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Anti-Doping Convention (T-DO)

Project on Compliance with Commitments

Respect by Belarus of the Anti-Doping Convention

**Auto-Evaluation Report by Belarus
Report of the Evaluation Team
Comments by the Belarus Authorities**

FINAL

**Adopted at the 43rd meeting of the Monitoring
Group of the Anti-doping Convention**

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Preface

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

The Belarus authorities invited the Monitoring Group of the Anti-Doping Convention to undertake an Evaluation Visit in their country in November 2014. The invitation letters addressed to the Secretariat of Sport Conventions of the Council of Europe were signed by Mr. Aleksandr SHAMKO, Minister of Sport and Tourism and Mr. Vasiliy ZHARKO, Minister of Health of the Republic of Belarus.

The Evaluation Visit was prepared by the Belarusian authorities and the Secretariat of Sport Conventions of the Council of Europe. In line with the “Operating Procedure for the Evaluation”¹ the Belarusian authorities provided the Monitoring Group with a national auto-evaluation report on the way in which Belarus applies the provisions of the Convention as well as a compilation of additional documents which gave the Evaluation Team information about the anti-doping programme in place in the country ahead of the visit.

An evaluation visit was held on 4-5 February, 2015. The Program of the visit and the composition of the Evaluation Team are attached in the appendices to Part B of this document.

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

The Belarusian 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 43rd meeting of the Monitoring Group of the Anti-Doping Convention which will take place on 10 November, 2015 in Strasbourg, France.

¹“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 Belarus

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.

The Republic of Belarus ratified the Anti-Doping Convention (ETS. 135) by the Law "On ratification of the Anti-Doping Convention" dated 4 January 2006 and the UNESCO International Convention against Doping in Sport (the UNESCO Convention) by the Law dated 16 July 2008.

Since May 2011, the Republic of Belarus enjoys the status of a country whose Rules are completely compliant with the WADA Code.

To comply with the provisions of the Anti-Doping Convention and the UNESCO Convention, the Republic of Belarus has developed a legal framework for the National Anti-Doping Program.

It can be considered a result of systematic and often very challenging work.

In the meantime the anti-doping policies of the Republic of Belarus target the following objectives: the enhancement of the legislative basis, the development of the material and technical base, international cooperation, education and scientific research.

Legal framework

A. The National Laws on doping control in the Republic of Belarus:

Previously, in the law "On Physical Culture and Sport" dated 18 June 1993 (no effect from July 2014) devoted to doping there was only one Article 34 "*Prohibited substances and methods in sport. Doping-control*". This article contained the legal definitions of these terms and consequences for athletes with positive tests and for persons responsible for using prohibited substances or methods by these athletes; also consequences for athletes that refused to submit their tests to Sample collection after notification.

The New Law "On Physical Culture and Sport" came into effect in July 2014. In accordance with this new law, prevention and fight against doping in sport is defined as one of the main directions of the state policy in physical culture and sports.

The New Law also defines:

- a status of the National Anti-Doping Agency of the Republic of Belarus as a National Anti-Doping Organization authorized to develop the National Anti-Doping Rules in accordance with the World Anti-Doping Code and decisions of relevant international sport organizations and to manage all stages of the doping control operations in accordance with International standards;
- the responsibilities for the relevant entities in sport (including the National Olympic Committee of the Republic of Belarus, national sport federations) within their jurisdiction to prevent and combat doping in sport;
- the responsibilities of athletes and coaches to comply with the National Anti-Doping Rules;

There are also legal definitions of doping in sport (anti-doping rule violations) and consequences of using doping for athletes and coaches such as ineligibility in the New Law.

In order to bring the national legislation in compliance with the Law of the Republic of Belarus dated 8 January 2014 "On amendments and additions into the Labour Code", the Labour Code has been supplemented with a new Chapter 26(1), regulating specific character of labor relations for people involved in professional sports.

Now, it becomes mandatory to include in the Employment Contract a clause ensuring athletes' responsibility to comply with the anti-doping rules; the Employer is entitled to suspend an athlete or a

coach from competing during a period of investigation related to their ineligibility, if such investigation takes place.

The Article 314 (11) of the Labour Code sets additional grounds for termination of employment contracts:

- with athletes in case of ineligibility for a period of 6 months and more and in cases when doping is used by these athletes;
- with coaches in case of ineligibility for a period of 6 months and more.

It is significant to admit that within the international cooperation framework a number of documents (i.e. the Decision of the Customs Union Commission № 299 dated 28 May 2010; the Decision of the Eurasian Economic Commission Council №34 dated 15 January 2012) have been adopted to prohibit the flow of food products and nutritional supplements containing banned substances across the border of the Customs Union (*the Parties of the Customs Union are the Russian Federation, the Republic of Belarus and the Republic of Kazakhstan*).

According to the Decision of the Customs Union Commission № 513 dated 18.11.2010 “all goods used for doping control that are moving across the border of the Customs Union are under full exemption from the payment of customs duties and taxes and without any limitations”.

B. Practical implementation of the policies pursued by the National Anti-Doping Agency is ensured and enforced at the national level through a selection of legal acts issued and approved by the Ministry of Sports and Tourism of the Republic of Belarus:

The National Anti-Doping Rules of the Republic of Belarus were approved by National Anti-Doping Agency of the Republic of Belarus (NADA) and were agreed with the Minister of Sports and Tourism in 2010. However they were not considered as regulatory legal act.

The new National Anti-Doping Rules of the Republic of Belarus were developed in conformity with international regulations and provisions of the World Anti-Doping Code, decisions of the International Olympic Committee, WADA International Standards and decisions of other relevant sport organizations and were approved by the Order of the Ministry of Sports and Tourism of the Republic of Belarus № 22 dated 11 July 2014.

These Rules shall apply to:

- physical culture and sports organizations;
- national sport federations;
- organizing committees of the national sport events held in the Republic of Belarus;
- athletes;
- coaches;
- other experts in the field of physical training and sports being members of the national sport teams of the Republic of Belarus;
- sports medicine experts (i.e. physicians, instructors-methodologists, massage therapists) that are referred to as “the Athlete Support Personnel”.

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 organizations 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 organized 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.

Belarus became a signatory to the World Anti-Doping Code, including the International Standard of Prohibited List, which is implemented without modifications.

The Prohibited List is translated into Russian language and its updated version is available on the website <http://www.nada.by/img/spisok.pdf>.

Each year the newly effective version of the WADA Prohibited List is printed in an edition up to 400-500 copies and delivered to athletes, athletes support personnel, students in sports schools, as well as to every person concerned in the anti-doping issue.

Moreover, the meetings of the Intergovernmental Anti-Doping Coordination Board under the Council of Ministers of the Republic of Belarus are held permanently with the aim to elaborate an effective legislative background for restriction and prevention of the use and distribution of substances and methods prohibited by the current WADA List.

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.

The main authority responsible for the coordination of the implementation of the Anti-Doping Convention in the Republic of Belarus is the Ministry of Sports and Tourism. To fulfill these obligations the Department of Sport Science, Medicine and Doping Control was formed in the Ministry. The Department is responsible for the following tasks:

to develop the state anti-doping policy;

to draft the national anti-doping legislation (see comments to Article 1 of the Convention);

to strengthen cooperation with state authorities and law enforcement agencies such as the Ministry of Health, the Ministry of Internal Affairs and the Ministry of Finance;

to finance the organizations involved in anti-doping activities by allocation of funds from the state budget;

to represent the Republic of Belarus in international organizations on the issue of the fight against doping in sport.

The National Anti-Doping Agency of the Republic of Belarus (NADA) was established in 2005 in accordance with the Ordinance of the Council of Ministers of the Republic of Belarus № 698 dated 27 June 2005 and in accordance with the Order of the Ministry of Sports and Tourism № 684 dated 7 September 2005.

NADA ensures all stages of doping-control except laboratory analysis and appeal review.

To foster the coordination between anti-doping authorities and law enforcement agencies, the Intergovernmental Anti-Doping Coordination Board under the Council of Ministers of the Republic of Belarus has been established (the Ordinance of the Council of Ministers of the Republic of Belarus № 61 dated 19 January 2006).

The Council includes the representatives from the Ministry of Sports and Tourism, the Ministry of Health, the Ministry of Information, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Internal Affairs, the State Customs Committee, the National Olympic Committee, the National Paralympic Committee, the National Academy of Sciences, the National Anti-Doping Laboratory and the National Anti-Doping Agency.

The Council is a coordinating authority and operates on a permanent basis.

The main activity of the Council in 2014 was focused on:

- addressing the measures to restrict trafficking of anabolic steroids;
- the anti-doping campaign to promote anti-doping policy of the Republic of Belarus and to cultivate the rejection of doping in Belarusian society.
- the curriculum on the subject “Physical Culture and Health” at secondary schools has been supplemented with topics about clean sport and the prevention of doping;
- the national seminar for coaches and experts in sport medicine has been held on the use of sports nutrition and supplements, including those developed by the National Academy of Sciences;
- NADA staff has been increased up to 3 more employees;
- NADA has moved into a new office compliant with the WADA Code requirements;
- measures have been taken to ensure the analytical stage of Anti-Doping Program including the development of the material and technical base of the National Anti-Doping Laboratory.

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.

A. Legal measures to restrict availability of prohibited substances

The article 39 of the Law “On Physical Culture and Sport” sets that the WADA Prohibited List is distributed promptly by WADA and applicable in the Republic of Belarus in accordance with the international and national legislation.

In May 2014 the Intergovernmental Anti-Doping Coordination Board under the Council of Ministers of the Republic of Belarus held the meeting on the issues of taking measures for limited circulation of narcotics and anabolic steroids in the Republic of Belarus by including them in the special list of strong drugs to be applicable under the Article 333 of the Criminal Code “Illegal trafficking of strong and toxic substances”.

The legal use of narcotics, psychotropic and drugs with anabolic activity is regulated by the Resolution of Ministry of Health of dated 31.10.2007 №99. Narcotics, psychotropic and drugs with anabolic activity are being prescribed by doctor on forms with defined level of protection (pink color for drugs, yellow – for psychotropic and drugs with anabolic activity), produced by the typographical method, marked with typographical number and batch.

The development of a legislative instrument to approve the list of such substances, including the anabolic steroids into this list, is planned for 2015.

At the same time, by the Order of the Ministry of Health № 66 dated 9 September 2014 in the List of drugs with anabolic activity were included medicine, that are in WADA Prohibited List 2014: clenbuterol, nandrolon, somatropin, testosterone, CG.

To buy medicine containing these controlled substances is possible only by submitting a valid doctor’s prescription.

B. Funding of anti-doping activity

NADA is funded by the Ministry of Sports and Tourism. In accordance with the Article 50 of the Law “On Physical Culture and Sport”: “All athletes that are the national team members, students from sports schools and youth sports schools (even in a structure of sports clubs) are tested by NADA from National budget sources”.

The total amount of funding provided to NADA in 2014 is 328 155 Euro, the financing expenses for testing in 2014 is 115 543 Euro.

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 organizations and approved by the monitoring group under the terms of Article 11.1.b; or*
- b. *to assist its sports organizations 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 programs of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;*
- c. *publish and circulate promptly new data from their research.*

The National Anti-Doping Laboratory was established by the decision of the Government of the Republic of Belarus. In April 2007 the Laboratory was established under the Ministry of Health.

The Laboratory is equipped with all necessary facilities for Sample Reception, preparation and analysis. The analytical departments are provided with modern analytical equipment.

The staff of the Laboratory is 33 persons. The personnel that is involved in testing, test methods development and validation has chemical, biological and medical education. All the staff of the Laboratory receives regular trainings.

The Laboratory has developed and validated test methods for screening and confirmation of prohibited substances.

In 2013 the Laboratory participated in the State Program of Scientific Researches tasked to “Develop methods of separation of erythrocytes into subpopulations according to biological, physical and chemical indicators for detection of autologous hemotransfusions”.

6. Article 6 – Education

1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organizations concerned and the mass media, educational programs and information campaigns emphasizing the dangers to health inherent in doping and its harm to the ethical values of sport. Such programs 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 programs will emphasize respect for medical ethics.

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

One of the priorities of NADA’s policy is education and promotion of sport free of doping. The main aim is to change public opinion and develop negative attitude towards doping, especially among young athletes.

The expenses for the Anti-Doping Informational and Educational Programs in 2014 comprised 21 079 EURO.

