Sports (“*On approval of the anti-doping rules and regulations for the functioning*

*of the National Anti-Doping Commission”, Order Nr. 251) and came into effect as from 31 October 2011. The NADC Anti-Doping Rules indicate that the NADC “functions based on the “Law Nr. 9376 dated 21.04.2005 “On sport”, modified, Law Nr. 9242, date 17.06.2004 “On the ratification of the European Anti-Doping Convention” 1989, the Law N9623, date 16.10.2006 “On Albania’s adhering to the International Anti-Doping Convention on Sport, 2005” and the World Anti-Doping Code in force”.*

The Chairman and the members of the NADC are appointed by the Minister of Education and Sport, by Order of the Minister. The NADC in its current composition, as determined by Order Nr. 137 (“*On approval of the composition and functioning of the National Anti-Doping Commission*”, date 18.4.2014) includes the Chairman and eight (8) members. The Chairman is a medical doctor working in the private sector and the members include the Director of Sport and the Coordinator for Sport from the Ministry of Education and Sport, a representative from the Ministry of Health, the Chief of the Narcotics Sector of the Department of Organised and Serious Crimes at the General Directorate of State Police, and two medical doctors, a lawyer and a sports administrator working in the private sector.

The Evaluation Team was advised that, for the first time, the Chairman of the NADC “*comes from outside of the Ministry of Education and Sport*”, and was explained that the rationale behind this decision was “*for the NADC to be more independent*”. Indeed, the abovementioned Order repealed previous Ministerial Order based on which the Chairman of the NADC was the Deputy Minister responsible for Sports. The Evaluation Team also notes that the composition of the NADC reflects the obligations of other governmental authorities (such as the Ministry of Education and Sport, the Ministry of Health, and the Police) for the fight against doping in Albania and allows for cooperation and close collaboration with the NADC in that respect.

In accordance with Article 10/1 of the *Law on Sports*, “*Sports Federations and the Albanian Olympic Committee are financed by funds of the State Budget, in the form of grant, provisioned in the State Budget, as well as by other legal sources*”; however, nothing is mentioned about the budget for the operations of the NADC. In the Order “*On the approval of the composition and functioning of the National Anti-Doping Commission*” (Order Nr. 137, date 18.4.2014) there are provisions about the bonuses of the members of the NADC but again, nothing is mentioned about the necessary funds for the operations of the NADC. The Evaluation Team discussed the issue of the budget of the NADC and understood that there are no funds allocated for the NADC for the year 2014. As mentioned elsewhere in the Report, Albania was benefited a Testing Grant from EERADO for the tests performed in 2014.

Regardless of the NADC’s clear role in the *Law on Sports*, the NADC Anti-Doping Rules allocate a significant role on anti-doping to the “Responsible Doping Control Unit” which is a department in the “Sport Service Agency”, a training center in Tirana, Albania. Based on the Order of the Minister titled “*On approval of the anti-doping rules and regulations for the functioning of the National Anti-Doping Commission*” (Order Nr. 251, date 31 October 2011), the “*NADC and Responsible Doping Control Unit (near Sport Service Agency) accomplish activities of education, prevention and treatment of the doping cases on Athletes performing sport activities inside and outside of the Republic of Albania*”. In addition to the “*developing educational programs and carrying out informational campaigns against the use of doping agents and methods in sport in cooperation with the competent public authorities, sport federations, unions and mass media*” the Responsible Doping Control Unit “*shall provide assistance to the international sport federations or organisations in*

*organizing and conducting doping tests during competitions in the territory of the republic of Albania*". Bearing in mind the scope, the functioning and the aims of the Responsible Doping Control Unit, the Evaluation Team is concerned about its involvement and the involvement of its staff in doping controls and the possible conflict of interests; however, the Evaluation Team acknowledges the important role the Responsible Doping Control Unit could play on assisting the NADC on anti-doping education, information and prevention.

The Evaluation Team understood that in practice the NADC has not taken effect yet and doesn't exercise its functions under the NADC Anti-Doping Rules. Apart from the lack of budget for the year 2014, the NADC has no administrative staff and trained doping control officers under its authority to undertake testing missions or organize its other functions.

The Evaluation Team explored the involvement of other governmental departments in the fight against doping in Albania, mainly the role of the Ministry of Health and the involvement of the State Police under the Ministry of Internal Affairs.

The Evaluation Team met with Mrs. Milva Ekonomi, Deputy Minister of Health. From the discussion with Mrs. Ekonomi, the Evaluation Team understood the great interest of the Ministry of Health to get involved in the fight against doping in Albania in areas like the control of pharmaceutical drugs licensed in the country and the provision of information regarding their status in relation to the Prohibited List, the education of medical doctors about anti-doping, the control of nutritional supplements contaminated with doping substances etc. Mrs. Ekonomi admitted that at present the Ministry of Health is not active in any of the abovementioned areas but she could foresee a close collaboration with the NADC once the NADC starts its operations.

The Evaluation Team visited the General Directorate of State Police at the Ministry of Internal Affairs and met with the current and the former Chief of the Narcotic Sector of the Department of Organised and Serious Crimes (Mr. Artan Shkempi and Mr. Sokol Selfollari, respectively). As mentioned in more details under Article 4.1 of this Report, the Narcotics Sector of the State Police, based on the Criminal Code of the Republic of Albania, is active in the control of manufacturing and trafficking of narcotics and psychotropic substances which are included in the list of banned substances in sports. As far as anabolic steroids and the other classes of prohibited substances or prohibited methods are concerned these are not covered by the Criminal Code and therefore the Police do not include them in their scope. However, the Police expressed their readiness to expand their activities to include anabolic steroids and other classes of prohibited substances or prohibited methods should the legal background for such activities be created.

Finally, the Evaluation Team did not have the chance to meet and discuss with representatives from the Customs but the Team was advised that, at present, the Customs are not active in the fight against doping in Albania.

### **Conclusions:**

The Evaluation Team concludes that Albania has established the National Anti-Doping Commission (NADC) as the responsible authority for the practical implementation of the Convention and the country's anti-doping programme, as required by the Convention. The most prominent non-conformities under this Article are: (a) the inactivity of the NADC even though the Law establishing the NADC was adopted in 2005; (b) the involvement of the Responsible Doping Control Unit on activities like doping control which raises concerns about possible conflict of interests; (c) the

involvement of the Police is limited to the control of manufacturing and trafficking of narcotics and psychotropic substances, only; (d) the lack of Customs' involvement in the fight against doping in Albania; and (e) the lack of comprehensive anti-doping legislation for the implementation of the Convention.

