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ANTI-DOPING CONVENTION

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

Project on Compliance with Commitments

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

**Auto-Evaluation Report by Andorra  
Report of the Visiting Team  
Comments of the Andorran authorities**

**FINAL**

**Adopted at the 44<sup>th</sup> meeting of the  
Monitoring Group, Strasbourg, 3 May 2016**

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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 a Visiting Team (the “Team”) appointed by the Council of Europe. Following a visit by the Team, a second report is drawn up detailing their findings, suggestions, and possible recommendations for improved compliance with the commitments.

On the initiative of the Monitoring Group of the Anti-Doping Convention of the Council of Europe, a meeting between the Head of Sport Conventions Mr Sergey Khrychikov and the Andorran authorities (represented by Mr Jordi Beal, State Secretary for Sports and Mr Joan Forner Rovira, Deputy Permanent Representative of the Principality of Andorra to the Council of Europe) was held on 21 May 2015 in the Council of Europe to discuss the compliance of Andorra with the Anti-Doping Convention. Following this meeting, the Andorran authorities invited the Monitoring Group of the Anti-Doping Convention to undertake a Monitoring Visit in their country. The invitation letter addressed to the Secretariat of Sport Conventions of the Council of Europe was signed by the Minister of Culture, Youth and Sport Mrs Olga Gelabert on 16 June 2016.

The Monitoring Visit was prepared by the Andorran authorities and the Secretariat of Sport Conventions of the Council of Europe. In line with the “Operating Procedure for the Evaluation”<sup>1</sup> the Andorran authorities provided the Monitoring Group with a national auto-evaluation report on the way in which Andorra applies the provisions of the Convention as well as a compilation of additional documents which gave the Team information about the situation of the fight against doping in the country, ahead of the visit.

The Monitoring Visit was held on 3 – 4 September, 2015. The Program of the visit and the composition of the Team are attached in the appendices to Part B of this document.

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

The Andorran 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 46th meeting of the Monitoring Group of the Anti-Doping Convention.

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<sup>1</sup> “Operating Procedure for the Evaluations” [T-DO (2004) 19]: Rules adopted by the Monitoring Group on 7 November 2003 in accordance with article 2.4 of the Additional Protocol.

## **Part A: Auto-Evaluation report by Andorra<sup>2</sup>**

Prepared by:

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*Abbreviations:*

*ADAMS: Anti-Doping Administration & Management System*

*ARA: Programme providing aid to Andorra's high-level athletes (Programa d'ajudes a l'Alt Rendiment d'Andorra)*

*BOPA: Official Bulletin of the Principality of Andorra (Butlletí Oficial del Principat d'Andorra)*

*CEA: State Anti-Doping Commission (Comissió Estatal Antidopatge)*

*CJE: Legal Commission for Sports (Comissió Jurídica Esportiva)*

*COA: Andorran Olympic Committee (Comitè Olímpic Andorrà)*

*INADO: Institute of National Anti-Doping Organizations*

*IOC: International Olympic Committee*

*PNLCD: National Anti-Doping Plan (Pla nacional de lluita contra el dopatge)*

*TUE: Therapeutic Use Exemption*

*TUEC: Therapeutic Use Exemption Committee*

*WADA: World Anti-Doping Agency*

### **Introduction**

#### **1. Legislation**

##### The sport system

The history of Andorra's sport system is a recent one and has been built up over the last 80 years thanks to the creation of the first sports organisations (skiing and football). But it was only on 30 June 1998, when the country's first and only Law on sport (*Llei de l'Esport*) was published in the BOPA, that the aims, guiding principles, legal system and institutional organisation governing sport were established.

The general principles of the Law on sport are as follows:

- recognising sport as an activity in the public interest and a practice forming part of a healthy lifestyle contributing to the full formation and development of the individual and to the improvement of their quality of life and social well-being;
- guaranteeing the right of everyone to have knowledge of and practise physical activities and sport in conditions of full equality.

The basic aims of the law are as follows:

- to promote, disseminate, plan, co-ordinate, implement and embed the practice of physical activity and sport, at all levels and in all social strata, so that the right of every citizen to develop or exercise their physical, intellectual and moral faculties is realised, through free access to adequate physical training and sports practice.

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<sup>2</sup> Report translated from French to English by the Council of Europe.

The Law on sport grants the Government all powers and prerogatives in the area of sport and physical education that are not granted or assigned to *Comuns* (municipal administrations) or other organisations by that law or other applicable laws and regulations.

The Government's prerogatives are exercised by the Ministry responsible for sport.

#### Anti-doping legislation

Firstly, Andorra's anti-doping legislation contains various references to the Law on sport, which has paved the way for the initial framing of a national anti-doping policy.

Article 4 paragraph (h) of the law establishes that the law's aims include combating the use of banned methods and pharmacological agents, drugs and stimulants.

In addition, Article 14 of the law establishes that sports federations are competent for combating doping in sport, under the co-ordination and supervision of the Ministry responsible for sport. This competence encompasses the same essential functions as anti-doping policy: prevention, controls and, where applicable, sanctions against doping practices in sport.

In 2005, the Regulations on anti-doping controls in sport (*Reglament sobre el control del dopatge en l'esport*) were approved. These expanded on the Law on sport at the level of procedures and related processes with a view to introducing anti-doping controls, within the framework of the active plan, in and out of sports competitions taking place on Andorra's territory.

The *CEA* (*Comissió Estatal Antidopatge*, State Anti-Doping Commission) was set up at the same time. Its mission is to organise the policy for defining and applying the new framework for combating doping in sport.

## **2. Organisation and structure of sport in Andorra**

#### Public administration of sport

The Ministry responsible for sport ensures that state policy is applied. That policy is based on the following principles:

- effective integration of physical education and sport in the education system;
- promotion, in all spheres, of physical activity and sport as a practice contributing to a healthy lifestyle, by providing means making it possible to practise such activities with a view to improving people's quality of life and social well-being;
- promotion, protection and regulation of sports associations;
- devising and development of programmes promoting the practice of sports throughout society, including the promotion of physical activity and sport as a therapeutic means and a factor in social integration for people with disabilities, by creating conditions enabling them to access sports facilities;
- promotion and planning of competitive and high-level sport in collaboration with the sports federations and the other competent authorities, ensuring that practices conform to the principles of the European Sport Charter and the European Code of sports ethics;
- conservation, development and revival of traditional Andorran sports;
- adequate and competent training of technical and professional staff, with a view to improving the technical quality of sport in general by updating knowledge and continually perfecting it at all levels, in all fields and specialities;

- eradication of violence in sport and of any practices that might alter the outcome of competitions by non-sporting means; action against the use of banned methods and pharmacological agents, drugs and stimulants;
- adoption of necessary measures to protect sport and athletes from any abusive exploitation for political, commercial or business purposes and from practices harmful to them;
- combating of racism, xenophobia and intolerance in the sports world;
- planning and programming of an adequate network of sports facilities, rationally spread over the territory and managed efficiently, permitting optimum use of all facilities, installations and equipment for physical and sports education; adequate technical and health checks on installations to safeguard the physical safety and health of athletes, spectators and other persons assigned to the organisation of sports activities;
- promotion of sport at international level;
- co-operation of the public authorities in promoting and protecting sport;
- settling of any conflicts arising in connection with sports;
- collaboration and responsible co-ordination between the different authorities and between them and private sports organisations.

#### Non-governmental organisation for sport

The Andorran Olympic Committee (COA) was set up in 1972. The 1998 Law on sport recognises that the committee is constituted in conformity with the principles and rules of the International Olympic Committee. It is a non-profit body with an unlimited lifespan and legal personality, with the capacity to act in its own right and its own property.

The COA is governed by its statutes and its regulations, approved by the International Olympic Committee, within the framework of the Law on sport and Andorra's legal order. As the national Olympic committee, it has amended its statutes to incorporate acceptance of the World Anti-Doping Code.

It acts in collaboration with the Government, the sports federations affiliated to the international federations recognised by the International Olympic Committee and other Andorran sports federations and organisations legally recognised in the Principality of Andorra.

The Olympic sports federations must be part of the COA.

The COA pursues the aim of developing and perfecting the Olympic movement and, in that connection, must encourage, guide and manage activities relating to Olympic sports.

Among other things, it has the task of drawing up the two-year or four-year action plan for the preparation of athletes and their participation in Olympic competitions.

Thanks to the entry into force of the Law on sport, Andorra has specific regulations governing sports associations (which are organised in federations, clubs, sports sections and sport groups), which facilitates the development of physical and sports activity.

There are currently 243 sports associations, of which 97% relate to federated sports (36 federations, 183 sports clubs and 17 sports sections) and 3% to non-federated sports (7 sports groups).

Where the expansion of federated sports is concerned, it has been necessary to look outside the country, since Andorra is significantly limited by its small population size (70 500 inhabitants, of whom only 50% are nationals and 50% are foreigners of various nationalities living in the country), which makes it more difficult to develop sport, particularly team sports and national leagues.

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

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

### **State Anti-Doping Commission (CEA - *Comissió Estatal Antidopatge*)**

Andorra's CEA was set up in 2005, through the publication in the BOPA, on 5 October 2005, of the Decree appointing the members of the State Anti-Doping Commission (*Decret de nomenament dels membres de la Comissió Estatal Antidopatge*), in conformity with the directives of the Regulations on anti-doping controls in sport (*Reglament sobre el control del dopatge esportiu*) approved by the Government at its sitting of 12 May 2005 and published in the BOPA on 25 May 2005.

The mission of the CEA is to introduce a co-ordinated and integrated policy, with the participation of any person or body with public or private competence for anti-doping measures. It is an administrative body attached to the Ministry responsible for sport, whose function is to devise an integrated plan and implement an active anti-doping policy.

The CEA is tasked with designating the competitions during which anti-doping controls are to be carried out, defining the number of controls to be carried out in-competition and out-of-competition, accrediting the individuals responsible for carrying out these controls and monitoring and supervising sports federations' exercise of their disciplinary powers in this field. It is also empowered to lodge appeals before the Legal Commission for Sports (CJE) with a view to having the resolutions adopted by federations revised.