The main target audience of educational programs are:

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

Lecture and workshop topics:

- “Anti-doping policy. Anti-doping rules in sport”;
- “Side Effects of Doping”;
- “International standards: the Prohibited List, testing, therapeutic use exemptions”;
- “The International Anti-Doping Program – current issues of doping in sports”;
- “Substances and methods on the Prohibited List. The rights and responsibilities of athletes and Athlete Support Personnel during doping control procedures”;
- “Managing the risks of nutritional supplements”;
- “The way doping affects the spirit of sport”;
- “Submitting Athlete’s Whereabouts, ADAMS”;
- “Warning! Doping! Anabolic steroids and stimulants, nutritional supplements”;
- “Warning! Doping! Cannabinoids: influence, addiction, consequences. Think twice! Naswar as potential danger for athletes”.
- “The fight against doping in youth sport. Consequences of doping, including sanctions, health and social consequences”;
- “Anti-doping rules applicable during the 2nd Summer Youth Olympic Games (YOG), August 2014, Nanjing, China”;
- “Athletes’ and coaches’ competence in anti-doping rules, doping control procedures and International Standards review”.

NADA regularly organizes seminars for athletes and their personnel on the basis of inquiries from the national sport federations and organizations. Moreover, NADA initiates seminars for groups on account of the increase in anti-doping rules violations or before important major competitions.

Thanks to fruitful cooperation between NADA and the national sport federations, NADA organized seminars for 35 national sport federations.

In 2014 a total of 131 educational events for 3000 participants (1241 athletes, 1241 athlete support personnel, 223 medical personnel) have been held by NADA.

NADA regularly prints informational materials (1000 copies of the 2015 World Anti-Doping Code, 300 copies of 2015 WADA Prohibited List).

NADA translated “The Anti-Doping Rules applicable for 2014 Olympic Winter Games” into Russian and distributed these rules to Olympians.

NADA’s web-site is a source of information and latest news in the field of anti-doping. Such sections as “Event”, “Be careful –Doping!”, “List of sanctioned athletes” (in Russian and English) are regularly updated and available on the NADA website.

In accordance with the Decision of the Approval Committee of the Fund for elimination of doping in sport, UNESCO approved the allocation of a total sum of 16 934 USD to NADA for the coordination of the project “Anti-doping education and establishment of a behavioral pattern in Belarusian society preventing doping by young athletes”.

Within the framework of the project two social videos “Belarus is against doping!” were developed, one targeting young athletes and one targeting public in general, which were aired on the national television channels (Belarus, ONT, Belarus 5), public plasma screens (Pobediteley avenue, underground, railway station, bus terminal, department store “Belarus”), during major sport events such as the 2014 IIHF Ice Hockey World Championship and also during the educational seminars, lectures and workshops.

This promotional activity was held simultaneously with the organization of the conference “Doping Prevention: Fight against Doping in Sport” gathering up to 180 participants. The conference agenda was delivered by international anti-doping experts from the United Kingdom, Poland, the Russian Federation with the aim to increase knowledge in anti-doping rules and good practices. Featuring both keynote presentations and round table discussions, the participants have been encouraged to transfer the knowledge learned to the athletes and support personnel who they work with.

Thanks to finances allocated by UNESCO, conference materials, wall calendars 2015 “Belarus is against doping!”, leaflets “Reminder for athlete and athlete support personnel: anti-doping knowledge is a key to combating doping in sport!” and have been printed for distribution.

In 2012 according to the Agreement between WADA and NADA, WADA provided NADA with funds totaling 18250 USD for the project “Knowledge, Attitudes and Practice of Coaches Belonging to Different Generations in Relation to Doping Behavior of Athletes” that was carried out from 1 July until 31 December 2012.

The aim of the research was to study the distinctive features of doping perceptions and attitudes towards legality of the use of doping among coaches of different age and qualification groups.

Tasks of the research:

- 1) make theoretical analysis and generalize data of scientific, methodical and legal literature regarding project subject;
- 2) develop tools and program of the survey;
- 3) interview coaches of different age and qualification;
- 5) input and process the information, statistical analysis of data;
- 6) develop methodical recommendations on national anti-doping programs

The object of the research was the system and methods of fight with doping perfection.

The subject of the research was the existing practices of anti-doping work of coaches of different age and qualification groups.

The Respondents were coaches representing different age and qualification groups.

The following methods were used for the project: theoretical analysis and generalization of data received from scientific, methodical and legal literature, survey, technique of mathematical statistics.

The research was carried out by NADA and Institute of Sociology of National Academy of Sciences of Belarus. Trips to different regions of Belarus to visit specialized sport institutions for a data collection were organized.

The target group of the research was coaches that trained athletes in specialized sport institutions and colleges of Olympic reserve. The selection scope was 400 interviewees. The selection type was quantitative control, the controlled characteristics were age, region, sport/discipline, level of qualification –enabled comparison.

As a result of the project methodological recommendations on creating national anti-doping programs for the kinds of sports were developed.

The results of the project are used for:

- planning measures for implementation of anti-doping policies of Belarus in the sphere of physical culture and sport;
- planning information and education programs for athletes and athlete's personnel;
- planning education process for experts in the sphere of physical culture and sport;
- developing information base for further research in prevention of doping.

The results of the project facilitated educational work among coaches. The main consumers of the research results became education establishments that train athletes (SSCY, SSORCY, SHS, COT, COR) and athlete personnel of the Belarusian State University of Physical Culture, the High School for Coaches, Institute of Further Education and Personnel Development.

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

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

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

A. Anti-doping legislation in the Republic of Belarus

As it was mentioned above, the National Anti-Doping Rules of the Republic of Belarus were developed by NADA and approved by the Order of the Ministry of Sports and Tourism № 22 dated 11 July 2014. The Rules are considered a regulation with obligatory force on the territory of the Republic of Belarus, a part of the Belarusian legislation.

The National Anti-Doping Rules are recognized by the National Olympic Committee of the Republic of Belarus and by the national sport federations.

Annually the NADA approves WADA Prohibited List as a regulation.

B. Results management, disciplinary procedures, sanctions and appeals

All possible anti-doping rules violations are investigated in accordance with the National Anti-Doping Rules and in strict conformity with the principles of the WADA Code.

A special Disciplinary Anti-Doping Commission was established in 2010. It consists of 11 members (lawyers, doctors and sports representatives) from the National Olympic Committee of the Republic of Belarus, the Ministry of Sports and Tourism, the Ministry of Internal Affairs and other national sports organizations.

The Disciplinary Anti-Doping Commission conducts hearings open for attendance for athletes or athletes' personnel and their representatives. A decision of the Disciplinary Anti-Doping Commission is considered a decision of NADA. It is sent to a relevant national sport federation for implementation.

If an athlete or athlete's personnel do not agree with a decision it may be appealed to the Sports Arbitration Court at the Belarusian Republican Union of Lawyers.

C. Testing

3 372 samples were collected by NADA in 2014.

Doping control is conducted on all levels including junior sport in order to prevent use of prohibited substance among youngsters. (1397 samples collected from athletes under 18 years old; 2445 samples collected from athletes under 23 years old).

Since April 2013, 388 blood samples have been collected in the framework of Athlete Biological Passport Program (blood and steroid profiles).

NADA collects in-competition and out-of-competition samples with priority on out-of-competition testing that makes 87% of all tests. The Test Distribution Plan was developed on the basis of risk assessment that included different parameters: violations of anti-doping rules in previous years, sports with good perspectives to medals, etc. Olympic sports were a priority.

Upon requests of organizers NADA collects samples during international competitions held on the territory of the Republic of Belarus (for more detailed information see paragraph 8).

NADA also collects out-of-competition samples under requests of international sport federations conducting testing of athletes that are staying on the territory of the Republic of Belarus.

D. Appointment of people responsible for anti-doping

NADA closely cooperates with Anti-doping commissions from 19 national sports federations (cross-country skiing, ice hockey, field hockey, biathlon, gymnastics, swimming, football, weightlifting, boxing, cycling, fencing, freestyle, athletics, judo, basketball, rowing, tennis, speed skating, volleyball).

Foremost, the cooperation is significant for anti-doping educational programs, distributing of printed information materials and results management.

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.

A. The international anti-doping policy forms an integral part of the anti-doping policy development of the Republic of Belarus.

The representatives of NADA annually attend WADA Symposium for NADA and international sport federations and other conferences organized by WADA.

Moreover, the NADA representatives and officials of the Ministry of Sports and Tourism of the Republic of Belarus attend the working sessions of the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) hosted by the Council of Europe.

The Republic of Belarus regularly contributes to WADA budget.

As it was mentioned before, Belarus has successfully implemented the project “Anti-doping education and establishment of a behavioral pattern in Belarusian society preventing doping by young athletes” in 2014 that was approved by UNESCO Fund for the elimination of doping in sport.

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

In accordance with the National Anti-Doping Rules, NADA collaborates and provides testing services for the International Sport Federations for both out-of-competition and in-competition doping controls, as well during the international events organized in Belarus.

NADA conducted doping control during the international events in 2014:

- the 2014 IIHF Ice Hockey World Championship;
- World Cup Rhythmic Gymnastics series;
- the European Modern Pentathlon Junior Championships;
- 6th World University Canoe Sprint Championship;
- FIG Minsk World Cup 2014 in Trampoline and Tumbling;
- ISU Junior World Cup Speed Skating;

NADA signed cooperation agreements for conducting testing with SportAccord (Switzerland) and CCES (Canada).

As for the next year, NADA is planning to sign the agreement for future cooperation with UKAD and thoroughly consider a possibility to join NADO in 2015.

Part B: Report of the Evaluation Team

Introduction

The visit of the Evaluation Team (for the composition of the Team see Appendix 1) was organised by the Ministry of Sport and Tourism of the Republic of Belarus. 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 Evaluation Team a good insight into the country's anti-doping programme.

The visit of the Evaluation Team in Minsk, Belarus was held on the 4th and 5th of February, 2015 and included meetings with Mr. Aleksandr SHAMKO, Minister of Sport and Tourism, Mr. Aleksandr DUBKOVSKY, Deputy Minister of Sport and Tourism of the Republic of Belarus, Mr. Dmitriy PINEVICH Deputy Minister of Health, Mr. Dzianis MUZHUKHIN Director of the National Anti-Doping Agency, Mr. Sergey BELIAEV, Director of the National Anti-Doping Laboratory, Mr. Maksim RYZHENKOV, NOC Belarus First Vice-President, a member of the National Assembly of the Republic of Belarus, representatives of governmental departments, and sport federations. The programme of the visit of the Evaluation Team is shown in Appendix 2.

The programme of the visit allowed for the Evaluation Team to meet with the Ministers involved in the fight against doping in the country, with national team athletes and with all other key persons. 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 Belarus.

All the meetings were conducted in a friendly and open way, and all of the governmental and sport representatives with whom the Evaluation Team met shared their concerns and showed great interest to hear how their anti-doping programme could be improved.

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

Article 1 - Aim of the Convention

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

The Republic of Belarus signed the Anti-Doping Convention of the Council of Europe on 12 September 2002 which entered into force on 1 May 2006. On 16 July 2008, Belarus ratified the UNESCO International Convention against Doping in Sport and on 26 September 2008, the Ministry of Sports and Tourism signed the World Anti-Doping Code. In 2011, the National Anti-Doping Rules of Belarus, based on the 2009 Code were found to be compliant with the 2009 Code.

In 2014, the current version of the *Law on Physical Culture and Sports* came into effect following amendments of the original Law from 1993. The Law, among other, authorizes the adoption of national anti-doping rules, provides the definition of "doping" and includes provisions about the role and obligations of the National Anti-Doping Agency of Belarus, the National Olympic Committee, the

national sport organisations and the athletes in the fight against doping. However, nowhere does the *Law on Physical Culture and Sports* define the obligations of the governmental departments and public bodies on the implementation of the Convention and the fight against doping.

Conclusions:

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

Recommendations:

- The Belarusian authorities should consider either modifying the *Law on Physical Culture and Sports* or adopt in a comprehensive anti-doping law in which the obligations of the National Anti-Doping Agency of Belarus, 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 (UNESCO) Convention against Doping in Sport will be defined.
- The Belarusian 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.

Article 49(1) of the *Law on Physical Culture and Sports* gives the definition of doping which is identical to the definition of doping found in the 2009 World Anti-Doping Code; it includes the definition of doping found in the Convention and is even broader. The proposed 2015 National Anti-Doping Rules under Article 2 form a definition of doping based on the 2015 Code and therefore the *Law on Physical Culture and Sports* should be amended accordingly.