### **Recommendations:**

- The Ministry of Education and Sport and the NADC should proceed with all the necessary arrangements for the full functioning of the NADC before the 1<sup>st</sup> of January 2015, when the new World Anti-Doping Code will enter into force. Such arrangements should include the allocation of sufficient and secured budget, administrative staff and trained doping control officers under its exclusive authority to allow the NADC to undertake testing missions and its other functions in line with the Convention and the World Anti-Doping Code.
- The Ministry of Education and Sport and the NADC should take all the necessary measures (including the modification of NADC Anti-Doping Rules) to safeguard that the NADC is independent from sport organisations and the government, and free from conflicts of interests, especially at its operational level (like doping controls and results management).
- Taking into account that the NADC Anti-Doping Rules envisages numerous new procedures and structures, the Ministry of Education and Sport and the NADC should develop a strategy and plan of action for the timely implementation of the different requirements of the Rules (e.g. Disciplinary and Appeal Commissions, Therapeutic Use Exemption Committee etc.). In this process, the Council of Europe and the States Parties to the Convention can be requested to assist the Ministry and the NADC.
- The Albanian authorities should get other governmental departments (such as the Ministry of Health, the Police, the Customs etc.) involved in the fight against doping which is currently lacking and proceed with all the necessary legislative and administrative arrangements in that respect.
- With a view of the interinstitutional aspects of the anti-doping work (restrict availability of doping substances, ensure high quality prevention and education, tackle the public health issues etc.) the NADC with support from the Ministry of Education and Sport should undertake a coordinating role for facilitating the cooperation with law enforcement structures (e.g. Police and Customs), the Ministry of Health and education institutions.
- The NADC should cooperate with other, well-established national anti-doping organisations. The Evaluation Team and the Monitoring Group of the Anti-Doping Convention of the Council of Europe could identify potential partners.

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

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

The Republic of Albania has no specific legislation, regulations or administrative measures adopted aiming to restrict the availability of doping agents and doping methods. However, the accessibility to certain groups of doping substances may be considered as restricted on the basis of different legislative and administrative measures adopted in Albania.

The Criminal Code of the Republic of Albania (Law No. 7895 dated 27.01.1995, amended) provides for penal sanctions for the trafficking, manufacturing, transport, or distribution of those doping substances that fall into narcotics, or cannabinoids as well as certain stimulants. More precisely, the Criminal Code prohibits among others the manufacturing and distribution of narcotics and psychotropic substances (Article 283 and 284/c, possible imprisonment from five to ten years) and the trafficking of narcotics and psychotropic substances (Article 283/a, possible imprisonment from seven to 15 years). However, it must be stressed that the abovementioned provisions do not cover the anabolic steroids or the other classes of prohibited substances or prohibited methods.

The Evaluation Team was also informed that certain provisions of the Albanian pharmaceutical laws restrict the manufacturing and distribution of those doping substances which are considered pharmaceutical products. However, the abovementioned provisions were not delivered to the Evaluation Team in writing.

In addition to that, the NADC Anti-Doping Rules provide disciplinary measures against the trafficking, as well as the possession and use of prohibited substances and methods that are in line with the World Anti-Doping Code.

As far as restrictions of use of banned doping agents and doping methods are concerned, the Criminal Code prohibits the use of doping substances (Article 197/b, possible imprisonment up to 2 years). However, the restriction is limited only to the in-competition use of prohibited substances which resulted in its distortion. Therefore, in the light of current domestic case-law it must be considered as non-operational and of purely hypothetical concept. In accordance with the World Anti-Doping Code and the NADC Anti-Doping Rules, for the purposes of disciplinary proceedings it is sufficient to prove that the substance was present in the athlete's body. It is presumed that prohibited substance due to its characteristics enhances the performance and affects the results of the competition. In this case, however, it is required to prove the real impact of the use of prohibited substance on the course of the competition which might be incredibly difficult (e.g. low concentration of the substance, substance used just by one player in team sports or the use of masking agents). To illustrate the ineffectiveness of the abovementioned provision of the Criminal Code, it must be stated that no single criminal case has been launched on its basis.

***4.2 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.***

National sports federations in Albania receive funds from the Government. Article 16 of the *Law on Sports* indicates that “*the delegation of budget funds, in accordance with the priorities, shall be done upon the proposal of the federations and upon the approval of the Minister of Culture, Youth and Sports*”. With the adoption of the NADC Anti-Doping Rules certain criteria related to anti-doping have been introduced. Article 1.1.3 of the NADC Anti-Doping Rules states that “*As a condition of receiving financial and/or other assistance from the Government of Albania and/or the National Anti-Doping Committee, national sports federations shall accept and abide by the spirit and terms of the Albanian Anti-Doping Programme and these Anti-Doping Rules, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with NADC and the hearing bodies in all anti-doping matters which are not governed by the rules of the relevant International Federation in accordance with the Code*”. The comment to Article 1.1.3 clarifies further that “*NADC shall work cooperatively with its Government to ensure that the adoption and*

*implementation of National Federation anti-doping policies are a pre-condition to receiving any financial and/or other assistance from the Government and/or NADC”.*

The Evaluation Team discussed the above issue with the Albanian authorities and understood that currently there is no policy in place as to how the above requirement will be evaluated.

**4.3 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 Albanian legislation includes no clear provisions related to funding of doping controls and analyses apart from a vague reference in the Order on the Organisation of the National Anti-Doping Commission. Article 8 of the said Order states that “(...) *The NADC shall make proposals to the Minister of Tourism, Culture, Youth and Sports, to the Albanian Olympic Committee, National Federations, and the Ministry of Health and Ministry of Finance with regards to the necessary financial provisions for technical equipment and other material needed for Doping Control, research, training and qualification of the persons working in this sector”.*

As described under Article 7.3.a of the Report, a small-scale testing programme is in place in Albania. In 2014, only 15 samples are collected so far and the costs for these tests were covered from a Testing Grant from EERADO, which is provided by WADA to assist EERADO member countries conduct testing. EERADO’s Testing Grant covers all costs related to the tests (i.e. fees of the Doping Control Officers and Chaperone, equipment, courier, laboratory analysis, and supplies).

Government’s contribution to the budget of the NADC is of particular importance in order to assure that the NADC will be able to perform doping controls, doping prevention and the other core activities arising from the Convention, the Code, and the UNESCO Convention. Moreover, the NADC should have financial and administrative autonomy to conduct testing and this should be clearly reflected in the Albanian legislation.

***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;***

The Evaluation Team understood from the discussions during the visit that, the Ministry of Education and Sport has no clear policy in place regarding funding of Albanian athletes that are suspended following a doping offence and that nowhere in the applicable legislation this issue was addressed. On the other hand, the Evaluation Team was advised that, based on the Rules of the Albanian National Olympic Committee, athletes that are suspended for doping rule violations are excluded from the Olympic Solidarity scholarship scheme.

