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

Project on Compliance with Commitments  
Respect by Finland of the Anti-Doping Convention

**Reports by:**

- Finland**
- the evaluation team**

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## **A. Report by Finland**

### **1. FOREWORD**

Finland signed the Council of Europe Anti-Doping Convention on the 16 November 1989 and ratified it on the 26 April 1990. The Convention took effect in Finland on the 1 June 1990. This report presents the measures that has been taken since then by Finnish sports organizations to comply with the Convention. The report has been drafted by representatives from the Finnish Ministry of Education, the Finnish Sports Federation and the Finnish Antidoping Agency.

The report is written by following the Convention article by article. The drafting group introduces all areas of antidoping activity in Finnish sports during the existence of the Convention as completely as possible.

Usually the responsibility for Finnish antidoping activities is divided between governmental activities (the Finnish Ministry of Education), Finnish sports organizations (the Finnish Sports Federation and it's member federations as well as the Finnish Olympic Committee) and an independent antidoping organization (the Finnish Antidoping Agency FINADA).

The administration of FINADA has been organized according to the model proposed by the WADA board. Half of the FINADA board members are nominated by the Ministry of Education and the other half by sports organizations.

Finnish sport has been committed to antidoping activities since 1971. By the evaluation of the Council of Europe we would like to assure a willingness to continue our role at the cutting edge of this work in the future.

### **2. INTRODUCTION**

#### **2.1. Sports in Finland**

##### The Sports Act

In Finland, sports is promoted by the Sports Act, which came into force in 1980. The purpose of the Act is to promote physical exercise, competitive and top-level sports and related grass-roots activities, enhance the population's well-being and health and support the growth and development of children and young people through sports.

Furthermore, the Act promotes equality and tolerance through sports and supports the diversity of cultures and sustainable environmental development.

The Sports Act also defines the roles of society and sports organisations. Under the Act, the task of creating general preconditions for sports falls within the responsibility of central and local government. By and large, sports organisations are in charge of organising sports and exercise. The organisations are independent and autonomous.

### Funding of sports and exercise

In Finland, sports and exercise are funded from both private and public sources. The Ministry of Education is in charge of channelling the government grants and subsidies and each year decides on the funding allocated to organisations, sports and exercise venues, sports research, educational establishments focused on sports, international activities, elite sports, health sports, and youth and children's sports. In addition, local governments receive annual statutory central government transfers.

When granting funding, the Ministry of Education requests the opinion of the National Sports Council appointed by the Government. The National Sports Council comprises men and women who are selected on the basis of regional equality and well-versed in different fields of sports and exercise. Under the Act on Gender Equality, there must be a minimum of 40% of both genders present in the Council and its subcommittees.

The Ministry of Education strategy seeks to enhance grass-roots activities in sports and exercise. There are a total of 7,800 sports clubs; most of them are based on voluntary work. In order to achieve its strategic goal, the Ministry of Education allocates special funding to grass-roots projects implemented by the Finnish Sports Federation (FSF) and other organisations.

The Ministry of Education considers activities targeted at children and young people as a key priority and hence the funding decisions are weighted 50% in favour of this group. The weighting for health and top-level sports is 25%. Funding decisions also address the successfulness of the ethics in organisations, in which the role of antidoping work plays a crucial role. To this end, the Finnish Antidoping Agency FINADA submits an evaluation to the Ministry of Education.

In the conditions governing the basic funding of national sports organisations, the Ministry of Education requires that the organisations adhere to the current rules and regulations of FINADA. These stipulate that organisations must allow doping control both in-competition and out-of-competition. Furthermore, the organisations are expected to exercise care in doping control, antidoping training, education and communications.

Consequently, Ministry of Education cut down discretionary government subsidies to the Finnish Ski Association in 2001 and 2002 when the association's athletes and officials committed doping offences.

### The strategic goals of the Ministry of Education

With regard to adults, the main goal is to attract a greater number of those whose physical inactivity is a health risk. The Ministry of Education supports this with project funding. The promotion of a healthy, active lifestyle is a great challenge for sports organisations in the future. Project funding is also channelled to other than sports organisations to improve the attainment of the strategic goals.

The Finnish Olympic Committee plays a key role in elite sports. A working group appointed by the Ministry of Education is currently reviewing policies to strengthen top-level sports in Finland and to clarify funding policies. The Finnish Government programme seeks to

strengthen the ethical foundation of competitive and elite sports. The working group will also put forward a proposal on the issue.

Each year, the Ministry of Education engages in performance negotiations with major sports organisations. Ethical principles and antidoping work related to them are on the agenda.

Physical activity in all its aspects plays an important role in Finns' lives. More than 40% of children belong to sports associations. From the viewpoint of health, 54% of adults exercise enough. To Finns, success in elite sports is important and surveys show that the majority of Finns consider the international success of Finnish athletes vital.

Walking, cycling, skiing and swimming are the most popular sports among Finns. In sports associations, the favourite sports among children and young people include football, ice-hockey, gymnastics, athletics, floorball, skiing, basketball and volleyball.

## **2.2 Antidoping work in Finland**

### Sports associations

#### *General*

Sports is the most popular leisure movement in Finland. Of the Finnish population (slightly over 5 million), 1.1 million are either members of a sports club or a corresponding local organisation for recreational sports. Finland boasts 7,800 local sports clubs. Forty percent (430,000) of Finnish children and adolescents under 19 are active in sports clubs, and the number of adults is almost the same. Some 500,000 Finns help to run local clubs. The great majority work voluntarily without any remuneration.

Even top-level sports is organised on a voluntary basis. There are 240 women's and men's championship-level teams in the ten most popular ball games. Only 800 of the 3,500 players earn more than EUR 10,000 annually from their chosen sport. In all sports combined, there are less than 500 top-level athletes in singular athletic pursuits.