The CEA has the following functions:

- a) to draw up and propose to the Government an integrated plan for combating doping in sport;
- b) to propose preventive actions geared to education and information about doping and anti-doping controls to the minister responsible for sports and, where applicable, co-ordinate the actions carried out by the competent authorities at state level;
- c) to inform the Government of official texts, both national and international, relating to anti-doping controls;
- d) to periodically determine the anti-doping controls to be carried out in-competition and out-of-competition;
- e) to evaluate the resolutions adopted by Andorran sports federations in the event of anti-doping controls, after fully analysing the complete files, and, where applicable, ask the sports federations to open disciplinary proceedings; in the event of non-conformity of the decisions taken by the sports federations, to lodge an appeal before the CJE (Legal Commission for Sports) in the form and within the time-limit established by the Regulations on the functioning of the Legal Commission for Sports of 12 July 2000 (*Reglament de funcionament de la Comissió jurídica esportiva*);

- f) to draw up an annual list of the official national competitions for which compulsory controls must be carried out; to establish the compulsory controls to be performed out-of-competition;
- g) to be familiar with and disseminate the list of independent laboratories accredited for anti-doping controls, established by the competent health authorities;
- h) to accredit the individuals responsible for collecting samples for anti-doping controls in sport;
- i) to specify the sample-collecting equipment and mobile anti-doping control installations;
- j) to propose publication of the list of substances, pharmacological groups, methods and manipulations that are banned in accordance with article 1 of the Regulations on anti-doping controls in sport.

### Composition of the CEA

President: the Minister responsible for sport

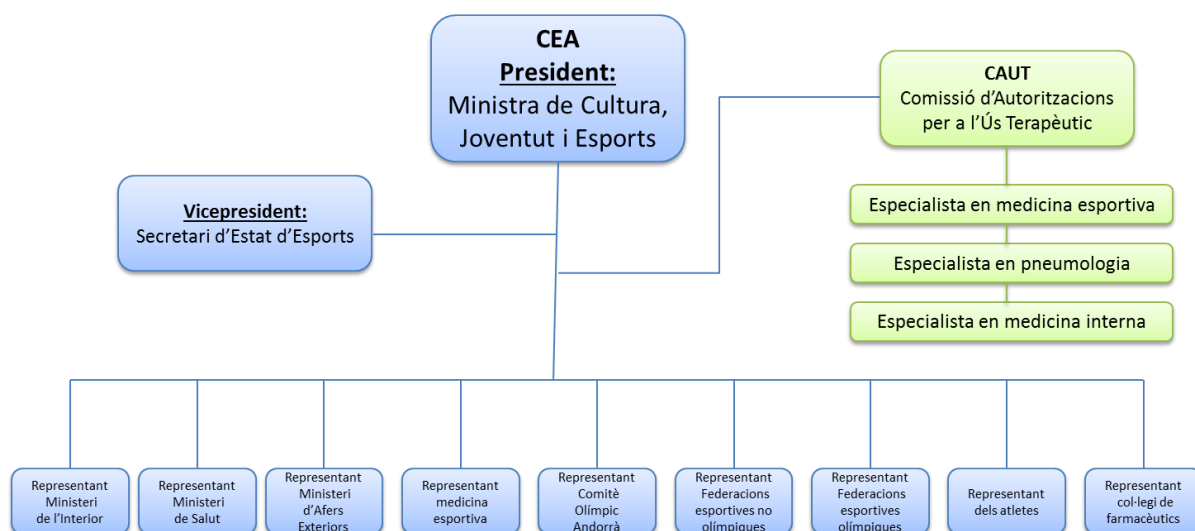
Vice-president: the Secretary of State responsible for sport

Members:

- a) one representative of the ministries responsible for Health, the Interior and Foreign Affairs
- b) a sports doctor
- c) the president of the Andorran Olympic Committee
- d) two representatives of sports federations
- e) one representative of athletes
- f) the president of the college of pharmacists

The CEA has a secretary (an official of the Ministry responsible for sport).

The CEA is fully independent from other sports organisations in its functioning and decision-making. Part of the state budget allocated to the Ministry responsible for sport is granted to it each year, enabling it to carry out the anti-doping controls (in-competition and out-of-competition) approved at its ordinary assembly.



In its desire to be among the countries establishing an approved and uniform anti-doping framework at international level, the Principality of Andorra deposited its instrument of accession to the Council of Europe Anti-Doping Convention on 19 September 2006. The Convention was published in the BOPA on 21 June 2006 and entered into force on 1 November 2006.



Likewise, it deposited its instrument of accession to the International Convention against Doping in Sport, adopted in Paris on 19 October 2005, with UNESCO on 27 January 2009. The text was published in BOPA no. 86 on 3 December 2008 and entered into force on 1 March 2009.

### **Application of the World Anti-Doping Code**

The CEA's members unanimously adopted the World Anti-Doping Code on 11 November 2008, making it the foundation stone of its action against doping in sport.

On 20 November 2011, the Foundation Board of the World Anti-Doping Agency (WADA) declared the Andorran CEA non-compliant with the World Anti-Doping Code. Subsequently, after analysing the additional information supplied by the CEA, WADA made a positive assessment of the progress achieved in the first half of 2012. On 16 August 2012, it approved the national programme of anti-doping controls (in-competition and out-of-competition) but still observed shortcomings at the regulatory level (definition of doping, determination of offences and sanctions, locating of athletes and blood analyses). Consequently, it is indispensable to update the Law on sport of June 1998 to ensure full compliance with the World Anti-Doping Code.

The CEA pays its compulsory contributions to WADA each year.

Andorra is currently considering the possibility of the CEA joining the iNADO (Institute of National Anti-Doping Organizations).

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

*1. For the purposes of this Convention:*

- a. "doping in sport" means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;*
- b. "pharmacological classes of doping agents or doping methods" means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the Monitoring Group under the terms of Article 11.1.b;*
- c. "sportsmen and sportswomen" means those persons who participate regularly in organised sports activities.*

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

### **3. 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 organization.*

### **National Anti-doping Plan (PNLCD, *Pla Nacional de lluita contra el dopatge*)**

- The Regulations on anti-doping controls in sport approved by the Government at its sitting on 12 May 2005 instruct the State Anti-Doping Commission to draw up a National Anti-doping Plan, for final approval by the Government of the Principality of Andorra.
- The PNLCD was approved by the Government on 31 May 2005 and published in the BOPA on 16 August 2006. Its prime objective is to reach beyond a purely repressive concept of anti-doping measures and introduce a set of measures aimed at establishing an integrated public policy for more ethical sports practice and, more specifically, one that complies with the international obligations entered into by the State in the framework of international sport and the bodies of which Andorra is a member.
- To attain that goal, the PNLCD provides for a set of measures, at the level of sports practice, geared to prevention and co-ordination of public policies. Accordingly, on 10 February 2009, for the purpose of policy co-ordination in the country, the Ministry responsible for sport and all the stakeholders involved in sport in the Principality of Andorra (COA and national federations) signed a convention on collaboration in action against doping aimed at applying and implementing the measures set out in the PNLCD.

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

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

*2. To this end, the Parties or, where appropriate, the relevant non-governmental 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.*

In Andorra, most of the pharmacological doping agents appearing on WADA's prohibited list of substances are regarded as medicines and therefore subject to the provisions and regulations of the relevant legislation, which establishes that medicines must be supplied in a pharmacy, upon presentation of a medical prescription where required.

The Single Convention on Narcotic Drugs entered into force on 15 March 2007. Its objective is to combat the uncontrolled use of narcotic drugs internationally and ensure that these substances are used for therapeutic purposes. Along similar lines, the Convention on Psychotropic Substances entered into force on 14 May 2007.

Pharmaceutical establishments distributing medicines are under obligation to periodically declare to the Ministry of Health any issue of anabolic steroids and other substances appearing on WADA's prohibited list, whose lawful end-use may be checked, in accordance with legislation.

Aware that it is possible to obtain certain medicines containing substances appearing on WADA's prohibited list from local pharmacies, the Ministry of Health published two provisions in the BOPA, in 2011, restricting the conditions in which pharmacies can supply certain medicines containing epoetin, darbepoetin and deproteinised beef blood, limiting their use to the hospital environment and establishing new conditions governing the prescription and supply of the growth hormone (GH).

At the same time, following the discovery of several cases where prescription-free drugs were sold on the Internet, the Ministry of Health published the regulations on the advertising of medicines for sale to the general public (*Reglament pel qual es regula la publicitat de medicaments destinada al públic*) in the BOPA, in 2012, which also regulate the specific supervision of such advertising on the internet sites of pharmacies and ban the advertising of prescription-only medicines.

The Ministry of Health carries out periodical inspections of pharmaceutical establishments supplying medicinal products and pharmacies in order to check that they conform to legislation.

Breaches of anti-doping regulations are governed by administrative law but come under the Criminal Code (Legislative decree of 2015 relative to the Criminal Code (*Decret legislatiu del Codi Penal*)) if they relate to offences against consumer health.

The Criminal Code provides for fines, prison sentences and temporary bans on exercising professional activity or official duties for the following offences against public health:

- manufacture and trafficking of substances harmful for health;
- introduction onto the market of products whose use is extremely dangerous for health;
- production, manufacturing, transportation (import or export), sale or possession of such substances;
- manufacturing, transportation, distribution and trade linked to illegal trafficking of narcotic drugs and psychotropic substances or substances with similar effects (United Nations Convention, Vienna, 20 December 1998);
- any attempt to commit such offences are also punishable;
- committing the offence against a minor is an aggravating circumstance.

The consumption of so-called recreational drugs (cannabis etc) appearing on the list of substances prohibited by the World Anti-doping Code is mentioned in the Criminal Code and banned (irrespective of whether they are consumed by an individual or within a group, or privately or publicly).

In the event of a non-compliant result for an in-competition or out-of-competition anti-doping control, the CEA reserves the right to inform the Justice Department with a view to an investigation being opened into an offence listed in the Criminal Code.

The CEA has provided national federations with the necessary technical and material means for applying their own anti-doping control programmes. However, most federations have not yet set them up, as the CEA includes requests from the federations (for example the Andorran federations for skiing, cycling, rugby etc) in the national anti-doping control programme.

Some sports federations work in collaboration with their international counterparts to carry out anti-doping controls during international competitions organised in Andorra (such as the World Skiing Cup run by Sportaccord in 2012 and 2015), which are funded entirely by public authority grants earmarked for action against doping.

The CEA has demonstrated its readiness to collaborate with the national anti-doping organisations of other countries (AEPSD – the Spanish Agency for health protection in sport), to carry out testing during professional competitions run in Andorra, for example during the 2014-2015 season of the ACB (Spanish association of basketball clubs) since one Andorran club plays in this Spanish professional league.

The Ministry responsible for sport, which awards annual public subsidies to the sports organisations (COA, federations and clubs) and grants to athletes under the ARA programme (programme providing aid to Andorra's high-level athletes), would reduce or suspend aid granted to athletes who have been suspended for a violation of the anti-doping rules or to sports organisations that have failed to comply with national and international anti-doping regulations.

In 2014, the CEA carried out and supervised 31 controls (in-competition and out-of-competition). The data and results of the controls are set out in Appendix 1.