***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***

Several international federations have conducted in-, and out-of-competition testing in Albania, with or without the involvement of the Albanian authorities. In Article 8 of the Order on the Organisation of the National Anti-Doping Commission it is indicated that “(...) *The Responsible Doping Control Unit shall provide assistance to the international sport federations or organisations in organising and conducting doping tests during competitions in the territory of the Republic of Albania.*”

The Evaluation Team finds the inclusion in the abovementioned Order of clear provisions for the assistance of international federations in organising and conducting in-competition tests in the territory of the Republic of Albania interesting and in line with the Convention. However, the Evaluation Team is concerned about the mandatory nature of this provision (“shall provide assistance”) instead of a more flexible wording (like, for example, “may provide assistance”) which would be in line with article 5.4.1 of the NADC Anti-Doping Rules and the comment to this article which reads “*The Anti-Doping Organisation initiating and directing Testing may, if it chooses, enter into agreements with other organisations to which it delegates responsibility for Sample Collection or other aspects of Doping Control*”. In addition, the Evaluation Team is also concerned about the role of the Responsible Doping Control Unit on conducting testing and the possible associated conflicts of interests (see also comments Under Article 3 of this Report).

***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.***

The Evaluation Team understood that there are no official agreements in place between the Albanian authorities or the Albanian sport organisations and other national anti-doping organisations or international federations for testing of Albanian athletes when training in other countries. Even though the Code and the Convention have provisions to allow this both in- and out-of-competitions under certain circumstances, the Evaluation Team is of the opinion that the Albanian authorities should have proceeded with such agreements and requested testing of their athletes, especially when a comprehensive and extensive doping control programme is lacking, as it is currently the case in Albania.

***4.4 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.***

According to Article 42.1 of the *Law on Sport* the activities against doping in sport in Albania are carried out by the National Anti-Doping Commission (NADC) being an advisory body to the Minister of Tourism, Culture, Youth and Sports. Based on Article 42.2 of the *Law on Sport* the Minister determined, by the Order No. 137 dated 18.04.2014, the composition, functioning, rights and duties of the abovementioned Commission. This Order repealed Order No. 300 (dated 09.06.2012) on approval of the composition and functioning of the National Anti-Doping Commission. Moreover, the composition and roles of the NADC are generally outlined in the Rules on the Organization of the National Anti-Doping Commission issued by the Ministry of Tourism, Culture, Youth, and Sports in 2011. Furthermore, in accordance with Article 42.4 of the *Law on Sport* all Albanian sports federations accept the authority of the NADC for testing and sanctioning the athletes; however, this obligation should be confirmed in the statutes of each federation.

The most comprehensive nationwide anti-doping regulations applicable in Albania, tackling also the issue of doping controls, are the NADC Anti-Doping Rules. The Rules were developed by the NADC and adopted by Order of the Minister of Tourism, Culture, Youth, and Sports (“On Approval of the Anti-Doping Rules and Regulations for the Functioning of the NADC”, Order No. 251, dated 31.10.2011) The Evaluation Team recognised that the Rules were developed based on the 2009 WADA Model Rules for National Anti-Doping Organisations. These Rules after review by WADA were found compliant with the 2009 WADA Code.

Finally, the *Law on Sport* stipulates that anti-doping regulations can be also developed by the national federations and the NADC Anti-Doping Rules, under article 5.4.2 gives to the national sports federations, among others, the right to “initiate and conduct” out-of-competition testing. The Evaluation Teams during the meeting with the national sports federations heard about the limited resources available by the national sports federations in Albania that makes it difficult to perform activities like anti-doping education and information; it is therefore questionable whether the national sports federations in Albania are in position to implement and run an effective testing programme. Moreover, the involvement of national sports federations in in- and out-of-competition testing of their athletes has been well debated worldwide. Hence, the Evaluation Team is of the opinion that the national sports federations should not have the right to conduct testing and that if, for any reasons, they wish to test certain athletes, they should do so through the NADC.

#### **Conclusions:**

The Evaluation Team concludes that Albania has fulfilled only part of article 4 and several key provisions of the Convention are not implemented, yet. The most prominent non-conformities under this Article are: (a) the lack of any control on the trafficking of doping substances (with the exception of narcotics and the other psychotropic substances which are covered by other legislation); (b) the lack of budget for testing as well as the other operations of the NADC; and (c) the absent of any clauses in the Albanian legislation to withhold the grant of public subsidies to doped athletes.

#### **Recommendations:**

- The Albanian authorities should adopt legislative measures to control the trafficking of doping substances;
- The Ministry of Education and Sport should modify the existing legislation and regulations to make the NADC as the only national testing authority in the territory of the Republic of Albania and safeguard doping controls from possible conflict of interests.
- The Ministry of Education and Sport jointly with the NADC should implement a system for the monitoring and reporting of compliance with the anti-doping rules of the national sports federations and allowing the Ministry to withhold the public subsidies in case a federation does not comply with the anti-doping rules.
- The Ministry of Education and Sport should modify the relevant legislation in order to include provisions allowing to withhold the grant of subsidies from public funds, for training purposes, to any athlete who has been suspended following a doping offence in sport, during the period of their suspension;
- The of Education and Sport should ensure that sufficient funds for doping controls are available for the NADC to implement its testing plan;
- The NADC should make all the necessary arrangements (i.e. develop the Registered Testing Pool, collect whereabouts from athletes included in the Registered Testing Pool as well as team whereabouts) and sign agreements with other anti-doping organisations in order to be able to test Albanian athletes out-of-competition, when training in other countries.

## **Article 5 - Laboratories**

### **5.1 Each Party undertakes:**

- a. either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the monitoring group under the terms of Article 11.1.b; or**
- b. to assist its sports organisations to gain access to such a laboratory on the territory of another Party.**

### **5.2 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.**

Albania has no WADA-accredited doping control laboratory and the Ministry of Tourism, Culture, Youth and Sports (now Ministry of Education and Sport) has signed an agreement with the Doping Control Laboratory of Athens, Greece for the analysis of samples collected under the country's anti-doping programme. Athens is well connected with Albania and therefore the samples can arrive in a timely manner for analysis, without any risks for their integrity. Moreover, the Doping Control Laboratory of Athens is a well-established and WADA-accredited Laboratory and beyond doubts can serve the Albanian doping control programme. However, the Evaluation Team is of the opinion that the decision on which WADA-accredited Laboratory can be used for the analysis of samples should be left to the NADC and that the NADC must retain some flexibility to send samples for analysis to more than one WADA-accredited Laboratories (based on the type of analyses to be requested etc).

### **Conclusions:**

The Evaluation Team concludes that the obligation of Albania to assist their organisations to gain access to a WADA-accredited Laboratory as indicated in Article 5 of the Convention is fulfilled.

### **Recommendations:**

- The Albanian authorities should ensure that the NADC has the administrative and legislative flexibility to choose the WADA-accredited Laboratory for the analysis of samples as deemed necessary (based on the type of analyses to be requested and other criteria).

## **Article 6 - Education**

**6.1 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.***

In terms of legislation, there is no reference to anti-doping education in the Law on Sport (Law No. No.9376, dated 21.4.2005) or its amendments. The only reference is found in the NADC Anti-Doping Rules (Organisation of the National Anti-Doping Commission). Article 8 of the said Rules indicates that *“The Responsible Doping Control Unit is responsible for developing educational programs and carrying out informational campaigns against the use of doping agents and methods in sport in cooperation with the competent public authorities, sport federations, unions and mass media.”* The obligation of Parties to the Convention to *“(…) to devise and implement (…) educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport”* is missing from the Albanian Law.