Article 49(3) of the *Law on Physical Activity and Sport* ("The Prohibited List is provided by WADA and is applied on the territory of the Republic of Belarus in accordance with legislation and international agreements of the Republic of Belarus") does not specify how the Prohibited List is enforced. Article 4.1 of the proposed 2015 National Anti-Doping Rules incorporate the Prohibited List which is "published and revised by WADA" and clarify that it "is in force in the Republic of Belarus pursuant to domestic laws, international treaties of the Republic of Belarus and these Anti-Doping Rules". Further, under Article 4.2.1 it is clarified further that "the Prohibited List shall go into effect under these Anti-Doping Rules three months after publication by WADA without requiring any further action by the national Anti-Doping Agency of Belarus."

The Evaluation Team noted that, in practice, the Prohibited List is not enforced by any legal means such as, for example, a Ministerial Order and/or publication in the Official Gazette of the Government. Moreover, the Evaluation Team noted that the role of the Monitoring Group of the Anti-Doping Convention on approving the list of banned substances and methods is not mentioned in the *Law on Physical Activity and Sport* or the National Anti-Doping Rules. In this case, the issue of compatibility of lists should be raised. The WADA Prohibited List is beyond doubt compliant with the Convention.

However, if the Monitoring Group of the Convention adopted a prohibited list that differed from the WADA Prohibited List, which is fairly improbable, then the Belarusian authorities would have to deal with such a peculiar situation.

The *Law on Physical Activity and Sport* defines “athlete” as “any person getting sports training on a chosen sport” and elite athlete as “an athlete having a sports title and competing in any championship in any sport in order to achieve high sport results”. The term “athlete” is also found under Article 1.3.3 of the proposed 2015 National Anti-Doping Rules defined as:

1.3.3.1. Athletes - citizens of the Republic of Belarus;

1.3.3.2. Athletes – permanent resident aliens in the Republic of Belarus who practice sport as a primary professional activity by virtue of an employment agreement, civil contract or acting as a self-employed person and receive salary and (or) reward (revenue) for sport training, participation in sporting events and sport achievements, or athletes who are tested on the territory of the Republic of Belarus under agreements between NADAB and international sport organizations or their legal representatives, as well as ruling bodies of international sport events held in the Republic of Belarus; and

1.3.3.3. Other athletes who compete or train in the Republic of Belarus”.

In addition, under Article 1.6 of the proposed 2015 National Anti-Doping Rules, it is clarified that “*For the purposes of these Anti-Doping Rules, national level athletes are defined as athletes who participate in sporting events at least equal to a competition and championship of the Republic of Belarus, unless they are considered to be international level athletes according to the criteria of a relevant international federation.*”

The Convention defines “*sportsmen*” and “*sportswomen*” as the persons who “*participate regularly in organised sports activities.*” Comparing the definition of athlete found in the *Law on Physical Activity and Sport* and the proposed 2015 National Anti-Doping Rules with that of the Convention, the Evaluation Team concludes that the definition found in the Convention is sufficiently covered in the Belarusian legislation.

The Evaluation Team is concerned about the broad scope of the definition of athlete in the Belarusian legislation and is of the opinion that the unduly heavy obligation to control purely casual participants who “*train in the Republic of Belarus*” should be reconsidered. In line with the aim of the Convention, the Belarusian authorities are advised to set priorities and apply the Convention and the National Anti-Doping Rules realistically, concentrating primarily on the level of sportsmen and sportswomen where doping is known to exist.

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 Physical Culture and Sport* nor the proposed 2015 National Anti-Doping Rules refer to the role of the Monitoring Group of the Convention on approving the list of banned substances and methods.

Conclusions:

The Evaluation Team concludes that the definitions established under Article 2 of the Convention are sufficiently covered by the relevant Belarusian legislation. The only non-conformity under this Article is

the absent of any reference to the list of banned substances and methods adopted by the Monitoring Group as an Appendix to the Convention.

Recommendations:

- The Belarusian authorities should consider amending the *Law on Physical Culture and Sports* to ensure that the definition of “doping” covers the respective definitions of the 2015 version of the Code.
- The Belarusian authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in Belarus 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 Belarusian authorities should consider publishing the List of banned pharmacological classes of doping agents and doping methods in the Official Gazette and/or otherwise enforce it as it is amended from time to time.

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 Belarus is based on the *Law on Physical Culture and Sports*, originally adopted in 1993. In its current version that came into effect in July 2014, the *Law on Physical Culture and Sports* includes numerous clauses about anti-doping.

The *Law on Physical Culture and Sports* under article 20 provides the legal background of the National Anti-Doping Agency of Belarus and defines its status and mission: “*National Anti-Doping Agency is a governmental non-profit organization, established with the purpose of prevention and combating doping in sport and organization of doping control, recognized by the World Anti-Doping Agency and executing functions of a national anti-doping organization in compliance with its requirements*”. In addition, under the same article it is stated that the National Anti-Doping Agency of Belarus develops National Anti-Doping Rules in compliance with the World Anti-Doping Code and submits them to the Ministry of Sport and Tourism for approval.

The National Anti-Doping Agency of Belarus was established in 2005 in accordance with Ordinance of the Council of Ministers of the Republic of Belarus (No. 698, dated 27 June 2005) and the Order of the Minister of Sports and Tourism (No. 684, dated 7 September 2005).

The National Anti-Doping Agency of Belarus operates under the *Department of Sports Science, Medicine and Doping Control* in the Ministry of Sports and Tourism. In the auto-evaluation Report it is stated that the *Department of Sports Science, Medicine and Doping Control* is “*the main authority responsible for the coordination of the implementation of the Anti-Doping Convention in the Republic of Belarus*” and that it is responsible for the following tasks: develop the state anti-doping policy, draft the national anti-doping legislation, strengthen cooperation with state authorities and law enforcement agencies, finance

organizations involved in anti-doping from the state budget, and represent the Republic of Belarus in international organizations.

In accordance with the Ordinance of the Council of Ministers of the Republic of Belarus (No. 61, dated 19 January 2006), the *Intergovernmental Anti-Doping Coordination Board* was established in 2006, a “*coordinating authority*” under the Council of Ministers with the aim “*to foster coordination between anti-doping authorities and law enforcement agencies*”. It includes representatives from the Ministry of Sports and Tourism, the Ministry of Health, the Ministry of Information, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Internal Affairs, the State Customs Committee, the National Olympic Committee, the National Academy of Sciences, the National Anti-Doping Laboratory and the National Anti-Doping Agency.

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 Evaluation Team considers the *Intergovernmental Anti-Doping Coordination Board* in line with the Convention and acknowledges the important role that it can play in coordinating the governmental departments in the fight against doping in Belarus, especially on restricting the availability of doping substances, intelligence gathering, etc.

As stated in the *Law on Physical Culture and Sports*, the National Anti-Doping Agency of Belarus is a governmental organization under the Ministry of Sport and Tourism and its Director and staff are employees of the Ministry. This raises concerns about the independence of the National Anti-Doping Agency of Belarus on its operations and decision-making processes. As described in other parts of the report, the Evaluation Team is also concerned about the involvement of the Ministry in the hearings (see comments under Article 7.2.d) as well as the role of the Government in information sharing (see comments under Article 4.1). The independence of national anti-doping organizations 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 organizations’ independence from sports and government pressure².

The National Anti-Doping Agency of Belarus is funded exclusively by the Ministry of Sport and Tourism. For 2014, a total amount of 328,155 euro were provided, out of which 115,543 euro were allocated for financing doping control tests. The Government’s contribution to the budget of the National Anti-Doping Agency is of particular importance in order to assure that the Agency 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 National Anti-Doping Agency should have sufficient budget and administrative/operational autonomy to conduct testing and its other core activities (e.g., education, prevention strategy, research etc.), and this should be reflected in, and secured by the Belarusian legislation.

² “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.

Conclusions:

The Evaluation Team concludes that Belarus has established the National Anti-Doping Agency as the responsible authority for the practical implementation of the Convention and the country's anti-doping programme, and the *Intergovernmental Anti-Doping Coordination Board* for the coordination between anti-doping authorities and law enforcement agencies, as required by the Convention.

Recommendations:

- The Ministry of Sports and Tourism should take all the necessary administrative and legislative measures to ensure that the National Anti-Doping Agency of Belarus is independent from sports and government pressure on its operations and decision-making processes, and free from conflicts of interests.

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.*

Belarus has no specific legislation, regulations or administrative measures adopted aiming to restrict specifically the availability of doping agents and doping methods.

The Evaluation Team understood that, currently, the only legal document to restrict the availability of doping substances in the country is the Order of the Minister of Health of the Republic of Belarus (Order No. 66, dated 9 September 2014) with which certain prohibited substances (i.e. testosterone, clenbuterol, nandrolone, somatotropin and chorionic gonadotropin) were included in the list of controlled drugs (prescribed medicines). For these drugs, a valid medical prescription is required to be dispensed.

The Evaluation Team was informed that the National Anti-Doping Coordinating Board of the Republic of Belarus at its meeting in May 2014, in an attempt to limit the availability of doping substances in the country, took the decision to include narcotics and anabolic steroids in the list of "strong drugs" that fall into the scope of Article 333 ("*Illegal trafficking of strong and toxic substances*") of the *Criminal Code* of the Republic of Belarus. The development of a legislative instrument to approve the addition of the abovementioned substances is expected in 2015.

The pharmaceutical industry in Belarus is well-developed. The Evaluation Team was informed that, currently 28 pharmaceutical companies operate in Belarus, producing medicines for the Belarusian market and for export to many other countries, and that the pharmaceutical industry is regulated by the Ministry of Health which also has the responsibility of overseeing the industry's work. The importance of cooperation between the pharmaceutical industry and the anti-doping authorities has been stressed by the Council of Europe as a promising field in which to develop the potential for significantly reinforcing the relevance and effectiveness of actions against doping in sport³. The Evaluation Team understood that the Belarusian authorities acknowledge the importance of pharmaceutical industry in the fight against doping, especially the industry's role in controlling the production of doping substances; however, no official

³Battaini-Dragoni Gabriella, Deputy Secretary General of the Council of Europe. Proceedings of the International Conference on: "*The Pharmaceutical Industry and the Fight against Doping: New Partnerships for Clean Sport*". Paris, 12 September 2012. Co-organized by the Ministry of Sports, Youth, Non Formal Education and Voluntary Organizations of France, the World Anti-Doping Agency, United Nations Educational, Scientific and Cultural Organization and the Council of Europe.

cooperation between the pharmaceutical industry and the Ministry of Health and/or the National Anti-Doping Agency of Belarus is in place.

The Evaluation Team heard a presentation from a representative of the *Chief Investigation Department of the Government of the Republic of Belarus*. Several examples from the operations of the Department, some with the involvement of the National Anti-Doping Laboratory of Belarus, were presented and can be seen as related to the fight against trafficking of doping substances. The readiness of the Chief Investigation Department to cooperate with the anti-doping authorities to tackle trafficking of doping was expressed, and the Department's experience could be used in that respect. Similarly, the Evaluation Team heard a presentation from a representative the *Department for Fight against Smuggling and Administrative Customs Offences* and the Department's readiness to work against the trafficking of doping was expressed. The *Department for Fight against Smuggling and Administrative Customs Offences* has experience against trafficking of anabolic steroids: in 2014, it was made possible to stop importation of anabolic steroids for veterinary use in five cases seizing 4,000 vials of different types of steroids of an estimated market price over 100,000 US Dollars.

From the presentations and the discussion with the representatives from both the *Chief Investigation Department of the Investigating Committee of the Republic of Belarus* and the *Department for Fight against Smuggling and Administrative Customs Offences of the State Customs Committee of the Republic of Belarus*, it was apparent that information gathered which could be of use for the fight against doping was not delivered to the National Anti-Doping Agency of Belarus directly. Instead, the data collected by these two departments are shared with other governmental departments before receipt by the National Anti-Doping Agency of Belarus. Sharing of data that may be of use to anti-doping organisations between national anti-doping organisations and public authorities, such as police forces, customs and border agencies, postal services etc. can play a significant part in tackling doping. Therefore, it is of great importance that the sharing of information be performed in a manner as effective as possible and be supported by law, as necessary.

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.

In accordance with the *Law on Physical Culture and Sports*, for the financing of national sports federations each federation enters into a trilateral agreement with the Ministry of Sports and Tourism and the National Olympic Committee of the Republic of Belarus. Such agreements include clauses about anti-doping and the respect by the national federation of their obligations under the national anti-doping rules. The proposed 2015 National Anti-Doping Rules indicate that the "*National Anti-Doping Agency of Belarus has the authority to request the Ministry of Sports and Tourism and the National Olympic Committee of the Republic of Belarus to withhold some or all funding or other non-financial support to national federations that are not in compliance with these Anti-Doping Rules,*" and set criteria for such sanctions, in line with the Convention.