## **5. Article 5 – Laboratories**

### *1. Each Party undertakes:*

- a. either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the monitoring group under the terms of Article 11.1.b; 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 it is physically and technically impossible for Andorra to have a laboratory accredited by WADA (owing to the country's small size and the limited number of sports licences held) and the Council of Europe's Anti-doping Convention lays down an obligation, in the absence of an accredited laboratory in the country, to facilitate access for sports organisations to an accredited laboratory on the territory of another State, Andorra lodged a request with the Higher Council for Sports in Spain in 2002 that the anti-doping control laboratory in Madrid also serve as the reference laboratory for Andorra and informed WADA accordingly.

In the following years, Andorra launched its anti-doping control programme on its territory and began sending urine samples to that laboratory, via transport companies, using the technical equipment and protocols approved by that laboratory.

The Ministry responsible for sports facilitates access to this WADA-accredited laboratory for all the national federations so that they can carry out the appropriate anti-doping controls.

## **6. Article 6 – Education**

*1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport. Such programmes and campaigns shall be directed at both young people in schools and sports clubs and their parents and at adult sportsmen and sportswomen, sports officials, coaches and trainers. For those involved in medicine, such educational programmes will emphasise respect for medical ethics.*

*2. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person.*

The CEA is tasked with organising information campaigns and training days for athletes, technicians, support staff, doctors and heads of sports organisations, as described below:

- training: the first training session on accreditation of individuals responsible for collecting samples for anti-doping controls in sport took place in 2008; a training session to update the participants on control procedures for combating doping in sport was held in 2010. These training sessions were run in collaboration with technicians and managers from the Spanish Anti-Doping Agency;
- publications: 2 WADA information leaflets for athletes and technicians were translated into Catalan and published in 2008:
  - . Athlete's guide (2,700 copies);
  - . Anti-doping controls (1,300 copies);
- anti-doping internet site: creation of an area providing information on action against doping on the website of the Ministry responsible for sport ([www.esports.ad](http://www.esports.ad)). This internet site provides athletes, technicians and managers with information on different aspects (national and international regulations, right and obligations of the athlete, WADA videos and publications on anti-doping control procedures, statistics, characteristics of anti-doping control zones, TUE applications, list of prohibited substances etc);

- information on the list of prohibited substances: high-level athletes receive information every year on the publication of the list of prohibited substances. They are reminded, if need be, of the importance of TUE applications;
- creation of an e-mail address: dopatge@andorra.ad; a tool enabling athletes and sports organisations to research and find answers to their questions on doping;
- publicity campaign: In 2014, as part of the initiatives for national sport for all day, with the approval of WADA, a campaign directly reaching the participants in a fun-race was organised, with T-shirts (2,700) and water bottles bearing the slogan "Say NO to doping" being handed out;
- National plan against drug addiction: the Ministry responsible for Sport is currently holding consultations with the Ministries of Health, Education, Justice and the Interior on the possibility of incorporating information on the dangers of teenage athletes using doping products in the education sphere.

The CEA is in contact with the college of doctors with a view to providing information on the list of prohibited substances, TUE application procedures and applications to the TUEC.

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

1. *The Parties undertake to encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.*

2. *To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their:*

- a. *anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;*
  - b. *lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;*
  - c. *doping control procedures;*
  - d. *disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:*
    - i. *the reporting and disciplinary bodies to be distinct from one another;*
    - ii. *the right of such persons to a fair hearing and to be assisted or represented;*
    - iii. *clear and enforceable provisions for appealing against any 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.*

In keeping with the conventions signed in 2009 and under the National Anti-doping Plan adopted by the Ministry responsible for sport and the entire sports sector in Andorra, the CEA obliges all sports organisations to comply with applicable anti-doping regulations (both national and international).

THE CEA and the COA agreed as long ago as 2004 to carry out anti-doping controls prior to the participation of the country's athletes in the Olympic Games (summer and winter) and other sports events run under the aegis of the IOC.

It should also be pointed out that the athletes under the ARA programme (programme providing aid to Andorra's high-level athletes), who receive grants and financial aid from the Ministry responsible for sport with a view to improving their sporting performance, are subject to random out-of-competition anti-doping controls, the aim being to test all of these athletes within 2 years.

#### Anti-doping control procedures

The CEA's plenary Assembly approved the national programme of anti-doping controls in and out of competition at its ordinary annual sitting. The distribution of anti-doping controls is based on WADA recommendations on what is known as intelligent testing and the risk of doping among athletes. The CEA evaluates the performance level for national and international competitions to be included in this programme, the possibilities of athletes accessing the top international competitions (European championships, world championships and Olympic Games), the level of sporting results achieved and the amount of financial aid to be allocated.

The procedures followed for anti-doping controls are established by the AEPSAD (Spanish Agency for health protection in sport), as the doctors accredited by the CEA have been trained by technicians and managers of the Spanish Anti-Doping Agency and use the equipment approved by that agency's laboratory.

It should also be noted that the analyses effected to date for the anti-doping controls supervised and carried out by the CEA have been on urine samples, pending an update of the 1998 Law on sport, which will grant the legal accreditation required for also carrying out blood testing.

#### National control group

In 2011, the CEA approved the setting up of the first group of athletes to join a national control group in accordance with the directives of article 5.1.1 of the 2009 Code in force at that time and in accordance with article 5.6 of the Code in force since 1 January 2015.

In that connection, the CEA has chosen to select professional or semi-professional athletes included in the ARA programme who receive financial aid enabling them to devote themselves solely to competitive sports.

The 2015 control group comprises 4 athletes who do not belong to any control group run by international federations. In accordance with the applicable WADA guidelines on managing results, audiences and decisions, the athletes are informed of their obligation to declare, each quarter, an exact location and daily 60-minute timeslot between 6 am and 11 pm in which they are available for an anti-doping control in the place indicated.

At present, these athletes declare their location to the CEA on forms complying with the format used by the AEPSAD in 2013. This system will shortly be updated once the CEA is able to implement the Anti-Doping Administration and Management System (ADAMS system).

#### ADAMS system (Anti-Doping Administration and Management System)

In line with the recommendations of the World Anti-doping Code, the CEA has already contacted the Andorran Data Protection Agency (*Agència Andorrana de Protecció de Dades*) with a view to assessing any legal difficulties regarding access to athletes' medical data and any potential incompatibility of such access with the Law on personal data protection (*Llei qualificada de protecció de dades personals*).

The CEA is currently in contact with the AEPSD with a view to establishing which agreements it has concluded with WADA in order to have a single point of access to the information on the location of athletes using the ADAMS system and to implement this system in Andorra using the same approach.

#### Anti-doping controls

In 2013, the CEA approved 39 controls within the framework of the national anti-doping control programme. It carried out 12 controls (30%) during football, cycling and climbing competitions and 27 out-of-competition controls (70%). It did not detect any violations of anti-doping regulations.

In 2014, the CEA approved 31 controls within the framework of the national anti-doping control programme. It carried out 12 controls (39%) during football and athletics competitions and 19 out-of-competition controls (61%) (taekwondo, athletics, skiing, climbing, football and swimming). It did not detect any violations of anti-doping regulations.

For 2015, the CEA has approved 39 controls in total (12 in-competition and 27 out-of-competition).

Between 2006 and 2014, the CEA carried out and supervised 196 anti-doping controls in total, of which 84 (43%) were in-competition and 112 (57%) were out-of-competition. Those controls revealed three violations (1.8%) of anti-doping regulations (two foreign athletes in international competitions and one Andorran athlete in a national competition).

It should be noted that non-compliant results of foreign athletes are dealt with by the national federations in their home country. We do not know the final outcome or the results of any counter-testing carried out.



### Therapeutic Use Exemptions (TUEs)

The CEA approved the setting up of the Therapeutic Use Exemption Committee (TUEC) on 18 December 2010 and published its decision in the BOPA in January 2012.

The TUEC is made up of 3 doctors (a sports doctor, an internist and a respiratory physician). The doctors are proposed by the official college of doctors and approved by the CEA.

The TUEC did not receive any TUE applications in 2014. It received one in 2015, which did not require any authorisation for the type of substance in question and its medical application.

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

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

The Ministry responsible for Sport and the CEA collaborate closely with other anti-doping organisations, including the Spanish Agency for health protection in sport (AEPSAD) at present (previously, from 2002 onwards, with the Higher Council for sport of Spain) through collaboration agreements which have paved the way for swifter introduction of anti-doping measures in complete safety and also for the international harmonisation of Andorra's anti-doping control programme.

In 2015, controls were carried out on Andorran athletes on Spanish territory, in close collaboration with the AEPSAD.

Andorra has no regulations obliging sports entities to carry out anti-doping controls with a view to official recognition of national records (no national records are officially recognised as a result), although the national federations are obliged to comply with their international federations' rules in this area and virtually all the national records are still far below the minimum international performances required to participate in major sports events (Olympic games, world championships etc).

**APPENDIX 1**

1.01.2014 – 31.12.2014

TYPE OF CONTROL	IC	OOC	Total
Urine	12	19	31

NUMBER OF CONTROLS BY GENDER	IC	OOC	Total
Women	2	4	6
Men	10	15	25

JUNIORS	IC	OOC	Total
Women	0	2	2
Men	0	7	7

IC: in-competition controls

OOC: out-of-competition controls

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

### **Introduction**

The visit of the Visiting Team (herein after the “Team”; for the composition of the Team see Appendix 1) was organised by the Ministry of Foreign Affairs and the Ministry of Culture, Youth and Sport of the Government of Andorra. An auto-evaluation report and additional documents were provided to the Secretariat of the Sport Conventions of the Council of Europe ahead of the visit, which gave the Team an insight into the country’s anti-doping programme.

The visit of the Team in Andorra la Vella, Andorra was held on 3 and 4 of September 2015 and included meetings among others with *Mrs. Olga Gelabert*, Minister of Culture, Youth and Sport and President of the State Anti-Doping Commission (Comissió Estatal Antidopatge, *CEA*), *Mr. Jordi Beal*, State Secretary for Sports and Vice-President of the *CEA*, the President and Members of the Legal Commission on Education, Research, Culture and Sport of the Parliament and *Mr. Jaume Marti*, President of the National Olympic Committee of Andorra. The programme of the visit is shown in Appendix 2.

The programme of the visit allowed for the Team to meet with the governmental officials responsible for anti-doping, the *CEA*, the National Olympic Committee, representatives of national sports federations, and national team athletes. The Team received comprehensive, in depth information about the country’s anti-doping programme and gained a good understanding of the situation regarding the implementation of the Convention in Andorra.