#### *Associations Act*

Unlike in many other countries, Finland has an Associations Act that regulates and establishes norms for the activities of associations. The freedom of association – a fundamental right – is the legal basis of the Act. The provisions of the Associations Act stipulate the basic principles of activities and the right of associations to draw up their own by-laws. Provided that an association has been registered in accordance with the provisions of the Act, it can obtain rights, make commitments and appear before a court or another authority. For instance, a local sports association has legal capacity and may operate as an extensive network, even without a membership in a national federation. Consequently, the creation of a hierarchical system between different association levels, common elsewhere in the world, is impossible in Finland.

#### *Activities of sports associations*

Over the years, local associations have formed national federations, the oldest dating back to the end of the 19<sup>th</sup> century. Today, there are 75 national sport federations in Finland. In

addition, there are national organisations targeting school pupils and other students, and organisations for the disabled. Furthermore, there are organisations which concentrate on promoting fitness and physical activity among children and young people. The Finnish Olympic Committee is an association formed by the Olympic federations and its principal responsibility is the training of top-level Finnish athletes and promotion of their opportunities to participate in the Olympic Games.

In 1993, all national sports organisations formed a new umbrella organisation, the Finnish Sports Federation (FSF), which all founding parties joined. There are a total of 100 national sports and recreational sports organisations in Finland. Twelve other public health organisations promoting physical activity or similar national organisations have joined as supporting members of FSF. Prior to the establishment of FSF, there were several central organisations.

There are also 15 regional sports organisations in Finland. In addition, many federations have registered district organisations or unregistered regional divisions.

#### *Regular activities of FSF*

The general meeting of FSF, which convenes annually in spring and autumn, exercises the highest power of decision. The autumn meeting appoints the board; the term of the board members is two years. Half the board members must retire annually. When FSF was established, by-laws were approved which stipulate that FSF members must commit themselves to the current antidoping codes and rules in sports. Furthermore, the members agree to adhere to the rules and regulations governing the Finnish Sports Arbitration Board and the Court of Arbitration of Sports (CAS). At the request of a federation, a member organisation is obliged to submit a report on activities that seriously erode the ethical foundation of sports.

The FSF board may impose a maximum of EUR 20,000 fine on action that violates the rules and regulations provided for members by FSF. The amount of fine is decided on the basis of the severity of the offence and the member's financial liquidity.

#### *Fair Play (Ethical Code of Finnish Sports)*

The Ethical Code of Finnish Sports is currently being reviewed. FSF has invited its member organisations to consider ways of inviting debate on the ethical foundation of sports. Antidoping work is included in a fair-game programme which covers all sports. The programme is based on previous ethical codes practised by sports organisations and Recommendation No R (92)14 REV of the Committee of Ministers to Member States on the Revised Code of Sports Ethics, adopted in 1992.

#### *Funding of sports associations*

Local sports associations mainly finance their activities through membership fees and fund-raising. Approximately 7% of the annual EUR 400 million spent by associations comes from local authorities. The most important support from local authorities comes in the form of free or subsidised sports and exercise centres and venues. More than 70% of sports venues are owned and maintained by local authorities. Without this support, associations would be forced to engage in even larger-scale fund-raising.

In 2003, the budgets of national sport federations totalled EUR 70 million. The government allocated the federations EUR 13.2 million (19% on average) from the National Lottery funds (Veikkaus Ltd). The rest, EUR 57 million, came from members of sports clubs or associations and sponsors on the basis of co-operation agreements. Government transfers to other national sports organisations and regional organisations is higher, at 40–50%.

The Finnish Antidoping Agency FINADA ([www.antidoping.fi](http://www.antidoping.fi))

### *Values*

FINADA's key values are: ethics, fairness, quality and expertise.

### *Mission*

FINADA's mission is to promote healthy and clean sports through a high standard of doping control and expanding and improving antidoping education in collaboration with stakeholders.

Internationally, FINADA influences antidoping work by promoting equality in sports between countries and harmonising antidoping codes, practices and work.

### *Vision*

FINADA is a nationally and internationally recognised, responsible and expert antidoping organisation. Finland's athletes and sports organisations are committed to clean sports.

### *Subvisions:*

#### *Testing*

FINADA is in charge of testing in Finland. Finnish doping control is of a high standard, reliable, correctly targeted and sufficient in volume. Athletes and sports federations are committed to the rules and principles of testing and have confidence in its fairness. FINADA co-operates with WADA and other international organisations in testing.

#### *Education and training*

FINADA influences the antidoping attitudes and awareness of athletes, their support personnel, sports management and children and young people engaged in sports. The aim is that those involved in sports should have the capacity to make their own choices based on ethics and respect for others. FINADA promotes an ethically sustainable sports culture with the help of education and training and influences the public opinion through information dissemination. The principles of ethically sustainable sports include health, fair play, respect for others and solidarity.

#### *International activities*

Through its international activities, FINADA plays a role in the development and harmonisation of global codes and systems for antidoping work and assists other countries in

building their antidoping systems. FINADA is an internationally acclaimed expert antidoping organisation.

### Organisation

The International Olympic Committee began doping testing in 1968 in Mexico Olympic Games. The Finnish Olympic Committee decided to begin testing at all events where athletes were chosen for the Olympic Games in the same year. The central organisations for sports and NOC Finland established a national doping control committee in 1982, and the Finnish Ministry of Education began to fund antidoping activities. A reorganisation occurred in 1990 when the Council of Europe Anti-Doping Convention was ratified. In 1990–2001, the Finnish Antidoping Agency functioned as an independent committee under the auspices of the Association for Promotion of Sports Medicine and Physiological Testing (Liite ry.). A new independent association, the Finnish Antidoping Agency FINADA, was established on 8 November 2001 and it began operating on 1 January 2002. Its founding members include the Finnish Sports Federation, the Finnish Olympic Committee, the Finnish Paralympic Association, the Finnish Society of Sports Medicine and the Government of Finland, represented by the Ministry of Education.

The board has 6 members; three members are appointed by the Ministry of Education and three are sports organisations thus reflecting WADA's administration. The most important duties of the FINADA board are the strategic management of the association and enforcement of the Finnish Antidoping Rules.