4.3 Furthermore, the Parties shall:

a. assist their sports organisations to finance doping controls and analyses, either by direct subsidies or grants, or by recognising the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organisations;

The National Anti-Doping Agency of Belarus is the country's national anti-doping organisation and has the authority to conduct doping controls. The obligation of the government to finance doping controls is

reflected in the *Law on Physical Culture and Sport*. Article 50 of the said *Law* states that “*All athletes irrespective of gender, age, qualification and place of residence, as well as competing animals are subject to doping control pursuant to the terms of the National Anti-Doping Rules*” and Article 51 specifies that “*Doping control of athletes who are members of national teams, students of Olympic reserve colleges or specialised sport classes in institutions of general secondary education, specialised sporting educational institutions, sport schools for children and youth (specialised Olympic reserve schools for children and youth) which are structural parts of sport clubs, as well as of competing animals, conducted by the National Anti-Doping Agency is financed by the republican budget.*”

In 2014, the total budget of the National Anti-Doping Agency of Belarus was 328,155 euro and the amount allocated for testing was 115,543 euro (approximately 35% of the total annual budget).

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;

Article 51(2) of the *Law on Physical Culture and Sport* indicates that “*Financial support and other sport-related benefits received by athletes, coaches and other persons from the republican or local budgets might be terminated or limited in accordance with legislation for the period of ineligibility*”. In addition, clauses allowing the financial support or other sport-related benefits to be withheld from athletes serving a period of ineligibility have been introduced in the proposed 2015 National Anti-Doping Rules under Article 10.11.4.

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

Article 50(4) of the *Law of Physical Culture and Sports* states that “*All athletes irrespective of gender, age, qualification, and place of residence (...) are subject to doping control pursuant to the terms and conditions of the National Anti-Doping Rules.*” The proposed 2015 National Anti-Doping Rules include clauses allowing both the National Anti-Doping Agency of Belarus and other anti-doping organisations to perform in-, and out-of-competition testing over athletes under their jurisdiction.

d. encourage and facilitate the negotiation by sports organisations of agreements permitting their members to be tested by duly authorised doping control teams in other countries.

The Evaluation Team understood that there are no official agreements in place between the Belarusian authorities or the sport organisations of Belarus and other national anti-doping organisations or international federations for testing of athletes from Belarus when training in other countries. Both the Code and the Convention have provisions to allow this, in- and out-of-competition under certain circumstances, and the Evaluation Team is of the opinion that the Belarusian authorities should proceed with such agreements and request testing of their athletes when training or competing in other countries.

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 Ministry of Sports and Tourism of the Republic of Belarus officially accepted the Code in 2008 and as a Signatory to the Code is required to have National Anti-Doping Rules in compliance with the Code.

In accordance with Article 20 of the *Law on Physical Culture and Sports*, the National Anti-Doping Agency of Belarus develops the National Anti-Doping Rules “*in compliance with the World Anti-Doping Code and other decisions of proper international sport organisations*” and submits them for approval to the Ministry of Sports and Tourism. Article 20 of the *Law* states further that “*(National Anti-Doping Rules) regulate such matters as organisation, implementation, and management of all stages of doping control in the Republic of Belarus.*”

The Evaluation Team was provided with two sets of rules: (1) The “Anti-Doping Rules of the Republic of Belarus” that were approved by the Order of the Ministry of Sports and Tourism (No. 22, dated 11 July 2014); and (2) the “National Anti-Doping Rules of the Republic of Belarus (Based upon the 2015 Code)”.

The “Anti-Doping Rules of the Republic of Belarus” were approved by the Order of the Ministry of Sports and Tourism (No. 22, dated 11 July 2014). In the auto-evaluation Report it is stated about these Rules that “*the new National Anti-Doping Rules were developed in conformity with international regulations and provisions of the World Anti-Doping Code, decisions of the International Olympic Committee, WADA International Standards and decisions of other relevant sport organizations.*” However, these Rules cover only a very few aspects of anti-doping programmes and do not meet the mandatory elements of the Code like, for example the definition of “doping”, the sanctioning system etc.

The Evaluation Team was provided with a second set of rules titled “National Anti-Doping Rules of the Republic of Belarus (Based upon the 2015 Code)” (referred to in this report as “the proposed 2015 National Anti-Doping Rules”) and was advised that they were submitted to WADA for review. Up to the time of the finalisation of the Evaluation Team’s report, the process was still in progress and “*WADA is waiting to receive the draft rules for review*”⁴.

It is not clear to the Evaluation Team which set of national Anti-Doping Rules is currently in force, and this has the potential to cause legal and other confusion. In the opinion of the Evaluation Team until the 2015 National Anti-Doping Rules are approved by WADA and formally put into force by Belarus, the non-compliant older rules remain in force. The Belarusian authorities are strongly advised to solve this issue as a matter of urgency and ensure that the National Anti-Doping Rules in effect are in line with the 2015 Code.

Conclusions:

The Evaluation Team concludes that Belarus has implemented most of the key provisions of the Convention under Article 4. The most prominent non-conformities under this Article are: (a) the lack of comprehensive legislation to control the trafficking of doping substances; and (b) the lack of National Anti-Doping Rules in line with the 2015 Code.

Recommendations:

- The Belarusian 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.

⁴ WADA: Implementation of World Anti-Doping Code and International Standards 2015 – Rules Update. Document prepared by Mr. Olivier Niggli for WADA Executive Committee and Foundation Board Meetings (12-13 May 2015)

- The National Anti-Doping Agency of Belarus and the Ministry of Sport and Tourism should ensure that the proposed 2015 National Anti-Doping Rules are completed as quickly as possible and, once approved by WADA, are put into force expeditiously.
- The sharing of information between the National Anti-Doping Agency of Belarus 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 Ministry of Health should encourage the pharmaceutical industry to collaborate and cooperate with the National Anti-Doping Agency of Belarus and WADA in the fight against doping in areas like readily identifying substances with the potential of misuse by athletes.
- The National Anti-Doping Agency of Belarus should have in place agreements with other national anti-doping organisations to allow testing of Belarusian athletes when training in other countries.

Article 5 - Laboratories

5.1 Each Party undertakes:

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

5.2 These laboratories shall be encouraged to:

- a. take appropriate action to employ and retain, train and retrain qualified staff;**
- b. undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;**
- c. publish and circulate promptly new data from their research.**

By decision of the Government of Belarus, the National Anti-Doping Laboratory of Belarus (hereafter “the Laboratory”) was established in 2007, under the Ministry of Health. The Laboratory is an independent legal entity, belonging to the Government.

The Laboratory staff comprises 33 persons, 21 of which have a scientific background in chemistry or biology. Currently, the Laboratory is structured in three departments according to the technologies required (i.e., Liquid Chromatography Department, Gas Chromatography Department, and Biological Department) and has administrative and supporting personnel. The infrastructure of the Laboratory is of high level and includes all the necessary Gas Chromatography Mass Spectrometry (GCMS) and Liquid Chromatography Mass Spectrometry (GCMS) instruments. In addition, the necessary equipment for the implementation of erythropoietin, human chorionic gonadotropin, and homologous blood transfusion analysis are on site.

The Laboratories well supported by the Government of the Republic of Belarus. More than 10 million of US Dollars were invested for its establishment and the annual budget the Laboratory received by the government was approximately 1.6 million US Dollars in 2012, 2.4 million US Dollars in 2013, and 2.7 million US Dollars in 2014.

The Laboratory is accredited by the National Accreditation System of the Republic of Belarus (NASRB) for the ISO/IEC 17025. The NASRB is not a full member of the International Laboratory Accreditation Cooperation (ILAC) as required by the International Standards of Laboratories (ISL) of the World Anti-Doping Agency (WADA). In 2010, the Laboratory applied to the German National Accreditation Body (DAkkS) for ISO/IEC 17025 accreditation and in 2011 provided the DAkkS with the required documents in English; however, further steps were suspended “*due to uncertain situation with WADA accreditation*” (information provided by the Laboratory).

In September 2009, the Laboratory applied for WADA accreditation and a WADA team visited the Laboratory in March 2012. However, following the decision of the Executive Committee of WADA in September 2013 that adopted a strategy for the development of the anti-doping laboratory network (with the exception of the possible re-accreditation of the laboratory in Turkey, no additional laboratories would be approved in Europe), WADA rejected the request of the Belarusian Laboratory for accreditation. In May 2014, the Laboratory applied also for becoming a WADA-approved laboratory in support of the Athlete Biological Passport but again was rejected by WADA as “premature” based on “*the status of development of the National Anti-Doping Agency in Belarus*”, adding that “*much remains to be done in sample collection capacity development and consolidation of NADO activities in Belarus before further consideration to an approved laboratory is given by WADA*” (WADA’s letter to the Director of the National Anti-Doping Agency of Belarus, dated 27 May 2014)

Regarding the analytical capacity of the Laboratory, the Evaluation Team notes that the accreditation that the Laboratory has received from NASRB does not cover a number of prohibited substances and methods. All of the accredited methods are qualitative and there is no accredited quantitative method for the measurement of the threshold substances (e.g., ephedrine, 19-norandrosterone, salbutamol etc.). In addition, the detection of erythropoietin, human chorionic gonadotropin or human growth hormone is not included in the scope of accreditation of the laboratory. Similarly, the Isotope Ratio Mass Spectrometry (IRMS) analysis which is used to differentiate between endogenous production and exogenous administration of testosterone metabolites, is not accredited. The development and validation of the methods for erythropoietin and human growth hormone detection as well as the IRMS method will be a very difficult task without the collaboration with laboratories already accredited for these methods. However, the collaboration between WADA-Accredited laboratories and laboratories that have not yet entered the probationary phase of WADA accreditation (as it is the case with the Belarus Laboratory) is strictly prohibited by WADA. Moreover, the analytical competence of the Laboratory for those methods that are already accredited (by NASRB) have not been tested in any international proficiency testing scheme.

The scientific staff of the Laboratory comprises 21 people, all with university degrees in chemistry or biology. However, due to the WADA prohibition of collaboration mentioned above, they have no chance to be trained in WADA-Accredited laboratories. In addition, since 2010 the Laboratory staff attended conferences in Russia, only. Finally, regarding research programs and publication of their work, the Evaluation Team was presented with seven (7) manuscripts, all written in Russian and none of them published in a peer-reviewed international scientific journal.

The Laboratory receives samples from the National Anti-Doping Agency of Belarus. In 2012, the National Anti-Doping Agency sent to the Laboratory 1,168 samples; this number has steadily increased to 1,991 samples in 2013 and 3,010 samples in 2014. The percentage of doping control samples that were analyzed by the Laboratory in 2014 reached to 90% of the total number of samples collected by the National Anti-Doping Agency of Belarus in the respective year.

The Convention, under Article 5, requires member states either to create doping control laboratories suitable for accreditation or if such a laboratory is not in place then access to an accredited laboratory in another state must be sought and subsidized. Moreover, the Convention aims to have all member states using accredited laboratories as an essential part of a coherent anti-doping strategy and equal treatment of athletes. Anti-doping organizations, as signatories to the World Anti-Doping Code, should send samples for doping control purposes only to WADA-accredited or WADA-approved laboratories. The Executive Committee of WADA in its meeting in September 2013 has decided that failure to do so will be considered as a finding of non-compliance.

The mandatory Code requirement to send samples for doping control purposes only to WADA-Accredited laboratories is included in the proposed 2015 National Anti-Doping Rules under Article 6.1. The Belarusian Laboratory is not accredited by WADA and has not yet entered the probationary phase of WADA accreditation. Therefore, its use by the National Anti-Doping Agency of Belarus for doping control purposes constitutes a non-conformity with the provisions of the Convention and an element of non-compliance with the Code.

The Evaluation Team understood that the accreditation of the National Anti-Doping Laboratory of Belarus remains high on the priorities of the country's anti-doping programme and that the Belarusian authorities are allocating significant financial and other resources in that respect. It is the opinion of the Evaluation Team that, the Belarusian laboratory should be seen as an integral part of the national anti-doping programme and its development must be paired with that of the National Anti-Doping Agency's and anti-doping programme in general. It would be then reasonable for the Belarusian authorities to put more weight on the development of the National Anti-Doping Agency and the implementation of sound anti-doping programme based on the Anti-Doping Convention of the Council of Europe, the International Convention against doping in Sport of UNESCO and the Code. Even with more emphasis on developing the National Anti-Doping Agency, the Laboratory still needs to improve further, up to the level required for WADA accreditation; however, such development can be made only if, and when, the Laboratory gets in the Probationary phase.