All the meetings were conducted in a friendly and open way, and all of the governmental and sport representatives with whom the 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 Team for improved compliance with the commitments of Andorra. The 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.*

The Principality of Andorra signed the Anti-Doping Convention of the Council of Europe on 29 May 2002 and ratified it on 19 September 2006. The Convention entered into force on 1 November 2006. On 11 November 2008, the Andorran authorities accepted the World Anti-Doping Code (“the Code”) of the World Anti-Doping Agency (WADA) and on 27 January 2009, the Principality of Andorra acceded to the UNESCO International Convention against Doping in Sport.

In 1998, the *Law on Sport (Llei de l’Esport)* came into effect. The *Law on Sport* establishes that its aim include, among other, the fight against the use of banned substances and methods and sets the

responsibility of national sport federations to fight doping in sport, under the coordination and supervision of the Ministry responsible for sports. In 2005, the *Regulations on anti-doping controls in sport (Reglament sobre el control del dopage en l' esport)* were adopted to expand on the *Law on Sport* with the view to introduce anti-doping controls and set up the *State Anti-Doping Commission (Comissió Estatal Antidopartge, CEA)* for the fight against doping. However, nowhere does the *Law on Sport* or the *Regulations* define the obligations of the governmental departments and public bodies on the implementation of the Convention and the fight against doping.

### **Conclusions:**

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

### **Recommendations:**

- The Andorran authorities should consider either modifying the *Law on Sports* or adopting a comprehensive anti-doping law in which the obligations of the *CEA*, the country's sports organisations and the governmental departments and public bodies towards the implementation of the Council of Europe's Convention as well as the Code and the International Convention against Doping in Sport of UNESCO will be defined.
- The Andorran authorities should ratify the Additional Protocol of the Anti-Doping Convention of the Council of Europe.

## **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.*

There is a lack of comprehensive and exhaustive definition of “doping in sport” under the Andorran legislation. However, some of its elements can be found in the *Law on Sport (Llei de l'Esport)*, dated 30.06.1998. For example, Article 57.1 provides for the classification of offences to the [sports] rules. Depending on their gravity, they can be considered as “*very serious offences*”, “*serious offences*” or “*minor offences*”. According to the Article 57.2d-e among those considered as “very serious offences” are: “*the promotion or incitement to consume or the direct use of the prohibited substances or of the non-approved method in matters of sports*”, and “*to refuse to be submitted to the compulsory controls against doping [doping controls] or other actions or omissions that are preventing or troubling the correct use of those controls*”.

In addition, the *Regulations on anti-doping controls in sport (Reglament sobre el control del dopage en l' esport)*, approved by Ministerial Decree dated 12.05.2005, in its Article 1 lists the following as doping in sport: *a) the use of prohibited substances or methods aimed at enhancing the performance*

[according to the list established by the International Olympic Committee or under the international conventions signed by Andorra], b) the administration or incitement to the use of those substances or methods, c) the refusal to be submitted to anti-doping controls, in and out of the competition when required by the competent bodies, d) any action or omission that tends to prevent or disrupt the proper implementation of anti-doping rules, in particular, those that prevent the whereabouts information to be delivered so that the competent bodies cannot conduct the out-of-competition testing, e) the administration or use of the prohibited substances or methods in relation to animals participating in sports. However, the legal status of the *Regulations* (whether generally binding or not binding) was not explained to the Team.

Taking all of the abovementioned into account it must be stated that the definition of doping in sport under the Andorran legislation, even though non-exhaustive (from the Code point of view) and fragmented, is still consistent with the one found in the Convention. It refers to both, the administration and the use of prohibited substances or methods mentioned under Article 2 of the Convention. The only element that is not clearly determined in that definition is to whom it applies. Article 2.1.a of the Convention speaks of the sportsmen and sportswomen being the subject of doping in sport, while neither the *Law on Sport* nor the *Regulation* specifies the persons whose [or against whose] actions or omissions listed can be referred to as doping in sport. However, it should be presumed as a result of the functional interpretation of the Andorran law that the examined definition naturally refers to the sportsmen and sportswomen.

Article 1 of the *Regulation* within the definition of doping in sport refers to the list (of prohibited substances and methods) “established by the International Olympic Committee or under the international conventions signed by Andorra.” Based on this, it could be understood in a way that the prohibited list that applies in Andorra is the list of banned substances and methods approved by the Monitoring Group under the terms of Article 11.1.b of the Convention as Andorra is Party to the Anti-Doping Convention of the Council of Europe. However, Andorra is also a Party to the International Convention against Doping in Sport of UNESCO with its own mechanism for adopting the WADA’s Prohibited List as an Annex to the UNESCO Convention, as set up in its Article 34. For 2015, the list that has been published in the Official Gazette of the Principality of Andorra is the WADA’s Prohibited List and reference has been made to both of the abovementioned Conventions.

The Prohibited List that is published by WADA 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 Andorran authorities would have to deal with such a peculiar situation. In addition, since 2004, the International Olympic Committee is not any more responsible for the preparation and publication of the Prohibited List, a role that is exclusively undertaken by WADA. Therefore, the reference on the list “established by the International Olympic Committee” under Article 1 of the *Regulations* is confusing.

In Andorra, the Prohibited List comes into force on its day of publication in the Official Gazette of the Principality of Andorra. According to the documents and the information presented to the Team, the publication of the List in Andorra may be substantially delayed, reaching up to the June, as it was the case in 2015, even though the List enters into force on the 1<sup>st</sup> of January every year. Timely publication of the List is of particular importance, not only for the prevention of possible legal challenges regarding the version of the List that is in effect but also for its prompt communication to the public, and in particular to the athletes and their support personnel.

Article 40 of the *Law on Sport* provides for the definition of “*sportsman*” or “*sportswoman*” that is “*any person who practices any type of sports regardless of being a member of the federation or participating in the competition.*” However, it also stressed within Article 40 of the *Law on Sport* that certain responsibilities of the state are limited to those who practice any physical activity or sport in the organised structures regulated by the *Law on Sport*. The Convention defines “*sportsmen*” and “*sportswomen*” as the persons who “*participate regularly in organised sports activities*”. Comparing the definition found in the Andorran law with the one from Convention it can be concluded that the national definition is much broader than the definition found in the Convention (not limited to the regular participation in organised sport activities). On the other hand, when the context of the state responsibilities is mentioned, the definition of “*sportsman*” or “*sportswoman*” is limited but still broad enough to cover the definition found in the Convention.

**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, neither the *Law on Sports* nor the *Regulations* refer to the role of the Monitoring Group of the Convention in approving the list of banned substances and methods.

### **Conclusions:**

The Team concludes that the definitions established under Article 2 of the Convention are mostly covered by the relevant Andorran legislation. The only non-conformity under this Article is the absence of any reference to the list of banned substances and methods adopted by the Monitoring Group as an Appendix to the Convention. Although there are some minor concerns regarding the scope of the definition of “doping in sport” and the definition of “sportspersons”, they have not been assessed as inconsistent with the Article 2 of the Convention.

### **Recommendations:**

- The Andorran authorities should consider introducing more comprehensive and exhaustive definition of “doping in sport” in their legislation, to ensure that it covers also the respective definitions of the 2015 version of the Code.
- The Andorran authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in Andorra is the one adopted by the Monitoring Group; it does not mean, however, that it cannot be the WADA Prohibited List since the two Lists are identical.
- The Andorran authorities should make an effort towards prompt publication of the List of banned pharmacological classes of doping agents and doping methods in the Official Bulletin of the Principality of Andorra.

## **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 Andorra, including anti-doping, is based on the *Law on Sport (Llei de l'Esport)* dated 30.06.1998, which is the only sport related law of Andorra.

In 2005 the *Regulations on anti-doping controls in sport (Reglament sobre el control del dopatge en l'esport)* were approved. These Regulations expanded on the *Llei de l'Esport* with the view to introduce anti-doping controls. The *State Anti-Doping Commission (Comissió Estatal Antidopatge, CEA)* was set up at the same time, based on Title IV of the *Regulations*. As instructed by the Government, the *CEA* drew up the *National Anti-Doping Policy (Pla Nacional de lluita contra el dopatge, PNLCD)*, which was published in August 2006.

In accordance with Title IV of the *Regulations* the *CEA* presently has a President, a Vice-president, a Secretary and eight members; the President is the Minister of Culture, Youth and Sport. The Vice-president is the State Secretary of Sport. Three of the members represent other Ministries, three of the members represent the sports movement, and the remaining two members represent the medical profession and the College of chemists respectively. The *CEA* has one yearly meeting. Four or five of the members of the *CEA* (The Team was not able to reach complete clarity on this number) form the Executive Committee of the *CEA*. However, no specific (additional) tasks seem to be attributed to this Executive Committee, and members of the Executive Committee stated that they could not recall meetings of the Executive Committee in addition to the yearly meetings of the *CEA*, nor could they recall specific decisions or actions of the Executive Committee.

The Administrative and technical tasks of the *CEA* are performed by the Department of Sports, which is headed by the State Secretary of Sport. The State Secretary of Sport decides on all ongoing affairs of the *CEA*, including the execution of the doping controls that the *CEA* decides on during its yearly meeting. The Team understood that the *CEA* has no dedicated administrative staff: the necessary work is done by different members of the staff of the Department of Sports.

The Department of Sports also provides the funds for the *CEA's* operations. The budget for 2015 is approximately € 13.000, a relatively small portion of the overall budget for sports which reaches approximately 3 million euros. The budget for *CEA* and breakdown of the costs of anti-doping for the years 2012 to 2015 is shown in table 1.

Table 1: Doping budget for the years 2012 – 2015

<b>Description</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Pharmaceutical substances	102.00	102.00	80.00	77.60
Drinks doping controls	55.00	50.00	35.70	34.63
Doping controls (Analyses and Doctors)	2,397.20	8,580.00	11,683.09	12,429.08
Information Campaign (Cans and T-shirts)	0.00	0.00	12,655.76	0.00
Transportation of samples	120.00	120.00	339.60	346.80
<b>Total:</b>	<b>2,674.20</b>	<b>8,852.00</b>	<b>24,794.15</b>	<b>12,888.11</b>

*Remarks:* (i) In 2012, the analysis of 26 samples was funded by the Spanish Superior Council of Sports. (ii) All amounts are in euros. (Source: Ministry of Culture, Youth and Sport)

The Team has observed that the *CEA* performs three roles:

1. The *CEA* functions as the National Anti-Doping Organisation of Andorra and is mentioned as such on the website of the World Anti-Doping Agency. It was not clear to the Team whether or not the *CEA* is meant to perform all duties of a National Anti-Doping Organisation, as defined in the World Anti-Doping Code. Moreover, the *CEA* has not yet adopted any rules that could indicate its role as the National Anti-Doping Organisation of Andorra, which may raise legal challenges.
2. Article 3 of the Convention states that “(States) Parties *shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.*” The *CEA* functions as the (only) body where the anti-doping work in Andorra is planned and coordinated between a number of Ministries, the sport movement and other relevant persons and organisations. Thus, four relevant Ministries represented in *CEA* are, at least in broad terms, informed about the anti-doping policies and activities in Andorra, and are thereby able to act accordingly. However, the Team understood that, apart from the Department of Sports, no other governmental bodies are actually dealing with anti-doping in Andorra as required by the Convention.
3. And finally, the *CEA* functions – at least formally – as an advisory body to the Minister of Culture, Youth and Sport. However, this Minister acts as President of the *CEA* at the same time, which struck the Evaluation Committee as rather peculiar if not contradictory.