The Supervisory Group of FINADA (three physicians and one lawyer) is an independent organ which decides on the basis of the Finnish Antidoping Rules whether an action constitutes a doping offence or not.

The FINADA office employs seven people full-time and a part-time Medical Director. There are 37 FINADA-accredited doping control officers (DCOs) who conduct tests throughout Finland (if necessary, also abroad). There are 63 DCO assistants. FINADA's main source of funding is the Ministry of Education.

### *Scope of activities*

The most central activities of FINADA include

- Doping control
- Education and training
- International activities

Furthermore, FINADA's activities include the coordination of research, publicity, and medical and legal issues.

### *Doping control*

FINADA conducts more than 2,000 doping tests annually. In addition, FINADA conducts approximately 300 tests commissioned by WADA, international sport federations or other international events. The goal in 2005 is to conduct roughly 2,400 tests. 60% of the tests are out-of competition and 40% in-competition.

The number of doping tests is kept at relatively same level as in other Nordic countries. Although the majority of testing takes place in Finland, some of it is conducted abroad. In practice, FINADA is able to co-operate in doping control abroad with countries that adhere to the international doping testing standards.

#### *Quality system for doping control*

FINADA'S quality system for doping control is based on the standards determined in the ISO 9001:2000 and the International Standard for Doping Control (ISO Pass 18873/ICDC). High-quality doping control seeks to ensure a globally harmonised doping control mechanism and the legal protection of athletes' rights.

#### *Antidoping Passport*

The Antidoping Passport is an Internet-based data system. The purpose of the passport is to promote open and direct communications between athletes and FINADA. The passport enables athletes to electronically update their contact and whereabouts information with FINADA. The passport system includes a management system for doping control.

#### *Education*

The aim of education is to promote antidoping attitudes and awareness of top athletes, their support personnel (medical personnel, coaches, children's parents and managers), sport management, children and young people to create an ethically sustainable sports culture. The main target groups are top athletes, young athletes, children and young people, athlete support personnel, sports management and the media. FINADA is engaged in close co-operation with sport federations and educational establishments.

#### *International activities*

The principal organisations and organs in which FINADA is active include:

- WADA World Antidoping Agency ([www.wada-ama.org](http://www.wada-ama.org))
- Council of Europe Anti-Doping Convention (Monitoring group) ([www.coe.int](http://www.coe.int))
- Association of National Anti-Doping Agencies ANADO
- International Anti-Doping Arrangement IADA
- European Union ([www.europa.eu.int](http://www.europa.eu.int))
- Nordic co-operation

### **3. COUNCIL OF EUROPE ANTI-DOPING CONVENTION**

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

Finland signed the Council of Europe Anti-Doping Convention on 16 November 1989 and ratified it on 26 April 1990. The Convention took effect on 1 June 1990 in Finland. In the same year, Finland reorganised its antidoping project organisation by establishing an independent organ, the Finnish Antidoping Agency functioning in connection with the Association for Promotion of Sports Medicine and Physiological Testing (Liite ry.) On 8 November 2001, the Finnish Antidoping Agency FINADA was founded. These measures

aimed at creating an impartial and independent antidoping organisation and ensuring good resources for support of operations.

*The funding for national antidoping work has almost tripled since 1990:*

Year	Government transfers
1995	409,091 €
1996	420,875 €
1997	560,606 €
1998	565,657 €
1999	574,500 €
2000	650,000 €
2001	700,400 €
2002	1,204,000 €
2003	1,204,000 €
2004	1,204,000 €

FINADA has also received annual project funding for different educational projects, building a quality system, for laboratory equipment and creating the passport system. The number of doping tests has increased from 837 tests conducted in 1996 to 1,835 tests in 2003. In 2003, FINADA also conducted 311 in-competition tests commissioned by international events, international sport federations or WADA.

Besides testing, the focus of FINADA has been on education and international lobbying. The single most extensive project funded by the government was the creation of the Antidoping Passport and the management system for doping control. This globally unique system facilitates the planning of doping control and communications between athletes and FINADA.

The United Laboratories Ltd. (Yhtyneet Laboratoriot Oy) is an accredited a doping control unit which has operated since 1983. A private laboratory, it is ineligible for annual government transfers. When FINADA requests analyses, it pays the laboratory the costs incurred by such work. In the past 10 years, the laboratory has received government funding twice to renew its equipment.

The quality system for doping control was created with the aid of separate government funding. From 1999 to 2000, Finland participated in the IPT II quality process implemented by IADA. Owing to organisational restructuring, the project took longer than expected. Certification was endorsed in May 2004.

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

The definition of doping conforms to the definitions issued by the International Olympic Committee and the Council of Europe. Each sport also adheres to the rules and regulations provided by the international sport federations. At the beginning of 2002, Finland revised its antidoping rules and regulations and the definition of doping to reflect the outlines of the new WADA Code. Athletes within the sphere of organised sports are subject to doping control. In the event of adverse analytical findings, sanctions can be imposed on them in accordance with the WADA Code. Sanctions can also be imposed on persons close to the athlete if it is deemed that they have promoted the use of doping. By virtue of the Act on Discretionary Government Transfers, the government is entitled to cut the funding of a sports organisation

or an individual athlete if they commit an antidoping offence. All of these sanctions have been applied in Finland.

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

#### Government antidoping policies

The role of the government in national antidoping policies is based on the Council of Europe Anti-Doping Convention and the Finnish Sports Act. In Finland the Ministry of Education is responsible for overall coordination on sport policy issues in government. The government's duty is to provide the preconditions and resources for national antidoping work, to secure compliance with international instruments pertaining to international antidoping work at a national level and promote national co-ordination of antidoping work in co-operation with FINADA. The rules governing the government funding of national sports organizations also allow the Ministry of Education to require that the organizations adhere to the current rules and regulations of FINADA.