Conclusions:

The Evaluation Team concludes that the obligations of Belarus under Article 5 of the Convention are not fulfilled. The non-conformity lies in the fact that (i) the National Anti-Doping Agency of Belarus uses for doping control purposes the National Anti-Doping Agency of Belarus which is not accredited by WADA; and (ii) access to a WADA-accredited laboratory is not gained for all doping control samples.

Recommendations:

- The National Anti-Doping Agency of Belarus should stop sending samples for doping control purposes to the National Anti-Doping Laboratory of Belarus and use only WADA-accredited laboratories.
- Since the National Anti-Doping Laboratory of Belarus is an integral part of the country's anti-doping programme, the Belarusian authorities should reconsider the priorities of their national anti-doping programme and consider putting more efforts towards the development of the National Anti-Doping Agency and the implementation of the Convention and the Code.
- For the National Anti-Doping Laboratory of Belarus, in case that there is an approval from WADA to get in Probationary phase, then to reach to the level of other WADA-accredited laboratories, further improvement on the following, as a minimum, is needed:
 - o should apply for ISO/IEC 17025 accreditation from an ILAC member organization; develop and validate quantitative methods for the threshold substances of the WADA's Prohibited List;
 - o develop and validate methods for the detection of erythropoietin (rEPO) and similars, as well as to implement the Isotope Ratio Mass Spectrometry (IRMS) method to distinguish between endogenous production and exogenous administration of steroids;

- take part in proficiency testing schemes to test and prove its competence in the analytical methods that applies.
- The National Anti-Doping Laboratory of Belarus should adopt and apply high ethical standards to preclude the possibility of receiving samples from athletes or athlete support personnel who want to manipulate their samples before taking part in competitions and/or submitting to doping control.
- The National Anti-Doping Laboratory of Belarus is encouraged to collaborate with university and research institutions in Belarus and other countries for the scientific development of its staff.
- The National Anti-Doping Laboratory of Belarus is encouraged, in collaboration with universities and research institutions in Belarus and other countries, to implement scientific research programmes and publish their results in peer-reviewed scientific international journals.

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 Law on Physical Culture and Sport acknowledges the importance of prevention in the fight against doping. Under the said Law, prevention of doping is listed as one of the “*main directions of the governmental policy in physical culture and sport*” (article 9(3)) and one of the objectives of all organisations in physical culture, including the National Anti-Doping Agency of Belarus (article 16(2) and 16(3)). In addition, the *Law on Physical Culture and Sport* states that the National Olympic Committee of Belarus and the National Federations are “*bound to (...) facilitate prevention and combatting doping in sport*” (articles 18(4) and 21(4), respectively) and that the “*National Anti-Doping Agency of Belarus (...) is established with the purpose of prevention and combatting doping sport (...)*” (article 20(1)).

Further to the *Law on Physical Culture and Sport*, in the proposed 2015 National Anti-Doping Rules it is indicated that “*the National Anti-Doping Agency of Belarus (...) performs the following functions: (...) planning, implementing and monitoring anti-doping information, education and prevention programmes*”(article 1.4). Moreover, article 16 describes in detail the issues to be covered by such programmes, the objectives and concludes that “*(National Anti-Doping Agency of Belarus) shall promote and support active participation by athletes and athlete support personnel in the programmes*”.

The Evaluation Team discussed education and information programmes with the Minister and representatives of the National Anti-Doping Agency of Belarus and understood that education is one of its most important directions. Education and information events are directed to athletes of all ages and levels, athlete support personnel (coaches, trainers, instructors, sports officials, sport doctors etc.), and athletes’ parents. Based on the figures provided, more than 131 educational events have been held by the National Anti-Doping Agency of Belarus in 2014 with more than 3,000 participants (1,241 athletes; 223 medical personnel; and 1,241 coaches, trainers, officials etc.). A broad range of topics was covered, such as “*Anti-doping policy: Anti-doping rules in sport*”; “*Side Effects of Doping*”; “*International standards: the Prohibited List, Testing, Therapeutic Use Exemptions*”; “*The International Anti-Doping Program – current issues of doping in sports*”; “*Substances and methods on the Prohibited List*”; “*Rights and responsibilities of Athletes and Athlete Support Personnel during doping control procedures*”; “*Managing the risks of nutritional supplements*”; “*The way doping affects the spirit of sport*”; “*Submitting Athlete’s Whereabouts: ADAMS*”, “*Warning! Doping! Anabolic steroids and stimulants,*

nutritional supplements"; *"Warning! Doping! Cannabinoids: influence, addiction, consequences"*; *"Think twice! Naswar as potential danger for athletes"*; *"The fight against doping in youth sport"*; *"Consequences of doping, including sanctions, health and social consequences"*; *"Anti-doping rules applicable during the 2nd Summer Youth Olympic Games (YOG), August 2014, Nanjing, China"*; *"Athletes' and coaches' competence in anti-doping rules, doping control procedures and International Standards review"* etc.

The National Anti-Doping Agency of Belarus develops materials that are used for anti-doping education and information purposes and operates a webpage that serves as a source of useful information for athletes and athlete support personnel.

The Evaluation Team understood that the National Olympic Committee of Belarus and national federations perform education activities; however, it was not clear whether these activities are coordinated with the National Anti-Doping Agency of Belarus. In addition, the Evaluation Team understood that the educational programme of the National Anti-Doping Agency of Belarus is lacking a long term, strategic plan and that most events are performed on the basis of requests from national sport federations or other sport organisations (and not because of the already developed strategy of the National Anti-Doping Agency of Belarus). Moreover, the programme seems to be without clearly defined objectives, expected outcomes and performance indicators for its evaluation.

The National Anti-Doping Agency of Belarus in 2013 received a grant of 17,663 US Dollars from UNESCO under the action *"Fund for the Elimination of Doping in Sport"* for the project title *"Anti-doping education and establishment of a behavioural pattern in Belarusian society preventing doping by young athletes"*. The aim of the project was to overcome the identified knowledge-gap, with respect to anti-doping issues, among athletes, coaches and the general public through a systematic media campaign, and an educational conference. As part of the project, the National Anti-Doping Agency of Belarus developed two social videos (*"Belarus is against doping!"*), one targeting young athletes and one targeting the general public, which were aired on national television channels, public plasma screens and during the 2014 Ice Hockey World Championship which was held in Minsk. In addition, as part of the project, a conference with lectures and workshops was organised and different materials were developed.

An important research project for the prevention of doping was performed by the National Anti-Doping Agency of Belarus and the Institute of Sociology of the National Academy of Sciences of Belarus with funding received from WADA in 2012. The project titled *"Knowledge, Attitudes and practice of coaches belonging to different generations in relation to doping behaviour of athletes"* aimed to study the attitudes and perceptions of coaches in the country and provide recommendations on national anti-doping programmes.

Conclusions:

The Evaluation Team concludes that the obligation of Belarus to implement education and information programmes for the prevention of doping is reflected in the Belarusian legislation and put into practice.

Recommendations:

- The National Anti-Doping Agency of Belarus 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.

- 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 National Anti-Doping Agency of Belarus should establish educational and information programmes for all level of athletes, especially for young athletes, athletes’ parents, coaches, sports managers and officials, sports doctors, journalist etc. To succeed with this, it is recommended to start out by using already developed resources, such as the WADA Alpha program or equivalent and translates it into the Russian language.
- All other stakeholders (like, for example, the national sport federations, the National Olympic Committee and academic institutions) should cooperate closely with the National Anti-Doping Agency of Belarus towards the implementation of anti-doping educational and information programmes.
- New information and education initiatives should focus on:
 - using one or more platforms from which to deliver updated and available material - eg building apps for smartphones.
 - Educating the National Anti-Doping Agency's stakeholders such as employees from customs, police, etc. to recognize and seize illegal doping substances.
 - educating primary school teachers in how to teach fair play and ethics and developing anti-doping material that teachers could use in the classroom.
- The 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, especially: *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, TUEs, managing the risks of nutritional supplements, harm of doping to the spirit of sport, and applicable whereabouts requirements.*
- The National Anti-Doping Agency of Belarus 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, in addition to the website, the social networks (Facebook/Twitter), the outreach program, annual conferences on antidoping etc.
- Athletes and the athlete support personnel (e.g., trainers, coaches, sports doctors, physiotherapists etc.) should be encouraged to participate actively in anti-doping work of the National Anti-Doping Agency of Belarus as well as in the work of the national and international sports federations.
- Belarusian famous athletes could be used as “doping-free sport ambassadors” to promote clean sport.
- The obligation of the Ministry of Sports and Tourism to provide the necessary funds for the implementation of educational and information programmes should be reflected in the *Law of Physical Culture and Sports*.

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 *Law on Physical Culture and Sports* under Article 9(3) indicates that “*the main directions of the governmental policy in physical culture and sport*” include, among others, “*scientific research and development in the sphere of physical culture and sport.*”; in addition, under Article 50(3) the importance

of scientific research in the fight against doping, as a measure for the prevention and combating doping is acknowledged.

The Evaluation Team became aware of a WADA-sponsored research project titled “*Knowledge, Attitudes and practice of coaches belonging to different generations in relation to doping behaviour of athletes.*” The project was carried out in 2012 by the National Anti-Doping Agency of Belarus and the Institute of Sociology of the National Academy of Sciences of Belarus.

Conclusions:

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

Recommendations:

- The Belarusian authorities should encourage and fund research studies related to anti-doping by academic and other interested institutions.
- The National Anti-Doping Agency of Belarus 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.

Belarus has adopted the *Law on Physical Education and Sport* which in general does seem to establish structures and bodies to implement appropriate measures. Both the National Anti-Doping Agency it establishes and the national anti-doping rules it authorizes are consistent with this Convention requirement. However, Belarus has not provided the Evaluation Team a comprehensive list detailing how each and every obligation of Article 7 is implemented.

Moreover, as noted above, the *Law on Physical Culture and Sport* currently refers to anti-doping as described by the 2009 World Anti-Doping Code and International Standards made under it. Therefore the *Law* needs to be updated to reflect the 2015 World Anti-Doping Code and International Standards.

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 Member States 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 proposed 2015 National Anti-Doping Rules are in preparation and, as mentioned above, at the time of the evaluation visit were still under review by WADA. In the meantime, it was not clear to the Evaluation Team whether the 2011 National Anti-Doping Rules or the National Anti-Doping Rules that were adopted in June 2014 are in force. The 2015 National Anti-Doping Rules are based on the WADA model rules for national anti-doping organizations and should result in implementation of the 2015 Code. However, the National Anti-Doping Agency of Belarus and the Ministry of Sport and Tourism are still in the process of preparing the next level documents that will implement all aspects of the 2015 WADA International Standards.

Even though in the proposed 2015 National Anti-Doping Rules under article 16.1 it is stated that “*All national federations and their members shall comply with these Rules*” the Belarus auto-evaluation report mentions that the National Anti-Doping Agency of Belarus cooperates with only 19 sports “*(the National Anti-Doping Agency of Belarus) closely cooperates with anti-doping commissions from 19 national sports federations*”. It is not clear how the National Anti-Doping Agency of Belarus cooperates with other Olympic and Paralympic sport national federations as well as the other national federations that are supported by the State and even beyond these.

The Convention is designed with the aim to bring all athletes within its remit -where it is appropriate- and national authorities should decide their own priorities and make appropriate selections and decisions and apply the Convention realistically, concentrating where doping is known to exist. Belarus has a well-developed sport system. The Evaluation Team was advised that 130 different national federations operate in Belarus and that 73 of those are supported by the State. Therefore, the Evaluation Team is concerned that the National Anti-Doping Agency of Belarus cooperates with only 19 sports.

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 international federations signatories to the Code. According to the proposed 2015 National Anti-Doping Rules: “*The Prohibited List is published and revised by WADA in accordance with the Code and is in force in the Republic of Belarus pursuant to domestic laws, international treaties of the Republic of Belarus and these Anti-Doping Rules.*” However, the current version of the *Law on Physical Activity and Sport* regarding the Prohibited List is vague: “*The Prohibited List is provided by WADA and is applied on the territory of the Republic of Belarus in accordance with legislation and international agreements of the Republic of Belarus*” without specifying further how it is enforced.

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

c. doping control procedures;

Harmonization on doping control procedures is also achieved under the umbrella of the Code. The proposed 2015 National Anti-Doping Rules are based on the Code and under Article 5 establish a detailed doping control procedure consistent with the standards set up in the Code and the International Standard for Testing, including the authority to conduct testing, testing standards, coordination of testing, in and out-of-competition testing, and athlete whereabouts requirements.