The Team holds the opinion that these three tasks (National Anti-Doping Organisation, coordinating body and advisory body) cannot be performed correctly and effectively by one and the same body at the same time.

The independence of National Anti-Doping Organisations is acknowledged as a critical foundation for the effectiveness of the fight against doping in sport. In the 2015 Code under article 22.6 it is stated that “*Each government will respect the autonomy of a National Anti-Doping Organization in its country and not interfere in its operational decisions and activities*”. The Monitoring Group of the Anti-Doping Convention during its conference “*Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future*” (Strasbourg, 4 November 2014) stressed the importance of national anti-doping organisations’ independence from sports and government pressure<sup>3</sup>.

The Government’s providing of the budget of the *CEA* is of particular importance in order to assure that the *CEA* will be able to perform doping controls, education, doping prevention and the other core activities arising from the Convention, the Code, and the UNESCO Convention. However, the *CEA* should have financial and administrative autonomy to conduct testing and this should preferably be reflected in, and secured by, the Andorran legislation. Moreover, the *CEA* as the national anti-doping organisation of Andorra shall be independent on its operations and decisions; however, the Team is concerned whether or not the operational independence of the *CEA* is sufficiently safeguarded, because all operational decisions are in practice taken by the Ministry. This includes the issuing of testing orders, but also the management of the results of these tests.

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<sup>3</sup> “Council of Europe and fight against doping – 25 years of the Anti-Doping Convention: from past to future” [T-DO (2014) 30 rev1]: Draft Summary. Prepared by Mr Anders Solheim, Chair of the Monitoring Group of the Anti-Doping Convention.



The Team did not have the chance to meet and discuss with representatives from the Police and the Customs. The Team was advised that, apart from the control of narcotics and psychotropic substances, at present the Police and the Customs are not active in the fight against doping in Andorra and have no official cooperation with the *CEA*. The Team asked several interviewees about their estimate of the prevalence of doping in Andorra, and the answers varied from ‘that is not a problem in our country where everybody knows everybody’ on the one hand, to ‘there is no reason to expect this problem to be less severe than it is in neighbouring countries’ on the other hand. Without at least some reliable data on this subject, it is hard to assess whether any action should be taken, and even harder to determine what action that should be.

### **Conclusions:**

The Team concludes that Andorra has established the *CEA* 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 lack of comprehensive anti-doping legislation for the implementation of the Convention, (b) the lack of any discretionary power in the application of the budget assigned to the *CEA*, and (c) the lack of operational independence of the *CEA*. In addition, the Team notes (d) the lack of involvement of the Police in the fight against doping; and (e) the lack of Customs’ involvement in the fight against doping in Andorra even though in the absence of any reliable information on the scale on which doping substances are trafficked and consumed in the country it is hard to assess whether these are truly relevant non-conformities.

### **Recommendations:**

- The Ministry of Culture, Youth and Sport shall restructure the *CEA* and ensure the following:
  - a) The *CEA* has exclusive responsibility over the actual execution of all anti-doping work, including the planning and execution of doping controls.
  - b) The *CEA* can function independently from both the government and sport movement and its independence is enforced by adopting appropriate regulations.
  - c) The *CEA* has sufficient budget and financial independence as well as the necessary personnel.
- The responsibility of the Ministry of Culture, Youth and Sport as well as the other governmental departments and sport organisations for the fight against doping in sport can be reflected in either the composition of the *CEA* Board or - preferably - a national anti-doping council (that could be established by the Minister of Culture, Youth and Sport), responsible for the coordination of the national plan to combat doping.
- The Ministry of Culture, Youth and Sport should consider initiating a study in order to establish the prevalence of the use of doping substances in Andorra, especially in gyms and schools. For the financing of such a study, Andorra should consider applying for a grant sources like the UNESCO Fund for the Elimination of Doping in Sport, WADA’s Social Science Research Grant etc.

## **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 Principality of Andorra 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 Andorra.

They are mostly measures based on different pharmaceutical laws and regulations and are limited only to some groups of banned doping agents and doping methods. Moreover, most of them are not aiming to restrict the use of those substances or methods just in sport, but in general. For example, several regulations were issued in 2011 and 2012 by the Ministry of Health providing for the conditions under which the pharmacies supply medicines containing certain banned doping agents (e.g. growth hormone), or for certain drugs, limiting their use in hospitals, only. In addition, the regulations adopted by the Ministry of Health create the obligation for the pharmaceutical manufactories to declare periodically to the Ministry of Health any issues related to anabolic steroids.

Moreover, criminal provisions apply in case of trafficking or distribution of some doping substances. The *Andorran Criminal Code* (dated 2015) provides for sanctions such as fine, imprisonment, and temporary ban from exercising professional activities or official duties for certain offences against public health, i.e. manufacturing, trafficking, and possession of substances that are harmful to health and placing those substances on the market. The sanctions provided in the *Andorran Criminal Code* apply to the so-called “narcotic drugs” and “psychotropic substances” as defined in the international conventions signed by Andorra, i.e. the Single Convention on Narcotic Drugs of 1961 and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. However, it was not clarified to the Team what other substances or groups of substances are considered to be “harmful to health” and therefore prohibited as outlined in the *Criminal Code*.

The role of law enforcement agencies and customs for the restriction of the availability and the use in sport of banned doping agents and doping methods is of great importance. Moreover, the cooperation between national anti-doping organisations and law enforcement agencies and customs has proved to be an effective measure in the fight against doping in sport, and governments should find ways to facilitate and promote such cooperation. In Andorra, even though the law enforcement agencies are represented in the *State Anti-Doping Commission (Comissió Estatal Antidopatge, CEA)*, there are no protocols for the cooperation and exchange of information regarding importation, trafficking, or distribution of doping substances.

***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 sport federations and sport clubs in Andorra may receive funds from the Government. The Team discussed with the Andorran authorities whether any criteria related to anti-doping apply for the funding of national sport federations and understood that, currently there is no such policy in place.

***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;***

In Andorra, the *CEA* has taken full responsibility for the doping controls. All doping controls are financed by the Ministry of Culture, Youth and Sport; No doping controls are financed by the individual sports federations or sport clubs.

The Team considers the fact that the *CEA* has taken full responsibility for the doping controls and that all doping controls are financed by the government to be in line with the Convention; however, the Ministry of Culture, Youth and Sport should assure that sufficient budget is allocated for doping controls.

***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;***

High-level athletes in Andorra included in the so-called “*Programme Providing Aid to Andorra’s High-Level Athletes*” (“*Programa d’ajudes a l’Alt rendiment d’Andorra*”) receive grants and financial aid from the Ministry of Culture, Youth and Sport. The Team discussed with the Andorran authorities whether any criteria related to anti-doping are included in the funding agreement or whether some or all financial support or other benefits received by the athletes will be withheld following a doping rule violation and understood that, currently there is no such policy in place.

***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***

The National Olympic Committee of Andorra and the *CEA* work closely together for testing of the Andorran athletes prior to their participation to the Olympic Games and other events under the jurisdiction of the National Olympic Committee of Andorra. However, the Team is concerned about the implementation and effectiveness of this policy taking into account the very limited testing in place in the country (for example, in 2012 with six athletes participating to the London Olympic Games and one athlete to the Paralympic Games only 10 samples were collected overall<sup>4</sup>).

***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 Team understood that there are no official agreements in place between the Andorran authorities or the sport organisations of Andorra and other national anti-doping organisations or international federations for testing of Andorran athletes when training or competing in other countries.

Both the Convention and the Code have provisions to allow such testing, in- and out-of-competition under certain circumstances. The Team is of the opinion that the Andorran authorities should proceed

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<sup>4</sup> WADA 2012 Anti-Doping Testing Figures Report

with requests for testing of their athletes when in training or competitions in other countries, taking into account the number and level of athletes and the size of the Andorran testing program.

**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.**

The Andorran *Law on Sport* sets up a legal framework for combating doping in sport. The Article 4.1.h declares “*the fight against the use of methods and prohibited pharmaceutical products, drugs or stimulants*” as one of the principles of sports policy. Although the abovementioned act contains some elements of anti-doping regulations, it remains very general as it serves sport in general and not only anti-doping purposes. More comprehensive nationwide anti-doping regulations applicable in Andorra, tackling also the issue of doping controls, can be found in the *Regulation on anti-doping controls in sport*. The course of doping controls, the scope of the sanctions and the disciplinary proceedings are among others described in the *Regulation*. It must be stated, however, that both the *Law on Sport* and the *Regulation* have not been revised or amended since their entry into force in 1998 and 2005 respectively, which raises not only the issue of their relevance and compatibility with the principles of the Convention but also the issue of compliance with the 2015 version of the Code.

Furthermore, the *Law on Sport* stipulates, under Article 14, that sports federations are also competent to combat doping in sport, including prevention, doping controls and, where applicable, sanctioning the athletes. The Team during the meetings with different sports organisations heard about the limited resources available by the national sports federations in Andorra that make it difficult to perform activities like anti-doping education and information; it is therefore questionable whether the national sports federations in Andorra 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 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 CEA. As stressed in other parts of this Report, the CEA should be the only organisation in Andorra that both directs testing and manages the results of doping controls. Similarly, the national sports federations should not be responsible for sanctioning their athletes as it raises the issue of the objectivity of their judgements but also the lack of the legal and procedural knowledge and experience required. Therefore, this issue should be addressed by the independent and impartial disciplinary panel.

**Conclusions:**

The Team concludes that Andorra has fulfilled only part of Convention Article 4 and several key provisions under this Article 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 that are covered by other legislation); (b) the lack of national anti-doping rules in line with the 2015 Code; and (c) the limited testing activities in place.

**Recommendations:**

- The Andorran authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include the list of substances to be controlled, the departments to be involved, the applicable sanctions etc.