Internal co-ordination of national antidoping policies has mainly been organized with the Ministry of Social Affairs and Health, Ministry of Justice and Ministry of the Interior.

The Finnish government has actively participated to the development of international antidoping policies in the international level.

In the negotiations concerning the WADCode and proposed UNESCO convention the Ministry of Education and FINADA have been assisted by an informal coordination group chaired by the Ministry of Education and including representatives from the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry for Foreign Affairs and the Ministry of Justice

#### Antidoping policies in organisations

Mandated by sports organisations and the government, the authority in antidoping issues rests with the Finnish Antidoping Agency. Sports organisations must see to it that all sport federations include an entry in their by-laws to comply with the current Antidoping Rules. FSF hosts an ethical committee in charge of promoting ethical activities in its member organisations.

Up till 2003, sport federations co-funded doping control in Finland. From the beginning of 2004, the funding of doping control was entirely transferred to the Finnish Antidoping Agency. All sport federations are obliged to design their own antidoping programmes, which emphasises their responsibility in education and communications. In the future, FINADA will annually assess the policies drawn up by sport federations and the estimate can be used to influence the development of government funding.

#### Finnish Antidoping Agency

FINADA is in charge of practical antidoping work in Finland. It draws up and endorses the antidoping rules applied in Finland, monitors their implementation, is in charge of doping control, education and communications and promotes antidoping work at an international level. Half of the FINADA board is appointed by the government and half by the sports

organisations. Antidoping work in Finland is not based on legislation but on a mutual agreement within sporting bodies. FINADA is an impartial and independent association. In Finland, associations are governed by the Associations Act.

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

#### General

In Finland, the prohibition on the use of doping and other antidoping offences in sports, as well as the consequences specified for them, are based on international and national regulations internal to sport.

#### Penal Code

Penal Code Chapter 44, Doping offences

- . Section 6 Doping offence
- . Section 7 Aggravated doping offence
- . Section 8 Petty doping offence
- . Section 16 Definition

Doping offences were added to the Penal Code by an amendment (the Act on the Amendment of the Penal Code (400/2002)), which took effect on 1 September 2002. The Penal Code made it a crime to prepare, import, disseminate and possess with the intent to disseminate doping agents. The use of doping agents was not criminalised by the amendment of the Penal Code. The acts made punishable as doping offences were previously punishable as smuggling, unlawful dealing in imported goods or medicine offences.

#### Only illegal activities are punishable

The preparation, importation and dissemination of doping agents and attempts to do so are punishable only if the activity is illegal. This is because many doping agents are hormones which are also used as medicines. The legal handling of doping agents usually falls within the scope of the Medicine Act.

In accordance with the Penal Code, persons in possession of a doping agent with the probable intent to disseminate are also sentenced for a doping offence. Otherwise, possession is not punishable on the basis of the Penal Code.

#### Using doping agents is not an offence

Leaving the use of doping agents outside the scope of the Penal Code was justified, among other things, by the fact that endangering and harming one's own health is not generally punishable, and that the use of doping agents cannot be considered on a par with that of narcotic substances. Each sport has its own doping rules and regulations which prohibit the use of doping agents. The consequences specified for doping offences in sports and decisions on them are based on the sport's own and international and national sets of rules.

### Doping agents referred to in the Penal Code

Under the Penal Code, the following are doping agents:

- . synthetic anabolic steroids and their derivatives;
- . testosterone and its derivatives;
- . growth hormones; and
- . chemical substances that increase the production of testosterone, its derivatives or growth hormone in the human body.

A Government decree (705/2002) prescribes which substances shall be considered doping agents as referred to in the Penal Code. This list of doping agents is significantly shorter than the list of prohibited substances in sports. This is because the purpose of the Penal Code's provisions on doping offences is to protect against health risks associated with the abuse of doping agents. Therefore, the Penal Code only lists agents associated with a proven medical risk. The decree came into force on 1 September 2002.

### Sanctions

The sanction for a doping offence is a fine or imprisonment for not more than two years.

If in the doping offence

- . considerably large amount of doping agents is involved,
- . considerable financial benefit is sought,
- . the offender acts as a member of a criminal organisation that has been specifically organised for the large-scale commission of such an offence, or
- . the doping agent is supplied to a minor,

and the doping offence is deemed gross as a whole, the offender shall be sentenced for a gross doping offence to imprisonment for at least four months and but not more than four years. If the doping offence as a whole (quantity of doping agent and other circumstances connected with the offence) is deemed petty, the offender shall be sentenced to a fine for a petty doping offence.

### New provisions in the Penal Code

The amendments in the Penal Code are meant to emphasise the significance of the illegal importation and dissemination of doping agents as offences. This places special emphasis on the criminal liability of people who sell or convey doping agents to athletes. If an athlete or coach acquires and conveys doping agents to another athlete, the athlete or coach is guilty of a doping offence. A physician can also be charged with a doping offence, if he or she prescribes or otherwise conveys doping agents to an athlete without medical grounds.

The Penal Code makes a special effort to protect minors. A person who illegally supplies doping agents to a minor may be guilty of a gross doping offence, which is always punishable by imprisonment. These amendments to the Penal Code may bring more doping-related cases before the courts than before. It is hoped that the amendments will contribute to making doping agents less readily available and thus prevent the use of doping in sports.

### Other provisions in the Penal Code

Before the amendment of Chapter 44 of the Penal Code (enacted 1 September 2002), the importation and dissemination of doping agents was mainly regulated by the Medicine Act, which deals with pharmaceutical products, and the provisions in the Penal Code on smuggling, unlawful dealing in imported goods and narcotic substances.

Before the amendments in Chapter 44 of the Penal Code, cases related to doping agents were in practice processed under the Penal Code's provisions on illegal imports and provisions of the Medicines Act. Application of other provisions in the Penal Code is possible, for instance, if a doping agent is not included in the definition outlined in Section 16 of Chapter 44 of the Penal Code (such as EPO). Furthermore, legislation on narcotic agents can be applied to some agents defined as prohibited in sports.