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;***

The disciplinary and appeals procedures for anti-doping matters are determined in the proposed 2015 National Anti-Doping Rules under Articles 8 and 13, respectively and the Regulations for the National Disciplinary Anti-Doping Commission of the Republic of Belarus.

According to Article 8.1 of the proposed 2015 National Anti-Doping Rules “*When it appears (...) that these Anti-Doping Rules have been violated then the case shall be assigned to the National Anti-Doping Agency of Belarus Disciplinary Panel, for adjudication*”. Article 8.2.6 adds that “*The National Anti-Doping Agency of Belarus Disciplinary Panel shall act in a fair and impartial manner towards all parties at all times*”.

In accordance with the Regulations for the National Disciplinary Anti-Doping Commission the members of the Commission “are approved” by the National Anti-Doping Agency of Belarus. This violates the principles of the Convention that requires the reporting (persecuting) and disciplinary bodies are distinct and creates concerns about the impartiality and independence of the Commission.

The Evaluation Team was informed that under the current system, the members of the Commission are representatives of sport bodies and government ministries and that the Chair of the Commission is a representative of the National Olympic Committee and he makes the appointments of Commission members to consider individual cases; however, the rules that govern those appointments are unclear. Nor it is clear why the Ministry of Sport and Tourism should be informed of the hearing minutes (as indicated in Article 8.3.3 of the proposed 2015 National Anti-Doping Rules). Again, these can be seen as impacting the National Disciplinary Anti-Doping Commission’s impartiality.

The Evaluation Team was also informed that the current system allows the national federations to review the decisions of the National Disciplinary Anti-Doping Commission before officially pronounced to the athlete. The Evaluation Team is of the opinion that this is unnecessary and cumbersome and could impact on the impartiality of the decisions of the Commission. Subject to the right of appeal, national federations are obliged to merely recognise and implement those decisions as indicated in Article 15.3 of the proposed 2015 National Anti-Doping Rules.

Moreover, neither the proposed 2015 National Anti-Doping Rules nor the Regulations for the National Disciplinary Anti-Doping Commission have explicit clauses about the rights of the suspected athlete for a fair hearing before the Commission, as required by the Convention. For example, nowhere the right of athlete to respond to the asserted anti-doping violation allegation, to be represented by counsel at the hearing, or to present evidence including the right to call and examine witnesses are mentioned.

The Evaluation Team noted that the Article 8.2.3 of the proposed 2015 National Anti-Doping Rules provides that “*If the National Anti-Doping Agency of Belarus Disciplinary Panel decides, the case might be referred to the athlete’s national federation for review pursuant to the rules of the relevant International Federation*”. It is not clear to the Evaluation Team which cases and under what criteria those cases are referred to the athlete’s national federation for review instead of hearing before the centralised National Anti-Doping Agency of Belarus Disciplinary Panel. Neither is clear what rules govern the “review” by the athlete’s national federation and whether the concept of natural justice and due process is respected.

The Appeals procedure is described under Article 13 of the proposed 2015 National Anti-Doping Rules. In cases of anti-doping rule violations arising from participation in an international event or in cases involving international-level athletes, article 13.2.1 clearly determines that the decision may be appealed exclusively to the Court for Arbitration of Sport (CAS) in accordance with the CAS provisions. However,

for cases involving national-level athletes the appeals procedure is unclear. Article 13.2.2.1 of the proposed 2015 National Anti-Doping Rules states that “*the decision of the National Anti-Doping Agency of Belarus or national federation may be appealed to the arbitration courts with which the decision-making organization holds an appropriate agreement pursuant to the rules of the arbitration court*”. Ahead of the Evaluation Visit (1.12.2014) the National Anti-Doping Agency of Belarus and the Public Association “Belarusian Republican Union of Lawyers” signed an agreement which includes, among other areas, the “*settlement of disputes connected with doping control*”. Under article 3 of the Agreement it is indicated that the National Anti-Doping Agency of Belarus “*recognizes the Sports arbitration court at Public Association “Belarusian Republican Union of Lawyers”(Sports arbitration court) as fair and impartial body in the field of settlement of sport disputes*” and “*expresses consent to transfer all disputes, arising in connection with doping-control of national-level athletes (...) exclusively to Sports arbitration court according to its Rules of Procedures and considering provisions of World Anti-Doping Code of World Anti-Doping Agency*”. The Evaluation Team was not presented with any information on how national federations are planning to meet this requirement.

e. procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;

The Code-based definition of “athlete support person” is introduced in the proposed 2015 National Anti-Doping Rules. It is broader than the one found in the Convention and includes coaches, trainers, managers, agents, team staff, officials, medical and paramedical personnel, parents or any other person working with, treating or assisting an athlete participating in or preparing for sports competition. In addition, in line with the Code, the proposed 2015 National Anti-Doping Rules provide for disciplinary sanctions against athlete support personnel and for reporting significant doping rule violations which may also constitute violations of non-sporting laws and regulations to the competent administrative, professional or judicial authorities.

The *Law of Physical Culture and Sports* under article 51 provides that coaches, among other persons, “*(...) are subject to disqualification for doping pursuant to the terms and conditions of the national anti-doping rules by the decision of the National Anti-Doping Agency, national federations, relevant international sport organisations*”; however, the Evaluation Team notes that the *Law of Physical Culture and Sports* includes clauses on the obligations about the “athletes” and “referees” and not “athlete support person”.

The Evaluation Team was informed that, the *Labour Code of the Republic of Belarus* following amendments in 2014 introduced a chapter regulating the labour relations for people involved in professional sports, including coaches and sports doctors. Under chapter 26(1) it is now mandatory the employment contract to include a clause ensuring not only the responsibility of athletes to comply with the anti-doping rules but also the obligation of employers to suspend an athlete or coach from competition during the period of an investigation related to doping rule violations. Moreover, article 314(11) of the *Labour Code* sets grounds for termination of the employment contract for coaches who have been suspended for a period of six months or longer following a doping rule violation.

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

The Ministry of Sport and Tourism 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. Article 15 of the proposed 2015 National Anti-Doping Rules contains a standard Code-based clause on mutual recognition. In particular, Article 15.1 states that “*Subject to the right to appeal (...) Testing, hearing results or other final adjudications of any (Code) Signatory which are consistent with the Code and are within that Signatory’s authority, shall be applicable worldwide and shall be recognized and respected by the National Anti-Doping Agency of Belarus and all National Federations.*” Moreover, Article 15.2 states that “*National Anti-Doping Agency of Belarus and all National Federations shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code*” and Article 15.3 adds that “*any decision of the National Anti-Doping Agency of Belarus regarding a violation of these Anti-Doping Rules shall be recognised by all National Federations, which shall take all necessary action to render such decision effective.*”

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;

The National Anti-Doping Agency of Belarus introduced an extensive testing programme in the country. Based on the statistics provided by the National Anti-Doping Agency of Belarus, it is evident that the number of samples collected in each year is steadily increasing and has reached 3,372 samples in 2014. Samples are collected in-, and out-of competition: for 2014, only 17% of the samples were collected in-competition with the remaining 83% collected out-of-competition. More than 40% of the samples in 2014 were collected from minor athletes (i.e., under the age of 18), 30% from athletes between 18-23 years old and 30% from athletes older than 23 years old. Since 2013, a total of 388 blood samples were collected as “training” for the implementation of the Athlete Biological Program but without evaluating the intra-individual parameters. More information about the country’s testing programme for the years 2010 to 2014, as provided to the Evaluation Team by the National Anti-Doping Agency of Belarus is shown in Annex 1 of this Report.

The Evaluation Team was informed that in 2014 there were 27 Adverse Analytical Findings (AAFs) for mainly anabolic agents, stimulants and cannabinoids. However, no information about the number of cases sanctioned has been provided, nor about the sanctions imposed in each case.

The Evaluation Team is concerned about the country’s testing programme. In addition to the concerns regarding the use of the non WADA-accredited National Anti-Doping Laboratory of Belarus (mentioned under Articles 5 and 7.3.e), the Evaluation Team found it difficult to understand the principles of the testing programme. In the auto-evaluation Report it is written that “*The Test Distribution Plan was developed on the basis of risk assessment that included different parameters: violations of anti-doping rules in previous years, sports with good perspective to medals, etc. Olympic sports were a priority*”. Yet, it is not clear why 40% of the collected samples in 2014 are from minor athletes. Neither is the fact that, in 2014, 83% of the samples were collected out-of-competition. The effectiveness of out-of-competition testing is beyond any doubts; however, out-of-competition testing depends on knowing where an athlete selected for testing will be located and test them without prior notice. The Evaluation Team understood that a Registered Testing Pool and whereabouts system to match and support the testing programme are not in place in Belarus. In-

competition testing is also of great importance for the protection of the integrity of results and sport, in general and should not be neglected.

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;

Belarus has signed the Code that allows for testing of athletes in other countries. However, the Evaluation Team understood that in practice the Belarusian authorities have never requested from other anti-doping organisations for testing of their athletes when training abroad (for example, in training camps). During the Evaluation Visit, government officials and representatives of the National Anti-Doping Agency of Belarus undertook to establish such agreements for the testing of Belarusian athletes outside Belarus.

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

Apart from a clause under Article 1.7 of the proposed 2015 National Anti-Doping Rules which indicates that “Any athlete who intends to compete in a national or international sport event shall make him/herself available for testing in accordance with these Anti-Doping Rules for at least a period of six months before such event”, the Evaluation Team was not presented with specific information on how Belarus meets this requirement of the Convention. Even for the abovementioned provision, it was not clear to the Evaluation Team how it will be implemented in practice.

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

The Evaluation Team was not presented with any specific information on how Belarus 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;

The National Anti-Doping Agency of Belarus sends samples for doping control purposes to the National Anti-Doping Laboratory of Belarus as well as the WADA-accredited laboratories of Moscow, Russia and Warsaw, Poland. In 2014, approximately 90% of the collected samples were analyzed by the National Anti-Doping Laboratory of Belarus, most of them collected from athletes under the age of 23 whereas samples of international-level athletes, and those taken at international competitions held in Belarus on the request of an international federation (like -for example- in the case of the 2014 IIHF Ice Hockey World Championships), were sent directly to WADA-accredited laboratories for analysis.

The Evaluation Team is concerned that the National Anti-Doping Laboratory of Belarus is not accredited by WADA. As mentioned in more detail under Article 5, compared to WADA-accredited laboratories, the Belarusian Laboratory has a limited test menu, does not participate in any external quality control schemes to verify its quality and is not under the control of WADA as the world’s watchdog of anti-doping programs to ensure impartiality and rigour in its operations. The Evaluation Team was informed that possible Adverse Analytical Findings and Atypical Findings identified by the National Anti-Doping Laboratory of Belarus were reviewed by WADA-accredited laboratories. However, for the reasons mentioned above, it remains unknown what percentage of “negative” samples are “true negative”.

Therefore, having samples analyzed by the National Anti-Doping Laboratory of Belarus is not in conformity with the provisions of the Convention and not in compliance with the 2015 World Anti-Doping Code. This means that clean athletes do not have the full protection of the Convention and the World Anti-Doping Code. Moreover, the practice of having samples collected by the National Anti-Doping Agency of Belarus analyzed by a Laboratory that is non-accredited by WADA exposes Belarus to concerns that its national anti-doping program could be used to supervise doping as opposed to deterring and detecting it.

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

The *Law on Physical Culture and Sport* under Article 9 indicates that “*scientific research and development in the sphere of physical culture and sports*” is among the main directions of the country’s governmental policy in sport. In addition, the Evaluation Team is aware of the many well-established academic and research institutions in Belarus. However, the Evaluation Team was not presented with any research sponsored or funded by the Belarusian sport organisations or any guidelines developed by sport organisations in Belarus related to the protection of the health of athletes.

Conclusions:

The Evaluation Team concludes that Belarus fulfils only part of the requirements under Convention Article 7. The most prominent non-conformities under this Article are: (a) the use of non WADA-accredited laboratory for the analysis of samples for doping control purposes; (b) the lack of anti-doping disciplinary panel distinct from the National Anti-Doping Agency; and (c) the lack of a clear domestic appellate body.