The Evaluation Team discussed about anti-doping education with several organizations and bodies, including the NADC, the Responsible Doping Control Unit, the National Olympic Committee, the national sport federations, the Sport University of Tirana, the Ministry of Education and Sport, the Ministry of Health and the Police, as detailed below.

*National Anti-Doping Commission, the Responsible Doping Control Unit and national sport federations*

In accordance with the NADC Anti-Doping Rules (Organisation of the National Anti-Doping Commission), anti-doping education and information in Albania is carried by the NADC and the Responsible Doping Control Unit. Article 8 indicates that *“The Responsible Doping Control Unit is responsible for developing educational programs and carrying out informational campaigns against the use of doping agents and methods in sport in cooperation with the competent public authorities, sport federations, unions and mass media.”*

At the meeting with Dr Klodian Allajbeu, Chairman of the NADC and Mrs Violeta Shqevi, Coordinator at the Ministry of Education and Sport and member of the NADC, the Evaluation Team was presented with the material used for education purposes that is the WADA Prohibited List from 2010 translated in the Albanian language and four (4) different brochures dealing with drugs and their side effects, the Therapeutic Use Exemption (TUE) and the doping control procedures which are originally produced by WADA and translated in Albanian since 2010. However, no educational activities were performed by the NADC in 2014 since the committee remains inactive for the reasons presented elsewhere in the Report.

The Evaluation Team visited the Sport Service Agency and met with its Director Mr. Bledar Doçi as well as Dr. Muhamet Ostreni, from the Responsible Doping Control Unit which is a department of the Sport Service Agency and with representatives of national sport federations. The Sports Service Agency, which in practice is a training centre for a number of national teams, undertakes the responsibility for distributing the WADA Prohibited List to the national sports federations and for organising an annual anti-doping seminar with the assistance of the EERADO.

During the meeting at the Sport Service Agency the Evaluation Team was presented with the procedure in place for the dissemination of WADA Prohibited List: In brief, the List once it is received by the Ministry it is forwarded to the the Sport Service Agency and the Responsible Doping Control Unit by electronic mail and in turn it is forwarded to all the national federations. The national federations undertake the responsibility to forward the List to coaches and/or athletes, directly.

Interestingly, during the discussion, some of the federations present at the meeting questioned the effectiveness of the procedure and referred to their limited resources (no access to electronic mail, no personnel etc) as well as the lack of access to e-mail by the coaches and/or the athletes. That was also the case with the only athlete present at the meeting (female 1500m runner) who admitted that she had never received an e-mail with the Prohibited List.

The Evaluation Team noted that the WADA Prohibited List is disseminated in the original English version without being translated in Albanian and without any accompanying explanatory material which could help athletes and their support personnel understand it better. In addition, the Evaluation Team understood that the information provided to athletes and their support personnel is limited to the Prohibited List, only.

#### *Albanian National Olympic Committee*

The Evaluation Team visited the Albanian National Olympic Committee (NOC) and discussed, among other issues, about anti-doping education and information. The NOC considers that their role on anti-doping education and information is limited to the athletes and their support personnel prior to their participation in major events like the Olympic Games or the Mediterranean Games and that they are concerned about the lack of systematic and continuous efforts to inform athletes against doping. They wished they had the possibility to have more influence on the work of the national sport federations on education and they expect that the NADC will undertake the coordinating role in this respect.

In terms of education material, the NOC for their education and information activities is using a Fair Play folder which refers to doping and an anti-doping handbook they had prepared in cooperation with WADA.

#### *Sport University of Tirana*

The Evaluation Team visited the Sport University of Tirana and met with Drs Juel Jarani and Arben Kacurri, Rector and Deputy Rector of the University, respectively, and other academics (see Programme of the Visit). During the meeting, the Evaluation Team heard presentations about the University's role in the anti-doping education system and how anti-doping is taught to the students and discussed about anti-doping in Albania, in general.

The subject *Drugs, Doping, Supplements and Integrity in sport* is a mandatory 30-hours taught course (20 hours of lectures and 10 hours of seminars) provided in the first semester. The course aims to give knowledge about drugs (types, classification and medical effect) and their relation to sport as doping. The course also covers nutritional supplements, their risk and how they influence performance. Finally, the curriculum includes a review of the history of doping with a focus on doping offenders and how the anti-doping system is organized today. The aim is to give the students insight into why people take doping substances and possible ways of preventing it.

The Evaluation Team heard from the academics their views on how the University could support the fight against doping in the country especially in the field of education and that the institutional framework of cooperation between the University and the Ministry of Education and Sport, the NADC, the national sport federations, the NOC and the sport movement in general is currently lacking.

#### *Ministry of Education and Sports*

The Evaluation Team met with the Mr Rauf Dimraj, Deputy Minister of Education and Sports who presented the Ministry's plans, that is to launch a project with the aim to develop a new curriculum for primary schools and that one of the focus areas would be anti-doping and particularly the medical side effects of doping.

#### *Minister of Health*

The Evaluation Team met with Mrs. Milva Ekonomi, Deputy-Minister of Health. Mrs Ekonomi explained that the Ministry is responsible for the *Law on Drugs* and the *Order on Doctors* and that part of their responsibility, is the continuous education of physicians; however, she admitted that currently, the issue of doping is not part of the curriculum but the Ministry of Health could work on this together with the NADC.

#### *Narcotic Sector, General Directorate of State Police*

The Evaluation Team met with current (Mr. Artan Shkembri) and the former (Mr. Sokol Selfollari) Chief of the Narcotic Sector of the Department of Organised and Serious Crimes at the General Directorate of State Police and among other issues discussed about education. The Evaluation Team understood that it was the Police's own perception that they lack training on anti-doping issues (for example when it comes to recognising the illegal doping substances). The former Chief of the Narcotic Sector is also a member of the NADC which creates the possibility of close cooperation between the NADC and the Police on many areas, including education.

#### **Conclusions:**

The Evaluation Team concludes that the Albania information and education programmes are not well coordinated, not all of the target groups as indicated in the Convention are reached and not all of the topics of the educational programmes are covered. Moreover, the education and information programmes are not systematic and are lacking of the appropriate and/or updated educational material.

#### **Recommendations:**

- The Albanian NADC should have the primary responsibility for preparing long-, and short-term anti-doping educational and information strategies.
- The Albanian NADC should develop their own education and information programmes.
- The anti-doping education programmes should be valued-based and focus on prevention.
- Doping prevention programmes could be based on, for example, the Information, Communication and Education (ICE) principle. More information can be found in the "Model Guidelines for Core Information/Education Programs to Prevent Doping in Sport" developed by the Monitoring Group of the Council of Europe.
- New information and education initiatives should focus on:
  - using one or more platforms from which to deliver updated and available material - eg building a website or/and apps for smartphones.
  - educating NADC's stakeholders such as employees from customs, police, etc. to recognize and seize illegal doping substances.
  - educating physicians in anti-doping including recognizing doping abusers to be able to advise and possibly treat them.
  - training its own DCO's.
  - educating primary school teachers in how to teach fair play and ethics and developing anti-doping material that teachers could use in the classroom.