### Penal Code Chapter 44, Section 5: Medicine offence

A medicine offence is defined as an act in violation of the Medicine Act or a regulation issued on the basis of article 100a or 235 of the EEC Treaty pertaining to the supervision of medicines, or a provision or an order given in general or in an individual case on their basis, namely

- 1) production, importation, storage, keeping for sale or provision of medicines;
- 2) neglect to give a notice, neglect a duty to provide information or neglect a duty to maintain a register concerning medicines, or
- 3) violation of a prohibition on medicines issued by a Finnish supervisory authority or the Commission of the European Communities or the Council of the European Union.

A person shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in law, for a medicine offence to a fine or to imprisonment for not more than one year.

### Penal Code Chapter 46: Regulation offences and smuggling

- . Section 4 Smuggling: a fine – 24 months imprisonment
- . Section 5 Petty smuggling: fine
- . Section 6 Unlawful dealing in imported goods: a fine – 18 months imprisonment
- . Section 7 Petty unlawful dealing in imported goods - a fine
- . Section 8 Restrictive provision: must be considered

### Penal Code Chapter 50, Narcotics offences

- . Section 1 Narcotics offence: a fine – 2 years imprisonment
- . Section 2 Aggravated doping offence 1 – 10 years imprisonment
- . Section 2 a Unlawful use of narcotics: a fine – 6 months imprisonment
- . Section 3 Preparation of a narcotics offence: a fine – 2 years imprisonment
- . Section 4 Abetting a narcotics offence: a fine – 2 years imprisonment

### Regulations concerning medicines and foodstuffs

The intended use of medicines is restricted to therapeutic use. Medicines cannot be sold without a valid marketing authorisation. Before gaining access to market, a product classified

as a medicine must have a valid marketing authorisation. Foodstuffs can be sold without marketing authorisation and, therefore, are not subject to pre-marketing control.

A product that has been classified as a medicine cannot be sold as food. The trader takes the responsibility for the sale of the products, choice of the appropriate marketing channel for them and oversees that a product classified as a medicine is not available in shops selling foodstuffs. Supervision authorities can intervene when products are sold without valid authorisation.

Under section 3 of the Medicines Act (395/1987), a medicine is a preparation or a substance which, when used either internally or externally, has the purpose to cure, alleviate or prevent a disease or the symptoms of a disease in humans or animals. A preparation or substance is also considered to be a medicine when used either internally or externally to establish the condition or the cause of a disease, or to restore, improve or change a physiological function in humans or animals (Medicines Act, Amendment 1046/1993). A medicine can be sold only with the permission of the National Agency for Medicines (Medicines Act, section 21, Amendment 248/1993).

By virtue of section 1 of the List of Medicines (977/2000) issued under the Medicines Act, the substances listed in Appendix I and other parallel herbal medicinal products listed in Appendix II as well as other parallel substances or herbal products used for pharmaceutical purposes can be defined as medicines. Vitamin and mineral products the daily dosage of which exceeds the amount defined in Appendix 3 of the List are considered medicines. This also applies to vitamin and mineral preparations for children.

Section 4 of the Food Act defines a food or a foodstuff as a product or preparation, whether or not pre-packaged, which is intended for consumption by eating, drinking or otherwise by a human being. A food or foodstuff can also be an ingredient or the raw material of such a product.

The List of Medicines is conditional; food legislation does not prohibit the use of substances mentioned in the List of Medicines in foodstuffs. Consequently, preparations containing substances in the List of Medicines can be sold as foodstuffs. This means that there may be products on the market which contain the same substances but are governed by different manufacturing and marketing requirements depending whether they are brought to market under medicines or food legislation.

When necessary, the National Agency for Medicines will decide whether a substance or preparation should be considered a medicine. The classification decision is made product-by-product and the composition and indicated purpose of use will influence the decision.

#### Nutritional supplements used in sports

On the basis of legislation, nutritional supplements classified as foodstuffs and used in sports fall into two categories:

- . foodstuffs intended for particular nutritional uses
- . food additives

If foodstuffs are intended and manufactured specifically for the use of athletes, they are defined as foodstuffs intended for particular nutritional use and governed by the Decision of

the Ministry of Trade and Industry (662/2000). Food additives refer to low-energy pills, capsules or powders used between meals and bearing the characteristics of pharmaceutical use. They are not considered foodstuffs intended for particular nutritional uses and are governed by the Decree on Food Additives (571/2003).

Traders must ensure that nutritional supplements used in sports and classified as foodstuffs meet the criteria laid down in food legislation. This applies to manufacturing, importing and selling of supplements. Under the Health Protection Act (763/94, section 36) and the Food Act (361/95, section 8), manufacturers, importers and retailers must arrange in-house control in addition to control by the authorities. Under the Health Protection Act (sections 34–35), nutritional supplements classified as foodstuffs and used in sports can be manufactured, stored, sold, offered or otherwise handled only in premises meant for selling foodstuffs. Traders must notify local health protection authorities well in advance before establishing or taking into use such premises.

#### Foodstuffs intended for particular nutritional use

Foodstuffs intended for particular nutritional use are either ordinary foodstuffs intended for particular nutritional use or 'formulas'. They are products consisting of carbohydrates, proteins and other nutritional substances which replace meals either entirely or partially and are meant for weight-watchers, athletes and other special groups.

#### Food additives

Food additives classified as nutritional supplements are products which resemble medicines in their manufactured form, such as pills, capsules or herbal extracts. Food additives are preparations intended to enhance the intake of vitamins, minerals, fibres, fatty acids and lecithin. They also include herbal, garlic and bee products.

The composition, labelling, effectiveness and safety of food additives are not assessed before products enter the market. Traders are required to arrange in-house control to ensure that the product is appropriate as a foodstuff and harmless to human health if used in accordance with the daily dosage indicated in the labelling.