- The *CEA* and the Ministry of Culture, Youth and Sport should prepare national anti-doping rules, in line with the 2015 Code as quickly as possible and, once approved by WADA, are put into force expeditiously.
- The Ministry of Culture, Youth and Sport should modify the existing legislation and regulations to make the *CEA* as the only national testing authority in the country and safeguard doping controls from possible conflict of interests. This should also be clearly reflected in the national anti-doping rules to be drafted in line with the 2015 Code.
- The Andorran authorities should consider reviewing the national legislation, preferably towards introducing a new law on combating doping as a general framework, in line with the Convention, as well as the International Convention against Doping in Sport of UNESCO and the Code.
- The sharing of information between the *CEA* and public authorities, such as police forces, customs and border agencies, postal services, etc., should be performed in a manner as effective as possible and be supported by law, if necessary.
- The Andorran authorities should have in place agreements with other national anti-doping organisations or take any other measures, as necessary to allow testing of Andorran athletes when present in other countries.
- The Ministry of Culture, Youth and Sport should assure that sufficient budget is allocated for doping controls.
- The Ministry of Culture, Youth and Sport should introduce criteria related to anti-doping for the funding of national sport federations allowing withholding of public funds from the sport organisations that do not effectively apply anti-doping regulations.
- The Ministry of Culture, Youth and Sport should introduce policies or regulations allowing withholding of public funds from athletes who have been suspended following a doping offence in sport, during the period of their suspension.
- The Andorran authorities should establish a national anti-doping disciplinary panel and a national anti-doping appeal panel, for all sports and all athletes, and ensure that the panels are distinct from the *CEA*, independent, impartial from sport and the government and free of conflict of interests. In addition, the Andorran authorities should ensure that the concept of natural justice and due process is respected by these bodies at all times.

## **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.**

Andorra has no WADA-accredited doping control laboratory in its territory. For the analysis of samples collected in Andorra, the *State Anti-Doping Commission (Comissió Estatal Antidopatge, CEA)* uses the *Madrid Anti-Doping Laboratory* in Madrid, Spain.

Madrid is well connected with Andorra and therefore the samples can arrive in a timely manner for analysis, without any risks for their integrity. Moreover, the *Madrid Anti-Doping Laboratory* is a well-established and WADA-accredited Laboratory and beyond doubts can serve the country's doping control programme.

**Conclusions:**

The Team concludes that the obligation of Andorra for access to a WADA-accredited Laboratory as indicated in Article 5 of the Convention is fulfilled.

**Recommendations:**

- The *CEA* should establish collaboration with the WADA-accredited doping control laboratories in the neighbouring countries and gain advantage of the analytical capacities and expertise the laboratories offer to benefit the country's anti-doping programme.

**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.*

The Team ahead and during the visit was presented with a number of anti-doping informational activities initiated by the *State Anti-Doping Commission (Comissió Estatal Antidopatge, CEA)*: a public awareness campaign against doping on the occasion of a fun-race in 2014, and the publication of two WADA's leaflets (i.e. Athlete's Guide and Doping Controls) translated into Catalan in 2008. In addition, the *CEA* uses the website of the Ministry of Culture, Youth and Sport as a platform for the provision of information related to anti-doping and can receive and answer questions through an e-mail address. Apart from the *CEA*, the National Olympic Committee of Andorra and some national sport federations provide information on anti-doping to their athletes, especially ahead of their participation to international events. More information can be found in the auto-evaluation report.

The Team understood that the *CEA* and the Andorran authorities have not developed an anti-doping programme that could ensure that all level of athletes and athlete support personnel receive information on anti-doping, as required by the Convention and the Code.

**Conclusions:**

The Team concludes that Andorra has fulfilled only part of its obligations under Article 6 of the Convention. The anti-doping information and education programme in Andorra is not well developed,

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 *CEA* should prepare long-, and short-term anti-doping educational and information strategies and develop education and information programmes.
- The anti-doping education programmes should be values-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.
- The *CEA* 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 from WADA and or other countries.
- 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; Therapeutic Use Exemptions; managing the risks of nutritional supplements; harm of doping to the spirit of sport; applicable whereabouts requirements.
- The obligation of the *CEA* to design and coordinate the implementation of anti-doping education and information programmes should be reflected in the Andorran legislation (the Law and/or the national anti-doping rules).
- All other stakeholders (like, for example, the national sport federations, the National Olympic Committee of Andorra, the Ministry of Culture, Youth and Sports, the academia etc.) should cooperate closely with the *CEA* towards the implementation of anti-doping educational and information programmes among their athletes.
- The *CEA* 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 anti-doping; etc.
- Athletes and athlete support personnel (e.g., trainers, coaches, sports doctors, physiotherapists etc.) should be encouraged to participate actively in anti-doping work of the *CEA* as well as the work of the national and international sports federations.
- Andorran famous athletes could be used as “doping-free sport ambassadors” to promote clean sport.
- The Ministry of Culture, Youth and Sports should provide the necessary funds to ensure that the educational and information programmes will be implemented as planned.
- 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 *CEA*'s stakeholders such as law enforcement and customs about anti-doping to help them recognize and seize illegal doping substances.

- educating physicians in anti-doping including recognizing doping abusers to be able to advise and possibly treat them.
- educating primary school teachers in how to teach fair play and ethics and developing anti-doping material that teachers could use in the classroom.
- training its own DCO's.

**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.*

The Team was not presented with any information how the Andorran authorities implement this Convention requirement.

**Conclusions:**

The Team concludes that Andorra does not fulfil the requirements under Convention Article 6.2.

**Recommendations:**

- The Andorran authorities should encourage and fund research studies related to anti-doping by academic and other interested institutions in the country.
- The *State Anti-Doping Commission (Comissió Estatal Antidopartge, CEA)* 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 Code and the International Standards of the WADA. The anti-doping rules of international federations that are based on the Code and the International Standards are binding on their respective national member federations, including the Andorran national sports federations.

Given the very small size of Andorra and its sports organisations, the Team believes that it is not feasible to develop and maintain separate anti-doping programs per organisation. Instead, the Government has effectively centralized all anti-doping activities under the *State Anti-Doping Commission (Comissió Estatal Antidopartge, CEA)*, and the Team is of the opinion that this is the most adequate solution for Andorra. However, the role of *CEA* as the country's national anti-doping organization should be supported by law, and be reflected in the national anti-doping rules in line with the Code.

It is meant that no anti-doping program can be executed without the help and involvement of sports organisations. This is especially true for education and prevention activities. For Andorra this means



that sports organisations shall play a very important role in reaching out to their athletes on anti-doping issues jointly with the *CEA*. It is meant further that all sport organisations in the country, including the National Olympic Committee, National Paralympic Committee, and national sports federations shall agree to be bound by the national anti-doping rules and the decisions of the *CEA* and this obligation should be reflected in the national anti-doping rules in line with the Code.

**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 Convention requires from States Parties to have harmonised anti-doping regulations, as a principle of fair justice and due process for all athletes. The harmonisation of anti-doping regulations of national anti-doping organisations and national and international sport federations is achieved under the umbrella of the Code considering that their anti-doping rules are Code compliant.

The *Regulation on anti-doping controls in sport (Reglament sobre el control del dopage en l' esport)* that was approved in 2005 is the only set of rules aiming to harmonise the anti-doping regulations in sports in Andorra. However, it has been declared by WADA as non-compliant with the 2009 Code and therefore should not give any legal grounds for the anti-doping activities of the sports organisations within the country.

In addition, Article 14 of the *Law on Sport* enumerates certain public nature functions to be exercised by the national sports federations and coordinated and supervised by the Ministry of Culture, Youth and Sport. They include doping prevention, doping controls and, where applicable, sanctioning. In the absent of national anti-doping rules in line with the 2015 Code, national sports federations in Andorra apply the anti-doping rules of their respective international federations. The Team is concerned whether national sports federations in Andorra have the necessary resources, including the expertise, to apply anti-doping programmes on their athletes effectively and the required harmonisation under this article of the Convention is achieved.

The Team understood that the Andorran authorities at the time of the Monitoring Visit were in the process of drafting national anti-doping rules, in line with the 2015 Code. Should the new rules be deemed Code-compliant by WADA and be nationally enforced by Ministerial Decree then the harmonisation required by the Convention under this article will be achieved. (See also the comments under Article 7.1, above)

**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 achieved under the umbrella of the Code and WADA's Prohibited List International Standard that applies to all signatories to the Code including the international federations and national anti-doping organisations. As mentioned under Article 2 in this Report, the only reference on the list of banned substances and methods that is found in the Andorran legislation is in Article 1 of the *Regulation* indicating that the list (of prohibited substances and methods) cited in the definition of doping in sport refers to "*the list established by the International Olympic Committee or under the international conventions signed by Andorra*".

Even though it is not clear whether Article 1 of the *Regulation* refers to the list a) approved by the Monitoring Group under the terms of Article 11.1.b of the Anti-Doping Convention or b) approved under Article 34 of the (UNESCO) International Convention against Doping in Sport or simply to c) the WADA's Prohibited List, in practice it is the same list and the latter translated to Catalan is published in the Official Gazette of the Principality of Andorra. Thus, the harmonisation required by the Convention under this article is met by the Andorran authorities.

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

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

According to Article 14 of the *Law on Sport* combating doping is the competence of the national sports federations. They are responsible for performing some public nature functions in this regard, including doping controls. In addition, Article 8 of the *Regulation* sets up some principles for doping controls; however, the *Regulation* does not provide for the detailed and technical doping control procedures, including the test distribution plan, in and out-of-competition testing, athlete whereabouts requirements or selection of athletes to be tested. It was explained to the Team that regarding more technical aspects related to doping controls Andorra follows the recommendations of the World Anti-Doping Agency directly, i.e. the Code and the *International Standard for Testing and Investigations*.

Given the above it must be reiterated that: a) both the *Law on Sport* and the *Regulation* have been declared as non-compliant with the 2009 Code (and as such are not compliant to the 2015 Code either), and b) it is questionable whether the national sports federations in Andorra are in position to implement and run an effective testing programme.

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;***

Based on the provisions of both the *Law on Sport* and the *Regulation* seconded by the explanation given to the Team during different meetings, especially those with the Legal Sports Commission and the CEA, the anti-doping disciplinary proceedings applied in Andorra can be summarised as follows: Firstly, the national sports federations are responsible for facilitating the disciplinary proceedings in case of any alleged anti-doping rule violation and, where applicable, for sanctioning the athletes and the athletes support personnel (Article 14 of the *Law on Sport* and Article 9.1 of the *Regulation*). Any final decision of the federation must be notified to the CEA which has the right to appeal the decision before the Legal Sports Commission that is a governmental sports disputes resolution body (Article 9.2 of the *Regulation*). The right to appeal is also granted to the “interested person” affected by the decision, including the athlete (Article 14 of the *Regulation*). The decision taken by the national sports

federation is also notified (informally, no legal basis for that) to the respective international federation and to WADA; however, they do not have a right to appeal granted under the Andorran legislation.