- The Albanian NADC should establish educational and information programmes for all level of athletes, especially for young athletes, athletes' parents, coaches, sports managers and officials, sports doctors, journalist etc. To succeed with this, it is recommended to start out by using already developed resources, such as the WADA Alpha program or equivalent and translates it into Albanian.
- The anti-doping educational and information programmes should be comprehensive and cover all aspects of anti-doping programmes, as listed in the Convention and the World Anti-Doping Code: *Substances and methods on the Prohibited List, anti-doping rule violations, consequences of doping, including sanctions, health and social consequences, doping control procedures, athletes' and athlete support personnel's rights and responsibilities, TUE s, Managing the risks of nutritional supplements, harm of doping to the spirit of sport, applicable whereabouts requirements.*
- The obligation of the Albanian NADC to design and co-ordinate the implementation of anti-doping education and information programmes should be reflected more directly in the relevant Law and/or the NADC Anti-Doping Rules.
- All other stakeholders (like, for example, the national sport federations, the National Olympic Committee and Tirana University of Sport and possibly other institutions) should cooperate closely with the Albanian NADC towards the implementation of anti-doping educational and information programmes among their athletes.
- The Albanian NADC and the sports institutions involved in anti-doping educational and information programmes should use several ways to disseminate anti-doping information. Possible communication channels are Building a website, the social networks (Facebook/Twitter), the outreach program, annual conferences on antidoping etc.
- Athletes and the athlete support personnel (e.g., trainers, coaches, sports doctors, physiotherapists etc.) should be encouraged to participate actively in anti-doping work of the Albanian NADC as well as the work of the national and international sports federations.
- Albanian famous athletes could be used as "doping-free sport ambassadors" to promote clean sport.
- The Ministry of Education and Sports should provide the necessary funds to ensure that the educational and information programmes will be implemented as planned.

***6.2 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.***

In accordance with the Article 45 of the *Law on Sport* (No. 9376 of 2005) which was originally adopted in 2005, "*the state supports and finances the scientific research and training in sport. Training and research in sport shall be done by the specialised scientific institutions and by every sports organisation.*"

The Evaluation Team visited the University of Sports of Tirana and met with Dr Arben Kacurri, Deputy Rector of the University, Prof. Dr Artan Shyti, Director of the Sports Sciences Research Institute, Prof. Dr Agron Kasa, Dean of the Faculty of Physical Activity and Recreation and other academics. During the visit the Evaluation Team was presented with an overview of the research activities of the University and a summary of the anti-doping education offered to the University's under- and postgraduate students (for the latter please see under Article 6.1).

The University of Sports of Tirana, a well-established academic institution, conducts research on many areas of sport sciences, including athletic training, exercise physiology, etc. However, no studies related to anti-doping have been conducted so far.

**Conclusions:**

The Evaluation Team concludes that Albania fulfils the requirements under Convention Article 6.2.

**Recommendations:**

- The Albanian authorities should encourage and fund research studies related to anti-doping by the University of Sports of Tirana and other interested institutions.
- The Albanian National Anti-Doping Commission should play a role on the coordination of the research activities on anti-doping in the country and sponsor such research programmes.

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

***7.1 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.***

Harmonisation of the fight against doping amongst the international sport organisations is achieved in the context of implementing the World Anti-Doping Code and the International Standards of the World Anti-Doping Agency. The anti-doping rules of international federations are binding on their respective national member federations. In addition, the NADC Anti-Doping Rules, which were prepared by the NADC in line with the 2009 Code and were enforced by the Order of the Minister of Education and Youth ("*On approval of the anti-doping rules and regulations for the functioning of the National Anti-Doping Commission*", Order Nr. 251, dated 31.10.2011) introduced provisions about the obligations of the national sports organisations for the fight against doping and the respect by them of the authority of NADC and the NADC Anti-Rules as well as provisions about the consequences in case of non-conformities. (See below)

***7.2 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;***

The NADC Anti-Doping Rules apply to all national sports federations. According to Article 1.1 of the Rules, national sports federations shall accept the Anti-Doping Rules and incorporate them either directly or by reference into their governing documents, constitution and/or rules and thus as part of the rules of sport and the rights and obligations governing their members and participants. Additionally, the Albanian national sports federations apply the anti-doping rules of their respective international federations. As mentioned in section under Article 4.4 of the Convention, Article 41.3 of the *Law on Sport* indicates that every case of doping or incitement to use doping shall be punished in accordance with the international norms accepted by the respective federations. Both, the NADC Anti-Doping Rules and the rules of international sports federations are Code-based tools for harmonizing the anti-doping regulations of the national sports organisations.

Taking the abovementioned into account, it must be stated that since 2012 the NADC Anti-Doping Rules are declared compliant with the 2009 World Anti-Doping Code.

***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;***

Harmonisation on the list of banned substances and methods is again achieved under the umbrella of the Code and WADA's Prohibited List International Standard which applies to all international federations signatories to the Code. According to Article 41.2 of the *Law on Sport*, the list of doping substances prohibited in the Republic of Albania is the same as the one approved by the World Anti-Doping Agency. In addition, Article 4.2.1 of the NADC Anti-Doping Rules contains a standard clause on the Prohibited List stating that unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under the Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by the NADC.

For more comments on the list of banned pharmacological classes of doping agents and banned doping methods, see comments under Article 2 of the Convention.

***c. doping control procedures;***

Similarly to the abovementioned issues, harmonization on doping control procedures is again achieved under the umbrella of the Code and Code-based NADC Anti-Doping Rules. Article 5 of the NADC Rules establishes a detailed doping control procedure consistent with the standards set up in the Code and International Standard for Testing, including the authority to test, test distribution plan, in and out-of-competition testing, athlete whereabouts requirements and selection of athletes to be tested. According to Article 5.1 of the NADC Rules, all athletes under the jurisdiction of national sports federations shall be subject to testing by the NADC, the athlete's international federation, the athlete's national federation and any other anti-doping organisation responsible for testing at competition or event in which they participate. Furthermore, according to Article 42.4 of the *Law on Sport* all Albanian sports federations accept the authority of the NADC for testing and sanctioning the athletes.

For more comments on doping control procedures see section under Article 7.3.a of the Convention.

***d. disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:***

- i. the reporting and disciplinary bodies to be distinct from one another;***
- ii. the right of such persons to a fair hearing and to be assisted or represented;***
- iii. clear and enforceable provisions for appealing against any judgment made;***

According to Article 42.4 of the *Law on Sport*, all Albanian sports federations accept the authority of the NADC for testing and sanctioning the athletes. However, this obligation, based on the Law, should be confirmed in the statutes of each federation. The Anti-Doping Rules developed by the National Anti-Doping Commission determine the disciplinary procedure under Article 8 as well as the possible appeals under Article 13.