#### Product labelling

True and adequate information on foodstuffs must be provided in the labelling, presentation or advertising of foodstuffs or by some other means. The provision of misleading information is prohibited. Properties which are related to preventing, treating or curing human diseases or refer to such properties may not be attributed to food supplements, unless otherwise provided in legislation (Food Act, section 6).

Traders must be in possession of adequate and accurate information about their products. They must identify and list the stages that are critical under foodstuffs provisions in the manufacturing and handling process and take necessary action to regularly monitor these stages. As regards food additives, these include correspondence between composition and labelling, the quantity of substances typical to the food additive, acceptable daily doses and health warnings (National Food Agency).

### **3.5 Laboratories**

The Doping Control Laboratory operates within United Laboratories Ltd. (Yhtyneet Laboratoriot Oy). A private limited company, United Laboratories Ltd. is a central laboratory specialising in analysis services in the health care sector. The Doping Control Laboratory's operations are mainly funded through compensation paid on the analysis of samples and partly from other income of the United Laboratories. In the 1990s, FINADA contributed to the Doping Control Laboratory's equipment investments.

In recent years, research has mainly focused on anabolic steroids: their metabolism, the synthetic preparation of metabolites and the development of new analysis methods. Research is carried out in co-operation with the University of Helsinki and other accredited doping control laboratories. Research is currently funded by the United Laboratories, the Association for Clinical Chemistry, the EU and TEKES – the National Technology Agency of Finland. During the past five years, the laboratory has published a dozen or so scientific articles on doping analysis in prominent international journals in the fields of chemistry and bio sciences.

The quality system of the laboratory is based on the standard SFS-EN ISO/IEC 17025. The laboratory is a T81 testing laboratory accredited by Centre for Metrology and Accreditation (FINAS). The laboratory was accredited by IOC before 2004 and by WADA in 2004. EPO analyses are purchased as subcontracting services from the Cologne laboratory.

### **3.6 Education**

#### General

FINADA's educational policies are based on its educational strategy which was completed in 2003. The aim is to increase the awareness of various target groups about antidoping work and improve the ability of young athletes in particular to make ethically sustainable choices. The key groups defined in the educational strategy include elite athletes, young top-level athletes and coaches. In addition, FINADA provides training for the media, sports management, young athletes' parents, sports physicians and other groups involved in sports. FINADA has 17 instructors throughout Finland. The majority also act as doping control officers. FINADA trains instructors twice a year. In addition, instructors receive regular information on current issues via e-mail and postal mail. Educational materials were revised in 2003 and they are constantly updated. In 2003, FINADA arranged 114 seminars, reaching 3,500 people.

#### Target groups and partners

In recent years, training has focused on young elite athletes. FINADA reaches them through sports institutes and sport federations. FINADA arranges seminars and produces antidoping material for young athletes.

FINADA co-operates closely with various sports institutes and some universities; students in physical education programmes in sports institutes and at the University of Jyväskylä also receive antidoping training organised by FINADA's instructors.

Thanks to the electronic Antidoping Passport, top-level athletes and young top-level athletes can be easily reached. The electronic Antidoping Passport, the first of its kind, is an Internet-based information system and a tool for athletes and FINADA. The Antidoping Passport was developed to serve both athletes and FINADA in the exchange of information. The Passport is an easy and open system for athletes to submit their information to FINADA and update it. In turn, FINADA can use the passport to deliver prompt and up-to-date information to athletes. FINADA co-operates with various sports organisations. From the beginning of 2004, doping control has been entirely funded by FINADA, while sports organisations allocate doping control resources to antidoping education and communications. Sports organisations have their own antidoping programmes which define their antidoping measures. FINADA monitors the implementation of these programmes and evaluates the organisations' antidoping work on an annual basis. Co-operation with sport federations includes the development of instructor and coach training so that antidoping issues can be addressed across all educational levels of the sport federations.

FINADA's experts keep the staff and elected officials of sports federations up to date on antidoping issues. Sport federations receive a quarterly federation bulletin. FINADA organises training seminars open to federation staff and elected officials on topical issues and in addition, sport federations can reserve education for their own staff or elected officials according to their needs.

### Communications

Communication plays an important role in the educational co-operation between FINADA and sports federations. Co-operation in communications supports the antidoping educational activities and antidoping programmes of sports federations. Every month, FINADA produces articles which the sports federations can use in their own publications. Communications also helps make antidoping issues familiar to those athletes, coaches and others who are unable to participate in seminars.

FINADA has established a working group to further FINADA's information dissemination. The working group consists of sports and communications experts. The main target of the working group is to prepare a strategy, scheduled to be published by the end of 2004.

FINADA's most important communications channel is its Internet website ([www.antidoping.fi](http://www.antidoping.fi)). The website, which was revised in early 2004, offers extensive information for various target groups. Educational material published by FINADA can be printed from the Internet. Besides this, the website includes educational overheads for the use of instructors in sport federations and educational establishments. Slightly briefer sites in Swedish and English are scheduled to be completed in summer 2004.

FINADA also maintains electronic mailing lists to which public subscription is possible. Mailing list participants also include representatives from sport federations, the media and other interest groups. FINADA sends them press releases and revisions in the Prohibited Substances and Prohibited Methods in Sports for the above-mentioned groups.

FINADA co-operates with the media. FINADA provides information on topical antidoping issues and arranges training for the media at least twice a year.

## Materials

FINADA has published educational material for various target groups in 2003 and 2004. Puhtaasti eteenpäin - Nuoren urheilijan antidopingopas (An antidoping guide for young athletes) is targeted at young athletes looking towards top-level competitions and includes information on the responsibilities of young athletes with regard to doping-agent issues. Puhtaasti huipulle - Valmentajan antidopingopas (An antidoping guide for coaches) deals with the role and responsibilities of coaches in antidoping work. Puhtaasti kasvattaen – Antidopingopas urheilijan nuoren vanhemmille [An antidoping guide for young athletes' parents] provides basic information for the parents of young athletes on antidoping work and doping agents.