The *Regulation* defines some standards for the hearings and the disciplinary proceedings in general, including the right to a timely hearing, as well as fairness, impartiality and independence of the hearing panels. However, the scope and the extensiveness of those standards are not the same as the Code-developed ones. Moreover, the case of national sports federations facilitating the disciplinary proceedings and, where applicable, sanctioning “their own” athletes raises the issue of conflicts of interests, especially when the small population size of the country is taken into account. Having this in mind, the impartiality of the disciplinary panels is at stake. Although the number of cases being settled by those panels up to now is small, it might be an issue in the future.

***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;***

Article 2 of the *Regulation* provides certain information on the list of persons to whom its provisions apply. Apart from the athletes, the *Regulation* under Article 2 includes also coaches, doctors and other athlete support personnel. Therefore, it might be concluded that the *Regulation* contains an open definition of the athlete support personnel that is consistent with the one found in the Convention. Furthermore, the *Regulation* provides for a list of sanctions and specifies the procedures to impose sanctions, including on athlete support personnel. Although it might be considered as a tool for harmonisation, it must be reiterated that the *Regulation* itself has been declared as non-compliant with the Code and therefore it does not meet the requirements under this article of the Convention.

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

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

The CEA on behalf of the Principality of Andorra 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. However, neither the *Law on Sport*, nor the *Regulation on anti-doping controls in sport* include provisions that allow the mutual recognition of suspensions and other penalties imposed by other sport organisation in the same or other countries, as required by the Convention. The Team was advised though that doping-related sanctions or other final adjudications of one national federation are in practise (by *usus*) respected by all the other national federations.

**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;***

Following Andorra's adoption of the *Regulations* in 2005, a small-scale testing programme has been developed in the country. Based on the information available from WADA, the testing figures for the years 2012-2014 are presented in Table 2.

Table 2: Anti-Doping Testing Figures for the years 2012 – 2014 for Andorra

Year	Urine			Blood			Total
	IN	OOO	AAF	IN	OOO	AAF	
2012	-	10	-	-	-	-	10
2013	12	20	-	-	-	-	32
2014	12	29	-	1	-	-	42

(Abbreviations: IN: In-Competition; OOO: Out-of-Competition; AAF: Adverse Analytical Finding)

Source: WADA

The Team understood that the testing programme in place in Andorra is neither effective nor efficient and does not meet the requirements as described in the *International Standard for Testing and Investigations*. From the discussions during the visit, several weaknesses were identified, including the small number of tests conducted every year (see table 2, above), the predictability of the tests (athletes know when to expect a test, and that if they are tested once, they won't be tested again in the same year), tests conducted with advance notice to the athlete to be tested (in some cases up to 24 hours ahead of the testing time which allows space for manipulation), many people getting informed of the planned doping controls with some of them having apparent conflict of interests, etc.

Moreover, testing in Andorra seems not to preserve Chain of Custody throughout the sample collection process until the samples are receipt by the WADA-accredited laboratory that may give grounds for legal challenging of the laboratory findings from the side of the athlete.

In addition, the Team noted that currently there is only one qualified person for sample collection in Andorra and, therefore, in most of the cases, sample collection sessions are not completed in accordance with the *International Standard for Testing and Investigations*. The same person is a member of the *CEA* and at the same time acts as a sports physician, which raises the issue of conflict of interest.

Finally, the Team notes the involvement of the Department of Sports at the Ministry of Culture, Youth, and Sports in several parts of doping controls (e.g., signing the test mission order, receipt of the analysis report, etc.) which is contradicting to the operational independence of the *CEA*.

***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;***

Andorra has signed the *Code* that allows for testing of Andorran athletes in other countries. However, the Team understood that in practice the Andorran authorities have never requested from other anti-doping organisations for testing of their athletes even though many of the country's high-level athletes are training in camps in other countries.

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

The Team heard from the *Ministry of Culture, Youth, and Sport*, the *CEA*, the *National Olympic Committee of Andorra* and the representatives of national sports federations that they are concerned about the Andorran athletes who compete internationally and that they put efforts to prevent any Andorran athletes from testing positive when participating in international competitions. However, the Team was not presented with any policies in place or any other information on how Andorra meets this requirement of the Convention.

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

As mentioned elsewhere in the Report, the education and information activities against doping in sport in Andorra are limited. Therefore, the participation of Andorran athletes in the anti-doping work of international federations is of particular importance. However, the Team was not presented with any specific information on how Andorra meets this requirement.

***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;***

As mentioned under Article 5, for the analysis of samples collected in Andorra the authorities are mainly using the Madrid Anti-Doping Laboratory in Spain that is well developed and accredited by WADA.

The number of samples collected in Andorra in 2015 and the previous years is minimal and all were analysed for the standard menu of analyses, only without taking advantage of the analytical capacities of the Madrid Anti-Doping Laboratory.

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

The Team was not presented with any research sponsored or funded by the Andorran authorities or sport organisations or any guidelines developed by sport organisations in Andorra related to the protection of the health of athletes.

**Conclusions:**

The Team concludes that Andorra fulfils only part of the requirements under Convention Article 7. The most prominent non-conformities under this Article are: (a) the lack of comprehensive anti-doping legislation; (b) the lack of national anti-doping rules, in line with the Code; (c) the lack of legal background to allow disciplinary and criminal sanctions against athletes' entourage on the basis of their involvement in doping cases; and (d) the lack of legal provisions to allow the mutual recognition of suspensions and other penalties imposed by other sport organisation in the same or other countries.

**Recommendations:**

- The Andorran authorities should either amend the *Law on Sport* or adopt a new comprehensive anti-doping law to reflect the 2015 *Code* and International Standards and clarify the role of *CEA* and sport organisations; this will also serve as an effective tool for harmonisation of the anti-doping activities carried out by the sports organisations within the country.

- The *CEA* and the Ministry of Culture, Youth and Sport should adopt and enforce national anti-doping rules in compliance with the 2015 *Code* as well as the next level documents that will implement all aspects of the 2015 WADA International Standards.
- The Andorran authorities should establish a national anti-doping disciplinary panel and a national anti-doping appeal panel, for all sports and all athletes, and ensure that the panels are distinct from the *CEA*, impartial from sport and the government and free of conflict of interests. In addition, the Andorran authorities should ensure that the concept of natural justice and due process is respected by these bodies at all times.
- The *CEA* should reconsider its testing programme as per the following:
  - collect a sufficient number of samples every year in order to better serve as a means of detecting and deterring doping;
  - perform out-of-competition testing without advance notice at all times;
  - ensure that testing plans are known only to those persons with a need to know, as indicated in the *International Standard for Testing and Investigations*;
  - introduce a whereabouts system to support out-of-competition testing but also for deterrence as required by the *International Standard for Testing and Investigations* and as necessary;
  - testing should be based on intelligence;
  - introduce and maintain a Chain of Custody system throughout the sample collection process until the samples are received by the WADA-accredited laboratory;
  - training and accreditation of a sufficient number of sample collection personnel (doping control officers, chaperones and blood collection officers) to support *CEA's* testing plans;
  - ensure that only properly trained and accredited sample collection personnel is used for sample collection; and
  - ensure that only people free from conflict of interests are involved in doping controls.
- The Andorran authorities should introduce legal measures to allow disciplinary and criminal sanctions against athletes' entourage (medical doctors, coaches, trainers, physiotherapists, veterinary doctors etc.) on the basis of their involvement in doping cases in addition to the sport sanctions under the *Code*.
- The Andorran authorities should introduce provisions in their legislation (law and/or the national anti-doping rules) to allow the mutual recognition of suspensions and other penalties imposed by other sport organisation in the same or other countries, as required by the Convention and in line with the *Code*.

## **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.*

The Principality of Andorra signed the Anti-Doping Convention of the Council of Europe on 29 May 2002 and ratified it on 19 September 2006. The Convention entered into force on 1 November 2006. The Additional Protocol of the Convention has not yet been signed by Andorra.

On 11 November 2008, the *State Anti-Doping Commission (Comissió Estatal Antidopartge, CEA)* officially accepted the *Code*.

The Principality of Andorra acceded to the UNESCO International Convention against Doping in Sport on 27 January 2009.

Based on the information available from the Council of Europe, delegates from Andorra 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 Team believes that the *State Anti-Doping Commission (Comissió Estatal Antidopartge, CEA)* and the Andorran anti-doping programme are too isolated from the anti-doping programmes of other countries, with only exception a small scale cooperation with the Spanish Agency for Health Protection in Sport.

### **Conclusions:**

The Team concludes that Andorra has established only limited cooperation on the area of anti-doping.

### **Recommendations:**

- The *CEA* 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.
- The representatives of the Andorran authorities (e.g., from Ministry of Culture, Youth and Sport or the *CEA*) 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 Andorran authorities should consider participating at the meetings of CAHAMA within the framework of the Council of Europe.

### **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.**

The Andorran authorities do not constantly reply to the annual questionnaire or otherwise provide the Monitoring Group of the Convention with information on the measures taken for the purpose of complying with the terms of the Convention and the fight against doping in the country, in general. This Convention requirement was fulfilled only in the course of the evaluation visit

### **Conclusions:**

The Team concludes that Andorra with the information provided in the course of this Monitoring Visit fulfils the requirements under Convention article 9 and expects this to continue for the future.

### **Recommendations:**

- The Andorran authorities should have a mechanism in place for providing the Council of Europe with all the legislative and other measures taken 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 Visiting Team to meet the Minister of Culture, Youth and Sport, the State Secretary for Sport, representatives from the Parliament, the *State Anti-Doping Commission (Comissió Estatal Antidopatge, CEA)*, governmental departments, the National Olympic Committee, and sport federations. The Team received comprehensive information and got an in-depth view of the situation regarding the fight against doping and the implementation of the Convention in Andorra.

In the opinion of the Team, Andorra has not yet satisfactorily fulfilled the obligations under the Anti-Doping Convention even though the political commitment has been met. Andorra has no comprehensive legislative framework in place for the implementation of the Convention. The control of the availability of doping substances is only partly regulated. Even though the *CEA* is established, its testing activities show weaknesses, anti-doping education and information is limited, the coordination between the governmental departments and the *CEA* is not efficient and the overall quality and effectiveness of the country's anti-doping programme is questionable.

The most prominent non-conformity with the Convention and also an element of non-compliance with the Code remains the lack of national anti-doping rules in line with the Code through which the harmonisation of rules and other pillars of anti-doping programmes required by Convention are achieved.