The NADC Disciplinary Panel, the Medico-legal Sub commission (also referred as the independent Albanian Anti-Doping Disciplinary Panel) enjoys the jurisdiction within the disciplinary procedure. Based on Article 8.2.1 of the NADC Anti-Doping Rules it has the power to determine the consequences of anti-doping rule violations to be imposed pursuant to the NADC Rules. Article 9 of the rules on organization of the National Anti-Doping Commission issued by the Ministry of Tourism, Culture, Youth, and Sports in 2011 confirms that the NADC Disciplinary Panel is indeed one of the sub commissions of the National Anti-Doping Commission.

Article 8.1 of the NADC Anti-Doping Rules determines the NADC hearing process. It indicates that hearings shall be completed expeditiously. Article 8.1 in conjunction with Article 8.4 on proceedings of the NADC Disciplinary Panel, the Medico-legal Sub commission set up standards for such hearings, including the abovementioned right to a timely hearing, as well as fairness, impartiality and independence of the hearing panel (Article 8.3.1), the right of a party to be represented (Article 8.4.6) and to present evidence (Article 8.4.8). The same standards apply to the appeal procedure.

Based on Article 13.1 of the NADC Anti-Doping Rules, decisions made under the NADC Rules may be appealed. In cases arising from participation in an international event or in cases involving international-level athletes as defined in the Rules, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court. In cases involving national-level athletes as defined in the Rules under the jurisdiction of the NADC who do not have the right to appeal under Article 13.2.1 (on international events and international-level athletes), the decision may be appealed to the Albanian Anti-Doping Appeal Panel (“The medico-legal Appeal Panel”).

It must be stressed, however, that since the appointment of the National Anti-Doping Commission at its current composition in April 2014 (Order No. 137), the establishment of the NADC Disciplinary Panel (“the Medico-legal Sub commission”) is pending, still.

Moreover, the concept of establishing the disciplinary panel as a sub commission of the National Anti-Doping Commission raises certain doubts about the independent character of the hearing panel. Even though it is declared in the NADC Anti-Doping Rules, there is lack of provisions ensuring that the reporting and disciplinary bodies are distinct one from another as required by the Convention.

It is also not clear to the Evaluation Team if the Albanian Anti-Doping Appeal Panel is established as since 2011 no single case has been appealed to it. Furthermore, the affiliation of the Appeal Panel is not clarified in any of the examined legal acts.

***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;***

The Code-based definition of athlete support personnel is introduced in the NADC Anti-Doping Rules. It is broader than the one found in the Convention and includes coaches, trainers, managers, agents, team staff, officials, medical and paramedical personnel, parents or any other persons working with, treating or assisting an athlete participating in or preparing for sports competition. In addition, the disciplinary sanctions against the athlete support personnel introduced in the NADC Anti-Doping Rules are in line with the World Anti-Doping Code.

As far as other legal consequences for the athletes' entourage are concerned, there are no specific penal or administrative sanctions. It is also not clear to the Evaluation Team if any exchange of information between anti-doping disciplinary panels and other disciplinary bodies (e.g. panels for doctors) exists.

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

The Republic of Albania has signed the Code that includes provisions on the mutual recognition of the authority to perform doping controls and the respect of the results of doping controls. In addition, Article 15 of the NADC Anti-Doping Rules contains a standard Code-based clause on mutual recognition. It is stated there that subject to the right to appeal, testing, TUEs and hearing results or other final adjudications of any national federation or signatory which are consistent with the Code and are within the national federation or signatory's authority, shall be recognized and respected by NADC and all national federations. Moreover, the NADC and national federations shall recognise the same actions of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

**7.3 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;***

Since the adoption of the NADC Anti-Doping Rules in 2011, a small-scale testing programme is in place in Albania. In 2014, only 15 tests were conducted and all samples were collected out-of-competition. The Evaluation Team was advised that the Ministry of Education and Sport allocated no budget for testing and that for the aforementioned 15 tests Albania was benefited a Testing Grant from EERADO which comes from WADA with the aim to assist EERADO member countries to conduct testing.

The Evaluation Team understood that the testing programme in place in Albania is neither effective nor efficient and from the discussions the Team had during the visit, it was concluded that there are many reasons for that, including the small number of tests conducted (only 15 samples in 2014), the predictability of the tests (no in-competition tests), many people getting informed of the planned doping controls, some of them with possible conflict of interests etc.

***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;***

The Republic of Albania has signed the Code which allows for testing of athletes wherever they are. In practice though, the Evaluation Team understood that Albanian authorities have never requested from other anti-doping organisations for testing of their athletes when training abroad (for example, in training camps).

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

Article 1.1.5 of the NADC Anti-Doping Rules indicates that “by the adoption of these Rules and through their incorporation into their governing rules, National Sports Federations formally submit to these Rules all Athletes under their jurisdiction”. In addition, Article 5.1 of the NADC Anti-Doping Rules indicates that “All Athletes under the jurisdiction of a National Sports Federation shall be subject to Testing by NADC, the Athlete’s International Federation, and any other Anti-Doping organisation responsible for testing at a Competition or Event in which they participate”.

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

During the meeting with representatives of the national sports federations the Evaluation Team was informed about a conference on anti-doping conducted on an annual basis and that all the national sports federations participate to it and their members (athletes, coaches, doctors etc.) are invited. Similarly, the Albanian National Olympic Committee informed the Evaluation Team that regular meetings take place with the participation of athletes and other members of national teams competing in events under the jurisdiction of the Albanian National Olympic Committee. However, it was not clear to the Evaluation Team if and how Albanian athletes are encouraged to take part in the abovementioned seminars or meetings or the anti-doping work of their national or international sport federations in general.

***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;***

The Doping Control Laboratory of Athens, Greece is used for the analysis of samples collected from testing in Albania. The Laboratory of Athens is well developed and accredited by the WADA and has the capacity to accept and analyse a great number of samples to cover the full testing programme of Albania.

As mentioned elsewhere in the Report, the number of samples collected in Albania in 2014 and in previous years is minimal and the samples were analysed for the standard menu of analyses, only without taking advantage of the capacities of the Doping Control Laboratory of Athens, Greece.

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

The Sports University of Tirana, which is funded by the Government, conducts research on many areas of sport sciences including scientific training methods. However, the Evaluation Team was not aware of any research sponsored or funded by the Albanian sports organisations or of any guidelines developed by sports organisations in Albania related to the protection of athletes.

**Conclusions:**

The Evaluation Team concludes that Albania fulfils part of the requirements under Convention Article 7 and further improvement is expected with the start of the operations of the NADC. The most prominent non-conformities under this Article are: (a) the limited testing activities in Albania in 2014; (b) the possible conflict of interests from the involvement of the Responsible Doping Control Unit and its staff

on any part of doping controls; and (c) the violation of the principles of natural justice which require the reporting body (namely the NADC) to be distinct from the hearing and appeal bodies.