Recommendations:

- The Belarusian authorities should amend the *Law on Physical Culture and Sport* to reflect the 2015 World Anti-Doping Code and International Standards.
- The National Anti-Doping Agency of Belarus and the Ministry of Sport and Tourism should adopt and enforce National Anti-Doping Rules in compliance with the 2015 WADA Code as well as the next level documents that will implement all aspects of the 2015 WADA International Standards.
- The National Anti-Doping Agency of Belarus should reconsider its testing program as per the following:
 - use only WADA-Accredited laboratories for the analysis of samples;
 - testing should be based on intelligence;
 - collect samples for all levels of athletes, with more emphasis on elite, senior athletes (rather than minor athletes);
 - perform out-of-competition testing without advance notice at all times; a whereabouts system should be implemented in support of out-of-competition testing; and
 - in-competition testing should remain a substantial of the country’s testing programme.
- The Belarusian authorities should establish a national anti-doping disciplinary panel and a national anti-doping appeals panel, for all sports and all athletes, and assure that the panels and the National Anti-Doping Agency are distinct the one from the other, impartial from sport and the government and free of conflict of interests. In addition, the Belarusian authorities should ensure that the concept of natural justice and due process is respected by these bodies at all times.
- The National Anti-Doping Agency of Belarus should expand its national anti-doping program to include as many Olympic and Paralympic sport national federations as possible as well as other national federations, at least those that are funded by the State.

- The Belarusian authorities should amend the *Law of Physical Culture and Sports* to include clauses to allow sanctions against the athlete support personnel, in line with the Convention and the WADA 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 Republic of Belarus signed the Anti-Doping Convention of the Council of Europe on 12 September 2002 and ratified it on 4 January 2006 by the *Law on the Ratification of the Anti-Doping Convention*. The Convention entered into force on 1 May 2006. The Additional Protocol of the Convention has not yet been signed by Belarus.

The Republic of Belarus ratified the UNESCO International Convention against Doping in Sport by the *Law on the Ratification of the UNESCO International Convention against Doping in Sport* on 16 July 2008. The UNESCO Convention entered into force with respect to Belarus on 1 April 2009.

The Ministry of Sports and Tourism of the Republic of Belarus signed the World Anti-Doping Code Acceptance Form in 2008. In 2007, Belarus became a member of the East European Regional Anti-Doping Organisation (EERADO) and hosted EERADO Headquarters in Minsk, Belarus until 2011 when, following a decision of the Executive Committee of WADA taken in September 2011, it was decided that Belarus (as well as Serbia, the Russian Federation, and Ukraine) should be running their own national anti-doping programme.

Representatives of the National Anti-Doping Agency of Belarus, the National Anti-Doping Laboratory and officials of the Ministry of Sports and Tourism regularly attend the meetings of the Monitoring Group of the Anti-Doping Convention and the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA).

The Evaluation Team believes that the Belarus national anti-doping program is too isolated from the anti-doping program of other major sporting countries. This limits access of the National Anti-Doping Agency of Belarus to anti-doping innovation and best practices. For example, the National Anti-Doping Agency of Belarus has little experience with non-analytical anti-doping rule violations (such as committed by a coach or sport doctor). Under the 2015 World Anti-Doping Code, this is an area in which all anti-doping organizations must become more proactive. Yet to be effective requires commitment of time and resources, and a particular skill set.

The Evaluation Team was informed of the intention of the National Anti-Doping Agency of Belarus to work towards an agreement for cooperation with the United Kingdom Anti-Doping (UKAD) and considering joining the Institute of National Anti-Doping Organisations (iNADO). Both measures would offer the National Anti-Doping Agency practical collaborations that would improve its program and increase international confidence in the effectiveness of the national anti-doping program in Belarus. In turn, confidence in and improvement of the Belarus national anti-doping program increases the likelihood that the National Anti-Doping Laboratory might be accepted by WADA into its probationary program for accredited laboratories.

Conclusions:

The Evaluation Team concludes that Belarus has established only limited cooperation on the area of anti-doping and sees a great potential for the National Anti-Doping Agency of Belarus for cooperation within the structures of the Council of Europe (Monitoring Group, Advisory Groups, and CAHAMA) as well as directly with other States Parties to the Convention and/or through other relevant organisations (like, for example, the Institute of National Anti-Doping Organisations (iNADO)).

Recommendations:

- The representatives of the Belarusian authorities 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.
- The National Anti-Doping Agency of Belarus should establish cooperation with other, well-developed national anti-doping organisations in Europe, directly and/or through the Council of Europe or the Institute of National Anti-Doping Organisations (iNADO); such cooperation will help on many aspects of the country's anti-doping programme (like, for example, education, prevention, testing, etc.) especially at this transitional stage.

Article 9 - Provision of information

Each Party shall forward to the Secretary General of the Council of Europe, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention.

The Belarusian authorities constantly reply to the annual questionnaire and 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.

Conclusions:

The Evaluation Team concludes that Belarus fulfils the requirements under Convention article.

General conclusions

The programme of the visit allowed for the Evaluation Team to meet the responsible Ministers, the Director of the National Anti-Doping Agency, the Director of the National Anti-Doping Laboratory, representatives from the House of Parliament, governmental departments, and sport. The Evaluation Team received comprehensive information and got an in-depth view of the national anti-doping programme and the implementation of the Convention in Belarus.

In the opinion of the Evaluation Team, Belarus has not yet satisfactorily fulfilled the obligations under the Anti-Doping Convention even though the political commitment has been met. Belarus 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 and improvements are expected. The coordination between the governmental departments and the National Anti-Doping Agency is evolving and has the potential to improve further. The National Anti-Doping Agency is operational; however, the quality and effectiveness of its national 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 use of the non WADA-accredited National Anti-Doping Laboratory for anti-doping purposes.

In addition, the Evaluation Team during the visit to the National Olympic Sport Complex “Stayki” came across a specially equipped and arranged room that is used for ozonotherapy (drawing blood, enrich it with ozone and transfuse it back) which is prohibited under WADA’s Prohibited List.

The evaluation 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 Belarusian authorities have expressed their political will and determination to improve the national anti-doping programme and implement the Recommendations of the Evaluation Team.

Summary of the most significant Recommendation

- The National Anti-Doping Agency of Belarus should stop sending samples for doping control purposes to the National Anti-Doping Laboratory of Belarus and use only WADA-accredited laboratories.
- The Belarusian authorities should consider either amending the *Law on Physical Culture and Sports* or adopt in a comprehensive anti-doping law with the aim:
 - to define the obligations of the National Anti-Doping Agency of Belarus, 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 (UNESCO) Convention against Doping in Sport.
 - to reflect the 2015 World Anti-Doping Code and International Standards including the definition of "doping".
 - to include clauses to allow sanctions against the athlete support personnel, in line with the Convention and the WADA Code.
- The Belarusian authorities should establish a national anti-doping disciplinary panel and a national anti-doping appeals panel, for all sports and all athletes, and assure that the panels and the National Anti-Doping Agency are distinct the one from the other, impartial from sport and the government and free of conflict of interests. In addition, the Belarusian authorities should ensure that the concept of natural justice and due process is respected by these bodies, at all times.
- The National Anti-Doping Agency of Belarus and the Ministry of Sport and Tourism should adopt and enforce National Anti-Doping Rules in compliance with the 2015 WADA Code (as well as the next level documents that will implement all aspects of the 2015 WADA International Standards).
- The Ministry of Sports and Tourism should take all the necessary administrative and legislative measures to ensure that the National Anti-Doping Agency of Belarus is independent on its operations and decision-making process from sports and government pressure, and free from conflicts of interests.
- The National Anti-Doping Agency of Belarus should reconsider its testing program as per the following:
 - use only WADA-Accredited laboratories for the analysis of samples;
 - testing should be based on intelligence;
 - collect samples for all levels of athletes, with more emphasis on elite, senior athletes (rather than minor athletes);
 - perform out-of-competition testing without advance notice at all times; a whereabouts system should be implemented in support of out-of-competition testing; and
 - in-competition testing should remain a substantial of the country's testing programme.
- The National Anti-Doping Agency of Belarus should expand its national anti-doping program to include as many Olympic and Paralympic national sports federations as possible as well as other national federations, at least those that are funded by the State.
- The Belarusian authorities should 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 sharing of information between the National Anti-Doping Agency of Belarus 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 Belarusian authorities should ensure that the List of banned pharmacological classes of doping agents and banned doping methods in force in Belarus 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 Belarusian authorities should consider publishing the List of banned pharmacological classes of doping agents and doping methods in the Official Gazette and/or otherwise enforce it whenever it is amended.
- The National Anti-Doping Agency of Belarus 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 Belarusian authorities should ratify the Additional Protocol of the Anti-Doping Convention of the Council of Europe.

Appendices

1. Programme of the Visit

Tuesday, 3 February 2015	
Arrival of Experts	
Wednesday, 4 February 2015	
09:00 - 12:00	Visit to the National Anti-Doping Laboratory of the Republic of Belarus <i>[Meeting with Mr. Dmitriy PINEVICH, Deputy Minister of Health; and Mr. Sergey BELIAEV, Director of the National Anti-Doping Laboratory of the Republic of Belarus].</i>
12:30 - 14:30	Visit to the National Olympic Sport Complex “Stayki”. <i>Meeting with the Women Wrestling National Team</i>
15:00 - 17:00	Visit to the National Anti-Doping Agency <i>[Presentation by Mr. Denis MUZHUKHIN, Director of the National Anti-Doping Agency and discussion with National Anti-Doping Agency’s staff]</i>
Thursday, 5 February 2015	
09:30 – 10:00	Visit to the National Olympic Committee (NOC) of the Republic of Belarus <i>[Meeting with Mr. Maksim RYZHENKOV, NOC Belarus First Vice-President; Mr. Anatol KOTAU, NOC Belarus Secretary General; Mr. Dmitriy DAUHALIONAK, Head of the Department of Monitoring and Development of Olympic Sports; Mr. Aleksandr DUBKOVSKY, Deputy Minister of Sport and Tourism; and Mr. Denis MUZHUKHIN, Director of the National Anti-Doping Agency]</i>
10:30–13:00	Round table discussion with representatives from state authorities, members of the Parliament and athletes. <i>[With the participation of Mr. Aleksandr DUBKOVSKY, Deputy Minister of Sport and Tourism, Ms. Elena SHAMAL, Deputy Chair of the Standing Committee on Health, Physical Culture, Family and Youth Policy of the House of Representatives of the National Assembly of the Republic of Belarus; Mr. Dmitry DOVGALENOK, Chair of the Disciplinary Anti-Doping Commission, Deputy Secretary General – Head of Olympic Movement Development Department of the NOC Belarus; Ms. Natalia KREK, Head of the Disciplinary Anti-Doping Commission of the Belarusian Athletics Federation and representative of the National Athletics Team of the Republic of Belarus; Mr. Aleksandr SHPIGEL, Senior Investigator of the Chief Investigation Department of the Investigating Committee of the Republic of Belarus; Mr. Dmitry ZHERNOSEK, Senior Special Investigator of the Department for Fight Against Smuggling and Administrative Customs Offences of the State Customs Committee of the Republic of Belarus; Mr. Galina PYSHNIK, Advisor of the Medicine Provision Department of the Ministry of Health; Mr. Sergey BELIAEV, Director of the National Anti-Doping Laboratory of the Republic of Belarus; Mr. Leonid DENISENKO, Head of Sport Science, Medicine and Anti-Doping Control Division of the Sport Department of the Ministry of Sports and Tourism of the Republic of Belarus; Mr. Denis MUZHUKHIN, Director of the National Anti-Doping Agency; Ms. Ekaterina KURYLENKAVA, Expert of the National Anti-Doping Agency; Ms. Elena PLANIDA, Head of the Information and Education Department of the National Anti-Doping Agency; Ms. Darya</i>

	<i>PROSTAKOVA, Head of Doping Control and Analytical Work Department of the National Anti-Doping Agency; and Mr. Andrey VECHERSKIY, interpreter]</i>
15:00 – 16:00	<i>Meeting at the Ministry of Sports and Tourism of the Republic of Belarus [meeting with Mr. Alexander SHAMKO, Minister of Sports and Tourism, Mr. Aleksandr DUBKOVSKY, Deputy Minister of Sport and Tourism, Mr. Dmitriy PINEVICH, Deputy Minister of Health, Mr. Denis MUZHUKHIN, Director of the National Anti-Doping Agency; and Mr. Sergey BELIAEV, Director of the National Anti-Doping Laboratory of the Republic of Belarus].</i>
Friday, 6 February 2015	
Departure of Experts	

2. Composition of the Evaluation Team

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3. Acknowledgments

The Evaluation Team would like to thank all those who contributed to the preparation of the visit and the visit itself. In particular, it would like to thank Mr. Aleksandr SHAMKO, Minister of Sport and Tourism for the hearing, Mr. Dmitriy PINEVICH, Deputy Minister of Health, Mr. Aleksandr DUBKOVSKY, Deputy Minister of Sport and Tourism, Mr. Denis MUZHUKHIN, Director of the National Anti-Doping Agency and Mr Sergey BELIAEV, Director of the National Anti-Doping Laboratory for the discussions and Ms Olga DEREKH and Ms Kate KURYLENKAVA for the coordination of the visit and their support and readiness to provide the Evaluation Team with the best information.