The Prohibited Substances and Prohibited Methods in Sports contains information on the prohibited substances and methods and their adverse effect on human health. The brochure is circulated with the antidoping guide for young athletes and coaches. The guide to clean recreational sports is a co-publication and co-design of FINADA and the Finnish Recreational Sports Federation, Kunto ry. The revised Finnish Antidoping Rules based on the World Anti-Doping Code (WADC), which became effective at the beginning of 2004, is also available in print.

Besides these educational materials, FINADA publishes the comprehensive Prohibited Substances and Prohibited Methods in Sports publication, which includes the current Prohibited List. The current print runs at 70,000 and the Prohibited List is circulated to all stakeholders with a special focus on athletes and their medical personnel. The publication is available on the Internet and it is updated when needed (new medicines and possible revisions). Visitors can subscribe to the mailing list and receive all revisions directly via e-mail. The media, other stakeholders and those who have subscribed to the Internet website mailing lists are informed of updates immediately when they occur.

### **3.7 Coordination with sports organisations**

#### Sports organisations

The central task of sports organisations in Finnish antidoping policy is to integrate FINADA's rules into the by-laws of individual sport federations. Although the terms of government funding and the by-laws of the Finnish Sports Federations require that sports federations undertake to comply with the Finnish Antidoping Rules, their integration into the federation's by-laws is essential. This makes it known to members that antidoping rules are being observed. The concrete obligation of the federations is to inform member organisations and members of antidoping issues. Federations are required to draft their own antidoping programmes to fulfil their education and information duties in order to receive government funding. FINADA implements these programmes in close co-operation with federations.

#### The Finnish Antidoping Agency FINADA

FINADA is an independent association which receives its funding directly from the Ministry of Education. In Finland, associations are governed by the Associations Act. The FINADA board comprises three members appointed by sports organisations, three by the government and one athletes' representative who has the right to be heard but not the right to vote on the FINADA board. FINADA fulfils its duties by:

- drafting and adopting anti-doping rules for sports;
- assuming responsibility for doping control in Finland in co-operation with sports organisations, the Ministry of Education and other authorities and communities;
- conducting doping tests in Finland and when commissioned, abroad;
- concluding, monitoring and implementing appropriate agreements;
- monitoring compliance with the rules and agreements as determined in regulations and Antidoping Rules;
- organising education and training;
- engaging in publishing, and information dissemination;
- promoting research in the field;
- engaging in international co-operation in the field, and
- promoting antidoping work in other similar ways.

*The duties of the FINADA board are:*

- to prepare matters on the agenda of the association's meetings;
- to enforce the decisions made by meetings of the association;
- to manage the administration, finances and assets of the association;
- to adopt the antidoping rules for sports after having heard sports federations;
- to appoint a vice chair to the board and the chair and other members of the

*Supervisory Group and other organs;*

- to appoint and dismiss the General Secretary of the association and other employees, and
- to grant testing authority to DCOs.

#### Supervisory Group of FINADA

The Supervisory Group of FINADA is a four-member committee consisting of at least two physicians and a lawyer who deal with special issues related to doping control. The board appoints the chair and the members for each term of the board. A member in the Supervisory Group cannot be a member of the board nor have such connections to sports organisations that could result in disqualification.

As a part of the doping control process, the duties of the Supervisory Board are:

- to decide whether an antidoping violation has occurred and whether mitigating circumstances exist;
- to grant therapeutic-use exemptions allowing the use of medical substances classified as doping agents for special therapeutic reasons.

#### The Finnish Antidoping Rules

Finland's Antidoping Rules came into force on 1 January 2004. The rules are observed within all organised sports in Finland. The rules encompass the members of the Finnish Sports Federation, national sports organisations receiving government support and their members, as well as athletes participating in competitions. The rules make it possible to test athletes who are committed to observing them when and wherever it is deemed necessary.

The new rules fulfil the requirements set out for national antidoping instruments by the World Anti-Doping Code WADC approved by the World Anti-Doping Agency WADA.

### Sanctions and appeal procedure

In the Finnish Antidoping Rules, sanctions for antidoping violations correspond to those of the WADC. Established by sports organisations, the Finnish Sports Arbitration Board is an internal, independent appeal organ. The annual meeting of FSF where all member organisations hold an equal power of decision adopts the by-laws of the Arbitration Board and appoints the members for four-year terms at a time. The members are required have a degree required for the post of a judge and to be well-versed in sports legislation. If the parties so agree, the Board may also function as a court of arbitration.

### The Prohibited List

In accordance with national procedures concerning bringing international treaties into force, the Ministry of Education documents and enters the revisions of the prohibited list enforced by T-DO into Finland's database of treaties in the form of an announcement of a revision of the appendices of the Council of Europe Anti-Doping Convention appendices. The amendments are on view and available at the Ministry of Education which also provides information on them in Finnish and Swedish. Publicity within the sports sector is the responsibility of FINADA.

In Finland, the prohibited list is drawn up and published annually in compliance with the guidelines provided by WADA and the Council of Europe. The list is published in print and electronic form in both of Finland's national languages, Finnish and Swedish. The list is distributed to:

FSF, its member organisations and regions

- the Finnish Olympic Committee
- all sports federations
- sports institutes
- vocational schools
- upper secondary schools specialising in sports
- centres of sports medicine
- municipal sports divisions
- pharmacies
- FINADA's media network
- and others by order

The sports federations are responsible for distributing lists to athletes and coaches. Sport federations and the media are informed separately of the publication of a new list and its amendments. The latest version of the list is available on FINADA's website ([www.antidoping.fi](http://www.antidoping.fi)).

### Doping control, DCOs and their training

Each year, the FINADA board adopts a testing strategy which defines the number of tests to be conducted, in which sports and the targets of testing. All tests are conducted by DCOs, accredited and trained by FINADA, in accordance with the doping control procedures provided by the Chief DCO. Currently, there are 37 FINADA-accredited DCOs in Finland.