**Recommendations:**

- The NADC should introduce doping controls, on an effective scale, in-, and out-of-competitions, based on intelligence, and free from any conflict of interests.
- The Ministry of Education and Sport and the NADC should consider amending the NADC Anti-Doping Rules in order to have clear distinction between the reporting body (i.e. the NADC) and the hearing and appeal bodies.
- The Ministry of Education should establish the Hearing and Appeal Panels to secure the athletes' right to fair trial.
- The Albanian authorities should consider introducing legal measures to impose sanctions (other than the sport sanctions under the Code) on athletes' entourage (medical doctors, coaches, trainers, physiotherapists, veterinary doctors etc.) on the basis of their involvement in doping cases.
- As a way of enhancing the cooperation between the NADC and sports organisations (e.g., Albanian NOC, national sports federations) in practice, each sports organisation should consider appointing a liaison responsible for anti-doping matters.

**Article 8 - International co-operation**

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

**8.2** *The Parties undertake:*

*a. to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;*

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

*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.*

**8.3** *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.*

Albania signed the Anti-Doping Convention of the Council of Europe on 2 February 1995 and ratified it (by Law No. 9242) on 15 November 2004. On 12 May 2004, Albania signed the Additional Protocol of the Anti-Doping Convention; however, its ratification is still pending. Albania ratified also the International Convention against Doping in Sport of UNESCO on 16 October 2006 (Law No. 9623) and the European Cultural Convention of the Council of Europe in 1994.

The Albanian authorities signed the World Anti-Doping Code Acceptance Form originally in 2004 by the Albanian National Olympic Committee and again in 2008 by the Ministry of Tourism, Culture, Youth, and Sport (as the Ministry of Education and Sport was called at that time). Since the Albanian

National Anti-Doping Commission has not yet signed the Code Acceptance Form, the Ministry is currently considered as the Albanian National Anti-Doping Organisation.

Albania has been a part of the East European Regional Anti-Doping Organisation (EERADO) since its inception in 2007. Dr Muhamet Ostreni has been the Albania's Board Member since the first meeting in March 2007. He was first appointed jointly by the Ministry and the Albanian National Olympic Committee in 2007 and reappointed in 2012. Dr. Ostreni attended the first EERADO meeting; then, no one from Albania attended the next four meetings but after that, they have been in attendance at all EERADO meetings since 2010.

Based on the information available from the Council of Europe, delegates from Albania rarely attended the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe or any of its four Advisory Groups (Legal, Science, Education, and Compliance) or the meetings of the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA).

The Evaluation Team understood that apart from EERADO which is based on a multilateral agreement under the auspices of WADA, Albania has no any (formal) bilateral or multilateral agreements with other national anti-doping organisations.

#### **Conclusions:**

The Evaluation Team concludes that Albania has established cooperation on the area of anti-doping within the framework of EERADO and WADA and sees a great potential for the Ministry of Education and Sport and the NADC for cooperation within the structures of the Council of Europe (Monitoring Group, Advisory Groups and CAHAMA) as well as directly with other States Parties to the Convention.

#### **Recommendations:**

- The representatives of the Albanian National Anti-Doping Commission are invited to participate at the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe as well as the meetings of its Advisory Groups (on Education, Science, Legal, and Compliance) as necessary. This will benefit the country's anti-doping programme, especially at this very early stage.
- The Albanian National Anti-Doping Commission and/or the Ministry of Education and Sport should consider participating at the meetings of CAHAMA within the framework of the Council of Europe.
- The Albanian National Anti-Doping Commission should establish cooperation with other, well-developed national anti-doping organisations in Europe; such cooperation will help on many aspects of the country's anti-doping programme (like, for example, education, prevention, testing, etc.) especially at this transitional stage.

#### **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.**

Since the entry into force of the Convention in 2004, Albania provided the Monitoring Group of the Convention with information on the measures taken for the purpose of complying with the terms of

the Convention ahead of the evaluation visit and by replying to the 2012 Annual Questionnaire of the Monitoring Group of the Convention.

**Conclusions:**

The Evaluation Team concludes that Albania, with the reply to the 2012 Annual Questionnaire, the auto-evaluation report and the additional documents provided, fulfils the requirements under Convention article 9 and expects this to continue for the future.

**Recommendations:**

- The Albanian authorities should have a mechanism in place for providing the Council of Europe with all the legislative and other measures taken by for the purpose of complying with the Convention as well as for replying to its annual online questionnaire.

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**General conclusions**

The programme of the visit allowed for the Evaluation Team to meet representatives from the Government as well as the sports field and other relevant organisations and receive comprehensive information and thus get a good understanding of the situation regarding anti-doping in Albania.

In the opinion of the Evaluation Team, Albania has not yet satisfactory fulfilled the obligations under the Anti-Doping Convention even though the political commitment has been met. Albania has no comprehensive legislative framework for the implementation of the Convention in place and regardless of the establishment of the Albanian National Anti-Doping Commission (NADC), its operations have not yet begun. Domestic cooperation and coordination for the fight against doping needs improvements – a role that could be undertaken by the NADC and the Ministry of Education and Sport – and the Police and Customs should take responsibility for the control of trafficking of doping substances which is currently lacking. Finally, the NADC should adopt anti-doping rules, in line with the 2015 Code and implement an efficient doping control programme.

From the discussions the Evaluation Team had with different “actors” in the fight against doping in Albania, there were two issues that came up repeatedly, namely the lack of coordination and cooperation in the fight against doping and the conflict of interests. Many of the persons the Evaluation Team met and spoke with expressed their interest and the interest of their institutions to contribute to the fight against doping but this was not possible mainly because the NADC who could play the coordinating role remains inactive. In addition, the Evaluation Team heard and understood that many people and institutions have a role on anti-doping based on “historical” and other reasons regardless of the potential conflicts of interests.

The evaluation visit took place at a transitional stage and the Ministry of Education and Sport as the responsible authority for the implementation of the Convention, expressed their political will and determination to take action in the field of anti-doping and implement the Recommendations of the Evaluation Team.