The Monitoring Visit took place at a transitional stage with the entry into force of the 2015 Code on the one hand and the revision of the national anti-doping rules and legislation on the other. The Andorran authorities have expressed their political will and determination to improve the national anti-doping programme and implement the Recommendations of the Team.



### Summary of the most significant Recommendation

- The Andorran authorities should consider either to amend the *Law on Sports* or adopting a comprehensive anti-doping law in which the obligations of the *CEA*, the country's sports organisations and the governmental departments and public bodies towards the implementation of the Council of Europe's Convention as well as the Code and the International Convention against Doping in Sport of UNESCO will be defined.
- The *CEA* and the Ministry of Culture, Youth and Sport should prepare national anti-doping rules, in line with the 2015 Code as quickly as possible and, once approved by WADA, are put into force expeditiously. The rules should also be complimented with protocols that implement all aspects of the 2015 WADA International Standards.
- The Andorran authorities should establish a national anti-doping disciplinary panel and a national anti-doping appeal panel, for all sports and all athletes, and ensure that the panels are distinct from the *CEA*, independent, impartial from sport and the government and free of conflict of interests. In addition, the Andorran authorities should ensure that the concept of natural justice and due process is respected by these bodies at all times.
- The Andorran authorities shall adopt comprehensive legislative measures to control the trafficking of doping substances; these measures should include the list of substances to be controlled, the departments to be involved, the applicable sanctions etc.
- The Ministry of Culture, Youth and Sport shall restructure the *CEA* and ensure the following:
  - a) The *CEA* has exclusive responsibility over the actual execution of all anti-doping work, including the planning and execution of doping controls.
  - b) The *CEA* can function independently from both the government and sport movement and its independence is enforced by adopting appropriate regulations.
  - c) The *CEA* has sufficient budget and financial independence as well as the necessary personnel.
- The responsibility of the Ministry of Culture, Youth and Sport as well as the other governmental departments and sport organisations for the fight against doping in sport can be reflected in either the composition of the *CEA* Board or - preferably - a national anti-doping council (that could be established by the Minister of Culture, Youth and Sport), responsible for the coordination of the national plan to combat doping.
- The *CEA* should reconsider its testing programme as per the following:
  - collect sufficient number of samples every year in order to better serve as a means of detecting and deterring doping;
  - perform out-of-competition testing without advance notice at all times;
  - ensure that testing plans are known only to those persons with a need to know, as indicated in the *International Standard for Testing and Investigations*;
  - introduce a whereabouts system to support out-of-competition testing but also for deterrence as required by the *International Standard for Testing and Investigations* and as necessary;
  - testing should be based on intelligence;
  - introduce and maintain a Chain of Custody system throughout the sample collection process until the samples are receipt by the WADA-accredited laboratory;
  - training and accreditation of a sufficient number of sample collection personnel (doping control officers, chaperones and blood collection officers) to support *CEA*'s testing plans;
  - ensure that only properly trained and accredited sample collection personnel is used for sample collection; and
  - ensure that only people without conflict of interests are involved in doping controls.

- The Ministry of Culture, Youth and Sport should ensure that sufficient budget is allocated for doping controls and the other core activities of the *CEA* (education, prevention, results management, intelligence etc).
- The Andorran authorities should introduce legal measures to allow disciplinary and criminal sanctions against athletes' entourage (medical doctors, coaches, trainers, physiotherapists, veterinary doctors etc.) on the basis of their involvement in doping cases in addition to the sport sanctions under the *Code*.
- The Ministry of Culture, Youth and Sport should introduce criteria related to anti-doping for the funding of national sport federations allowing withholding of public funds from the sport organisations that do not effectively apply anti-doping regulations.
- The Ministry of Culture, Youth and Sport should introduce policies or regulations allowing withholding of public funds from athletes who have been suspended following a doping offence in sport, during the period of their suspension.
- The *CEA* should have the primary responsibility for preparing long-, and short-term anti-doping educational and information strategies.
- The educational and information strategy should have clearly defined aims and expected outcomes and performance indicators for evaluation.
- The anti-doping education programmes should be values-based and focus on prevention.
- The Andorran authorities should ratify the Additional Protocol of the Anti-Doping Convention of the Council of Europe.

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## Appendices

### 1. Programme of the Visit

<b>Wednesday, 2 September 2015</b>	
Arrival of Experts	
<b>Thursday, 3 September 2015</b>	
08:20-08:30	Welcome by <i>Mrs Florència ALEIX</i> , Ministry of Foreign Affairs, in the lobby of the hotel and walk to the Government building.
08:30 - 09:00	Meeting with <i>Mr Jordi BEAL</i> , State Secretary for Sports and Vice-President of the State Anti-Doping Commission ( <i>CEA</i> ) and <i>Mr Lluís ORONA SANZ</i> , Head of Service, Department of Sports.
09:00 - 09:45	Meeting with <i>Mrs Olga GELABERT</i> , Minister of Culture, Youth and Sport and President of the <i>CEA</i> ; and <i>Mr Jordi BEAL</i> , State Secretary for Sports and Vice-President of the <i>CEA</i> .
09:45 - 10:00	Coffee break
10:00 - 12:00	Round-table discussion with the State Anti-Doping Commission ( <i>CEA</i> ) [ <i>Mr. Benjamí RASCAGNERES TRAVESSET</i> , Police superintendent, Representative of the Ministry of Justice and Interior; <i>Mrs. Carme PALLARES</i> , Head of Department, Department of Health, Representative of the Ministry of Health and Social Welfare; <i>Mr. Augustí PERIS</i> , Representative of the Ministry of Health and Social Welfare; <i>Mrs. Cristina TORRES MAÑAS</i> , Representative of the Ministry of Foreign Affairs; <i>Mr. Jacint RISCO SUBIRÀ</i> , Representative of the Andorran Olympic Committee; <i>Mr. Josep PUNTÍ</i> , Member of the Motorcycle Federation, Representative of the non-Olympic Sports Federations; <i>Mr. Manuel FERNÁNDEZ HERMOSO</i> , Member of the Basketball Federation, Representative of the Olympic Sports Federations; <i>Mrs. Eva USERO</i> , Representative of the College of Pharmacists of Andorra; and <i>Mr. Talin PUYALTÓ</i> , Secretary of the <i>CEA</i> ].
12:00 - 12:45	Meeting with the <i>National Olympic Committee</i> of Andorra [ <i>Mr. Jaume MARTI</i> , President of the <i>National Olympic Committee</i> of Andorra and <i>Mr. Josep Antoni GUERRA</i> , Representative of the Federation of canoe-kayak]
12:45 - 13:15	Meeting with high-level athletes [ <i>Ms Mireia GUTIERREZ</i> (skier) and <i>Mr. Daniel GARCIA</i> (judo)]
13:15 – 14:30	Lunch
<b>Friday, 4 September 2015</b>	
08:30 – 09:00	Meeting with <i>Dr. Bernat ESCODA</i> , President of the <i>Therapeutic Use Exemption Committee</i> .
09:00 – 09:30	Meeting with representatives of the <i>Legal Sports Commission</i> [ <i>Mr. Antoni ROVIRA</i> , President; <i>Mr. Eduard VERGARA</i> , Secretary; and <i>Mrs. Sandra VILANOVA</i> , Legal Officer from the Legal Cabinet of the Government and Member of the Commission]
09:45 – 10:45	Meeting with the Legal Commission on Education, Research, Culture and Sport of the Parliament [ <i>with Mr Ferran Costa MARIMON</i> , President; and <i>Mrs Meritxell PALMITJAVILLA NAUDI</i> , <i>Mrs Sofia GARALLA TOMAS</i> , <i>Mrs Carine MONTANER RAYNAUD</i> , <i>Mrs Pere LOPEZ AGRAS</i> , members]

10:45-11:00	Break
11:00-11:20	Meeting with <i>Dr. Anna LOPEZ</i> , member of the <i>CEA</i>
11:20-11:45	Meeting with Mr. Francesc <i>POUJARNISCLE</i> , representative of the Andorran Council of Sports
11:45-12:00	Conclusion of the visit [with <i>Mrs Olga GELABERT</i> , Minister of Culture, Youth and Sport and President of the <i>CEA</i> ; and <i>Mr Jordi BEAL</i> , State Secretary for Sports and Vice-President of the <i>CEA</i> ].
12:00-12:15	Press Conference
Departure of Experts	

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

### **EXPERTS**

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### **3. Acknowledgments**

The Visiting 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 Mrs Olga GELABERT FABREGA, *Minister of Culture, Youth and Sport* and *President of the State Anti-Doping Commission (Comissió Estatal Antidopatge; CEA)* for the hearing, Mr. Jordi BEAL VILAGINES, *State Secretary for Sports* and *Vice-President of the CEA* for the discussions, Mr. Lluís ORONA SANZ, *Head of Service, Department of Sports* for the information provided ahead of, and during the visit and Mrs Florència ALEIX, at the *Ministry of Foreign Affairs* for the coordination of the visit and her support and readiness to provide the Team with the best information.

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### Part C. Comments by the Andorran authorities

I would like to extend our thanks to the expert group of the Council of Europe for its consultative visit to Andorra for a better implementation of the Anti-Doping Convention of the Council of Europe.

We have followed the recommendations presented by the experts in their draft report to improve our fight against doping in sport.

I have the pleasure to inform you about the recent improvements we made based on the recommendations of the Council of Europe evaluation team:

- On 10th of March 2016, our Parliament adopted, a new anti-doping law approved by WADA.
- The Council of the new Anti-doping Andorran Agency (*Agència Andorrana Antidopatge*) (ONADE) adopted the new national anti-doping rules for Andorra which were also approved by WADA.
- The new regulation creates a national anti-doping disciplinary panel and a national anti-doping appeal panel, following your recommendation.
- The modification of the Penal Code will be discussed. Indeed, the Ministry of Culture, Youth and Sport is working on the amendment of the Penal Code for what concerns trafficking of doping substances aspects.
- The new composition of the *Agència Andorrana Antidopatge* will ensure the aspects that you have recommended.
- Following the new law article n°13, the Government has to guarantee a sufficient budget for the doping controls and the other core activities, focussed on education and prevention.
- The Ministry of Culture, Youth and Sport has already in place the policies and regulations allowing withholding of public funds from athletes who have been suspended following a doping offence in sport, during the period of their suspension.
- The Government of the Principality of Andorra has already approved the signature of the Additional Protocol of the Anti-Doping Convention of the Council of Europe which will be signed very shortly. Once signed, the Parliamentary procedure for the approval of its ratification will be initiated.

We will continue working to improve the fight against doping in sport and to ensure a clean environment for sport.