Annex 1: Testing figures

Figure 1. Total number of samples collected per year and number of samples collected from athletes under 23 years old

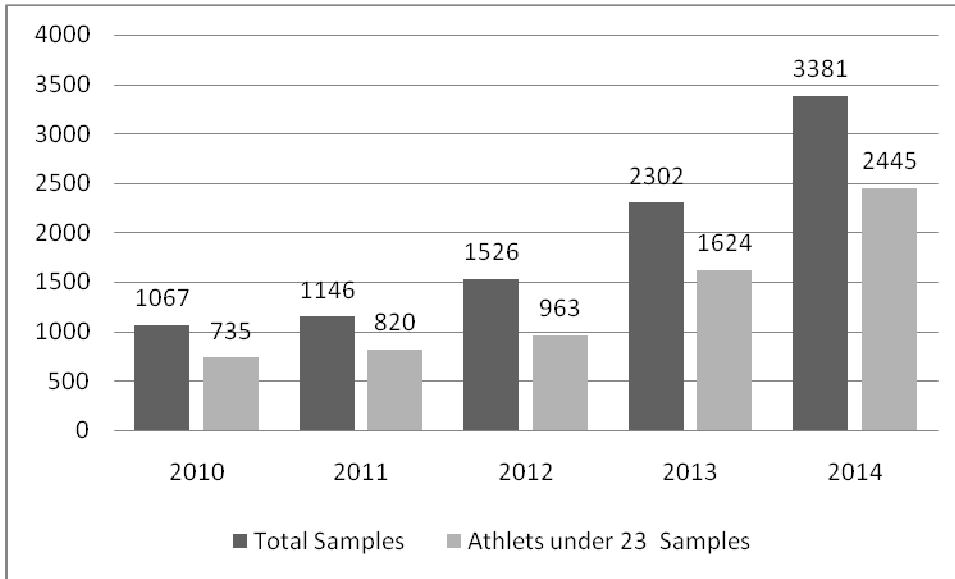
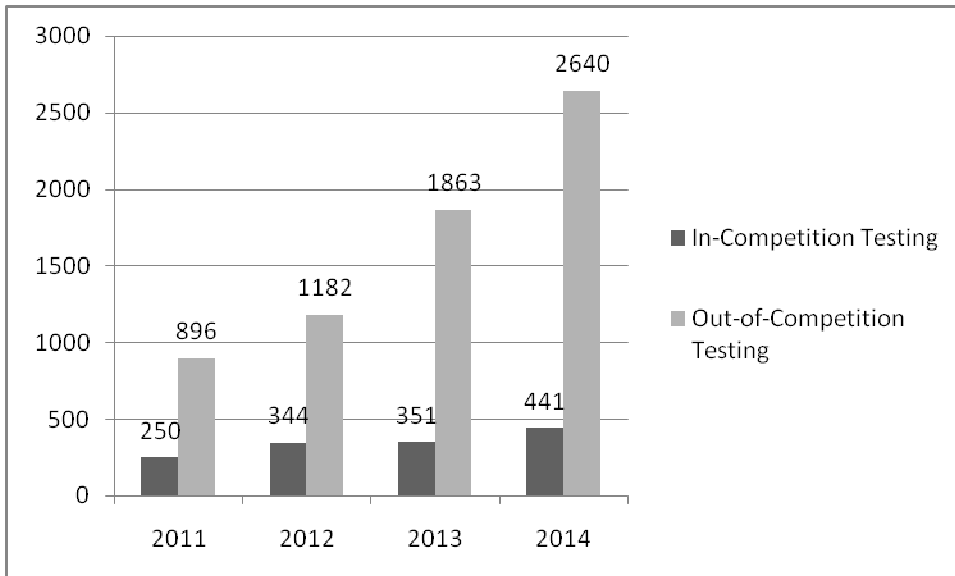


Figure 2. Number of samples collected per year and competition type partition



(Source: National Anti-Doping Agency of Belarus)

Part C: Comments by the Belarus authorities

Comments to the recommendations on Article 1: Aim of the Convention

The article 2 of the Law "On ratification of the Anti-Doping Convention" dated 4 January 2006 sets: **“Determine the Ministry of Sports and Tourism of the Republic of Belarus as the Government authority with coordinating responsibility for implementation of the Convention”**.

The article 2 of the Law “On accession of the Republic of Belarus to the UNESCO International Convention against Doping in Sport” dated 16 July 2008 sets: **“Determine the Ministry of Sports and Tourism of the Republic of Belarus as the Government authority with coordinating responsibility for implementation of the Convention”**.

The Ministry of Sports and Tourism of the Republic of Belarus has formally proposed related amendments to the Law “On Physical Culture and Sports” in 2016.

Moreover, the Ministry of Sport and Tourism of the Republic of Belarus in cooperation with the Ministry of Foreign Affairs of the Republic of Belarus addresses the issue relating to ratification of the Additional Protocol of the Anti-Doping Convention of the Council of Europe.

Comments to the recommendations on Article 2: Definition and scope of the Convention

Related amendments to the Law will be made in 2016.

Publishing the List of banned pharmacological classes of doping agents and doping methods in the Official Sports Gazette of the Republic of Belarus will become a regular fixture commencing from 2016.

Comments to the recommendations on Article 3: Domestic co-ordination

The Law on Physical Culture and Sports under article 20 provides the legal background of the National Anti-Doping Agency of Belarus and defines its status and mission. The National Anti-Doping Agency of the Republic of Belarus has its own Statute and the staff of the Agency are not employees of the Ministry of Sports and Tourism. The budget of the National Anti-doping Agency of the Republic of Belarus with justifying calculations is annually approved by the Government.

Comments to the recommendations on Article 4: Measures to restrict the availability and use of banned doping agents and methods

- The National Anti-Doping Rules of the Republic of Belarus are already completed and approved by WADA and presently measures are being taken to put them into force.
- The National Anti-doping Agency of the Republic of Belarus is intent to develop collaboration with the law enforcement, customs and border agencies.
- The proposal to legislate the list of dangerous doping substances and measures to limit their trafficking in the Republic of Belarus has been submitted to the Council of Ministers.
- Shortly the National Anti-doping Agency of the Republic of Belarus will sign the agreement on reciprocal testing with the NADO of the Russian Federation “RUSADA”. Also this issue will

be negotiated within the framework of NADA of Belarus and UKAD collaboration as well as with the NADOs that are iNADO members.

Comments to paragraph 4 of the section “General conclusions”

“... the Evaluation Team during the visit to the National Olympic Sport Complex “Stayki” came across a specially equipped and arranged room that is used for ozonotherapy (drawing blood, enrich it with ozone and transfuse it back) which is prohibited under WADA’s Prohibited List. ”

It is important to make clear that every day the Sport Complex “Stayki” provides health care and wellness services to any person, not only to professional athletes. Apart from treating professional athletes the rehabilitation department provides services on the commercial bases to general public, who come to improve health or hold amateur sport event. The method of ozone therapy is widely used in rehabilitation and various diseases treatment. This method is prohibited only for professional athletes.

We consider it necessary to exclude this remark from the report as not relevant to the compliance with the Convention commitments.

Comments to the recommendations on Article 5:Laboratories

The National Anti-doping Agency of the Republic of Belarus ceased sending Samples for the purposes of doping control to the National Anti-Doping Laboratory from August 1, 2015 and uses WADA accredited laboratories.

Ministry of Sports and Tourism of the Republic of Belarus in cooperation with the Ministry of Healthcare of the Republic of Belarus reviewed the priorities of the National Anti-Doping Program and developed the Anti-Doping Program Improvement Action Plan. The Action Plan will be send to WADA for review and comments.

The laboratory has already applied to the German accreditation body therefore a reasonable recommendation would be completion of the accreditation process and certification receipt.

The Laboratory has already developed and validated a method for the detection of erythropoietin (REPO) and similar substances, as well as implemented and uses the Isotope Ratio Mass Spectrometry (IRMS) method to distinguish between endogenous production and exogenous administration of steroids.

The accreditation scope includes qualitative and quantitative test methods. In particular presently the accreditation scope includes qualitative detection of ephedrine and delta-9-tetrahydrocannabinol. Also the method of erythropoietin detection is already developed by the Laboratory.

Comments to the recommendations on Article 6:Education

NADA accepts the recommendations of the Evaluation Team regarding planning, defining aims, developing short-term and long-term strategies and efficiency evaluation.

Commentary to paragraph 12 of the section “Recommendations”

“-The obligation of the Ministry of Sports and Tourism to provide the necessary funds for the implementation of educational and information programmes should be reflected in the Law of Physical Culture and Sports.”

- Funds to support the anti-doping education and information programs and events as well as publishing activities are yearly included into NADA budgeting in compliance with the legislation of the Republic of Belarus.

Comments to the recommendations on Article 7: Co-operation with sports organisations on measures to be taken by them

“Even though in the proposed 2015 National Anti-Doping Rules under article 16.1 it is stated that “All national federations and their members shall comply with these Rules” the Belarus auto-evaluation report mentions that the National Anti-Doping Agency of Belarus cooperates with only 19 sports “(the National Anti-Doping Agency of Belarus) closely cooperates with anti-doping commissions from 19 national sports federations”. It is not clear how the National Anti-Doping Agency of Belarus cooperates with other Olympic and Paralympic sport national federations as well as the other national federations that are supported by the State and even beyond these.”

In this context the National Anti-Doping Agency of the Republic of Belarus specified the national federations where the Anti-Doping and Medical Commissions are officially established and anti-doping programs are carried out. It does not imply that the National Anti-Doping Agency of the Republic of Belarus does not cooperate with other federations. According to the Law “On Physical Culture and Sports” every national federation, union or association in Olympic and non-Olympic sports and other sports organisations shall facilitate doping prevention in sport (Article 21), National Olympic Committee shall facilitate doping prevention and combating (Article 18).

Moreover every year national federations and other sports organisations send official requests for carrying out education and information activities together with the Agency to the National Anti-Doping Agency of the Republic of Belarus. These requests constitute a substantial part in the development of the working plan for the next year of the National Anti-Doping Agency of the Republic of Belarus.

Article 7, d

In accordance with the revised version of the National Anti-Doping Rules of the Republic of Belarus approved by WADA, The Disciplinary Anti-Doping Panel will take decisions regarding to potential anti-doping rule violations and transfer to national federations for recognition and implementation those decisions with the right of appeal.

Article 7, 7.3 c)

Every year the Ministry of Sports and Tourism of the Republic of Belarus generates and approves the nominal list of athletes of National Teams, immediate reserve, intern athletes and other athletes who are supposed to participate in national and international competitions. The approved nominal list is updated every three months and sent to the National Anti-Doping Agency of the Republic of Belarus. This enables the Agency to timely monitor all participants of national and international competitions.

Article 7, 7.3 f)

From our point of view, this statement is incorrect and inappropriate with no actual evidence and looks like assumption of experts regarding to “negative samples”.

Article 7 Conclusions B

In accordance with WADA Guidelines “Results Management, Hearings and Decisions” (5.1.2.1): “the ADO that has charged the Athlete or Athlete Support Personnel, has access to a number of potential hearing panel members, collectively referred to as “pool”. The pool will be appointed by the ADO.”

The National Anti-Doping Agency of the Republic of Belarus took into consideration these WADA Guidelines during forming a pool of potential Disciplinary Anti-Doping Panel members. Therefore, the activities of the Disciplinary Panel are in line with WADA Guidelines and independent from the National Anti-Doping Agency of the Republic of Belarus. Not a single person from the staff of the Agency is involved in the process of taking decisions by the Disciplinary Panel.

Article 7 Conclusions C

In Belarus, decisions for cases involving national-level athletes may be appealed to the Sports Arbitration Court at Public Association “Belarusian Republican Union of Lawyers”. The National Anti-Doping Agency of the Republic of Belarus and the Public Association “Belarusian Republican Union of Lawyers” signed an Agreement about settlement of all disputes arising in connection with decisions of the Disciplinary Anti-Doping Panel. This procedure is described in the National Anti-doping Rules 2015 and was approved by WADA.