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**Summary of Recommendations (in order of priority)**

- The Ministry of Education and Sport and the NADC should proceed with all the necessary arrangements for the full functioning of the NADC before the 1<sup>st</sup> of January 2015, when the new World Anti-Doping Code will enter into force. Such arrangements should include the allocation of sufficient and secured budget, administrative staff and trained doping control officers under its exclusive authority to allow the NADC to undertake testing missions and its other functions in line with the Convention and the World Anti-Doping Code.
- The NADC should introduce doping controls, on an effective scale, in-, and out-of-competitions, based on intelligence, and free from any conflict of interests.
- The Ministry of Education and Sport and the NADC should take all the necessary measures (including the modification of NADC Anti-Doping Rules) to safeguard that the NADC is independent from sport organisations and the government, and free from conflicts of interests, especially at its operational level (like doping controls and results management).
- With a view of the interinstitutional aspects of the anti-doping work (restrict availability of doping substances, ensure high quality prevention and education, tackle the public health issues etc.) the NADC with support from the Ministry of Education and Sport should undertake a coordinating role for facilitating the cooperation with law enforcement structures (e.g. Police and Customs), the Ministry of Health and education institutions.
- The Albanian authorities should consider either to amend the Law on Sport or adopt a comprehensive anti-doping law in which the obligations of the NADC as well as the obligations of the sports organisations and the governmental departments and public bodies towards the implementation of the Council of Europe's Convention and the UNESCO Convention against doping will be described.
- The Albanian authorities should adopt legislative measures to control the trafficking of doping substances;
- The Ministry of Education and Sport and the NADC should consider amending the NADC Anti-Doping Rules in order to have clear distinction between the reporting body (i.e. the NADC) and the hearing and appeal bodies.
- The Ministry of Education should establish the Hearing and Appeal Panels to secure the athletes' right to fair trial.
- The Albanian NADC should develop their own education and information programmes.
- The anti-doping education programmes should be valued-based and focus on prevention.
- The Albanian NADC should establish educational and information programmes for all level of athletes, especially for young athletes, athletes' parents, coaches, sports managers and officials, sports doctors, journalist etc. To succeed with this, it is recommended to start out by using already developed resources, such as the WADA Alpha program or equivalent and translates it into Albanian.
- The Albanian authorities should ratify the Additional Protocol of the Convention.

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## Appendices

### 1. Programme of the Visit

<b>Tuesday, 23 September 2014</b>	
Arrival of Experts	
Preparatory meeting	
Welcome dinner	
<b>Wednesday, 24 September 2014</b>	
10:00 - 11:00	Visit to the Ministry of Education and Sport <i>[Meeting with Dr. Klodian Allajbeu (Chairman of the NADC), members of the Board of the NADC, and Mr. Plarent Ndreca (Director for Sports) and Mrs Violeta Shqevi (Coordinator) at the Ministry of Education and Sport]</i>
11:30 - 12:30	Visit to the University of Sports of Tirana <i>[Meeting with Dr. Juel Jarani (Rector in charge), Dr. Arben Kacurri (Deputy Rector), Mrs. Mirlinda Galushi (Chancellor), Prof. Asc. Dr. Agron Kasa (Dean, Faculty of Physical Activity and Recreation), Prof. Asc. Dr. Artan Shyti (Director, Institute of Sport Research), Mrs. Safiola Shabanaj (Head of International Office), Mr. Surven Metolli (Lecturer of Sports Medicine) and Mrs. Entela Kushta (Lecturer of English)]</i>
13:00 - 14:30	Lunch
15:00 - 16:30	Visit to the Service Sports Agency and the Responsible Doping Control Unit <i>[with Mr. Bledar Doçi (Director of Service Sports Agency) and Dr. Muhamet Ostreni, (Director of the Responsible Doping Control Unit); and Meeting with representatives of National Sport Federations]</i>
<b>Thursday, 25 September 2014</b>	
08:00 – 09:30	Meeting with the Chairman of the National Anti-Doping Commission, Dr. Klodian Allajbeu
10:00 – 10:30	Meeting with the Deputy Minister of Health, Mrs Milva Ekonomi
11:00 – 11:30	Visit to the General Directorate of State Police, Ministry of Internal Affairs <i>[Meeting with Mr. Artan Shkembi, and Mr. Sokol Selfollari, current and former Chief of the Narcotic Sector of the Department of Organised and Serious Crimes, respectively]</i>
12:00 – 12:30	Meeting with the Deputy Minister of Education and Sport Mr Rauf Dimraj <i>[in the presence of Dr. Klodian Allajbeu (Chairman of the NADC), Mr. Plarent Ndreca, (Director for Sports) and Mrs Violeta Shqevi, (Coordinator at the Ministry of Education and Sport)]</i>
12:45 – 13:45	Visit to the National Olympic Committee <i>[Meeting with Mr. Viron Bezhani (President of the Albanian National Olympic Committee), and members of the Board and the legal counsel of the Albanian National Olympic Committee]</i>
14:00 – 15:00	Lunch
<b>Friday, 26 September 2014</b>	
Departure of Experts	

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## **2. Composition of the Evaluation Team**

### **EXPERTS**

#### **Dr Michael PETROU**

Head of Delegation / Rapporteur  
President of the Cyprus Anti-Doping Authority  
“Tassos Papadopoulos – Eleftheria Indoor Hall”  
Makarion Athletic Centre Avenue,  
CY-2400, Nicosia, Cyprus  
Tel : (+357) 22774411  
E-mail: petrou.m@cytanet.com.cy

#### **Mr Jakob BERGET**

Senior Consultant  
Anti Doping Denmark  
Idraettens Hus  
Broendby Stadion 20  
2605 Broendby, Denmark  
Tel: (+45) 43262547  
E-mail: jab@antidoping.dk

#### **Dr Rafal PIECHOTA**

Head of Unit, Department of Strategy and International Cooperation  
Ministry of Sport and Tourism  
Ul. Senatorska 14  
00-082 Warsaw, Poland  
Tel: (+48) 222443106  
E-mail: rafal.piechota@msport.gov.pl

#### **Ms Natalia ZHELANOVA**

Deputy Head of the Antidoping Division  
Department of Science, Innovation Policy and Education  
Ministry of Sport, Tourism and Youth Policy  
18 Kazakova Str.  
105064 Moscow, Russian Federation  
Tel: (+7) 9175124342  
E-mail: jelanchik@rambler.ru

### **COUNCIL OF EUROPE SECRETARIAT**

#### **Ms Mehri GAFAR-ZADA**

Sport Conventions Division  
Directorate of Human Dignity and Equality  
Directorate General II – Democracy  
Council of Europe  
FR - 67075 Strasbourg Cedex, France  
Tel : +33 3 90 21 40 54  
E-mail: mohruba.gafarzada@coe.int

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### **3. Acknowledgments**

The Evaluation Team would like to thank all those who contributed to the preparation of the visit and the visit itself. In particular, it would like to thank the Deputy Minister of Education and Sport Mr. Rauf Dimraj and the Deputy Ministry of Health Mrs Milva Ekonomi for the hearing, Mrs Violeta Shqevi, Coordinator at the Ministry of Education and Sport for the coordination of the visit and her support and readiness to provide the Evaluation Team with the best information and Dr. Klodian Allajbeu Chairman of the Albanian National Anti-Doping Commission for his support and the hospitality received.

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**Part C. Comments by the Albanian authorities**

On behalf the Ministry of Education and Sport, I have the pleasure to extend my thanks for the consultative visit of the expert group of the Council of Europe regarding the implementation of the dispositions of the Anti-Doping Convention of the Council of Europe, on which Albania adheres to.

The recommendations presented in the draft-report of the experts, are very valuable for the organization and function of the National Anti-Doping Commission, for the respective controls in accordance with the international anti-doping standards, as well as the involvement of the governable and no governable actors, as contributors in the common fight against doping in sport.

We guarantee our serious commitment to fulfil the recommendations sent by you, in order to provide the development of a sport without doping.