*The tests conducted in Finland since 1991 can be classified as follows:*

Year	national out-of-competition	national competition	international in-comp. + out-of-comp.
1991	275	502	included in the former
1992	404	415	-----” – --
1993	426	267	145
1994	325	338	147
1995	309	286	338
1996	349	373	115
1997	375	419	483
1998	671	612	137
1999	703	648	81
2000	874	818	157
2001	699	739	467
2002	874	875	239
2003	875	960	311

### Testing abroad

In 1993, Finland entered into a testing agreement with the other Nordic countries. Consequently, the national antidoping agencies of each country are allowed to test each others' athletes without advance notice. In addition, Finland has made a testing agreement with Australia, under which ASDA may collect samples from Finnish athletes training in Australia and vice versa. FINADA generally commissions tests on Finnish athletes training abroad in co-operation with other countries under the ISDC quality system, and also sends its own DCO crew to test Finnish athletes training abroad two or three times a year. WADA commissions tests on Finnish and foreign athletes training in Finland under an annual agreement. FINADA conducts the tests while WADA pays for the expenses.

### Doping control officers

All FINADA's DCOs have general qualifications in health care (physician, nurse, physiotherapist, laboratory assistant, etc.). Before FINADA can train and authorise a person to work as a DCO, he or she must have 1 to 2 years' experience as a DCO assistant. The professional skills of DCOs are maintained by providing all DCOs with a minimum of ten testing events per year and by arranging further training at least once a year. FINADA assesses DCO activities on the basis of reports and audits at testing events.

### Commitment

Athletes are committed to antidoping work through the central sports organisation (FSF) and their own sport federations. All FSF members are committed to the Finnish Antidoping Rules. In addition, FINADA has concluded separate agreements with federations that do not belong to FSF (Finnish Fitness Federation and Finnish Military Sports Federation). The sport federations commit their athletes to antidoping work through various instruments. Thanks to improved resources, FINADA has been able to increase the number of tests and the volume of other antidoping work every year.

### International comparison

So far, there is no common and reliable international mechanism in place which would make the comparison of the number of annual tests meaningful. Occasionally the volume of testing in different countries has been compared to the number of inhabitants. FINADA has made such comparisons between IADA countries since 2002, and the results are illustrated below.

Country	Number of test	Adverse analytical findings	Inhabitants, million	C/I Ratio	P/C Ratio
Australia	6,244	28	20	312	4,5
Canada	2,481	13	31	80	5,2
Denmark	1,769	13	5	354	7,3
Finland	2,159	9	5	432	4,1
The Netherlands	2,755	45	16	172	16,3
New Zealand	1,400	12	4	350	8,6
Norway	2,675	14	4	669	5,2
Sweden	3,036	9	9	337	3
South Africa	2,373	46	45	53	19,4
United Kingdom	7,473	116	59	127	15,5

C/I ratio is controls/ inhabitants in the country and P/C is positive doping cases/controls (thousands) in the country. This table is only one way to look the testing situation in different countries and gives only relative information.

The table provides some indication of the relative volume of testing. IADA countries are currently developing a reliable comparison method. IADA countries are among the world leaders, both in the number and quality of doping tests. They all comply with the ISO/ISDC quality system.

### Quality management system

Between 1999 and 2003, Finland drew up a quality system for doping control which complies with ISO 9001:2000 and the International Standard for Doping Control (ISO Pass 18873). The aim was to create an effective, high-quality and well-documented doping control system and to effectively manage and continuously improve control procedures. The purpose of the quality management system is to harmonise global doping control as extensively as possible.

Key aims include:

- implementing a quality system pervading all sectors and educating and informing all parties concerned;
- auditing the different sectors of the national quality system and taking corrective action when needed;
- management of quality documentation;
- external evaluation and certification of the quality system, and
- maintaining and improving international co-operation on the quality system.

The quality system for doping control has now been in place for two years in Finland. A quality management system was set up during 2003. At the end of 2003, FINADA was deemed ready for certification, and auditing was carried out in May 2004. DNV approved the certification in May 2004.

### Antidoping Passport

The Antidoping Passport is an electronic system which enables athletes to update their contact and whereabouts information securely with FINADA. During 2003, a management system for doping control was integrated into the system. At the end of 2003, some 250 athletes had registered as Antidoping Passport holders. In 2004, the number of athletes will grow as athletes in the testing pool and team sports will be able to register as passport holders.

The doping control management system was launched in January 2003. Thanks to different kinds of searches, FINADA is able to draw up testing statistics. The management system includes information on doping control planning, doping test requests which have been sent, deviation reports in doping control, conducted tests, records and log files. The management system was completed at the end of 2003. Doping control activities and the management of athletes' Antidoping Passports have thus been integrated under a single address. The system will be further improved during 2004.

### Strategic planning, evaluation and development

FINADA's strategic planning, evaluation and development are based on the balanced score card system and the ISO 9001:2000 quality system. Thanks to the score card, objectives, the mechanism by which the attainment of objectives is measured and stakeholders can be defined for each function. The FINADA board and office monitor the attainment of objectives by employing different management systems. A plan of action and a financial plan, an annual report, financial statements, annual project plans and development logs are used as key activity-monitoring instruments. FINADA also submits annual reports on its activities to international partners such as the Council of Europe, the IADA member countries and Nordic countries.

## **3.8. International co-operation**

International co-operation on Antidoping issues is conducted in close co-operation between the Ministry of education and FINADA (lisätty). The aim of FINADA's international activities is to promote the harmonisation of antidoping codes and rules and work worldwide. To this end, FINADA actively participates in the activities of numerous organisations and assists other countries in building their antidoping systems.

### World Anti-Doping Agency WADA

WADA World Anti-Doping Agency ([www.wada-ama.org](http://www.wada-ama.org)) is a foundation funded by the IOC and governments, which develops and promotes antidoping and harmonisation worldwide.

Ever since the establishment of WADA, Finland has actively contributed to its activities across international forums (IIGCCADS sports co-operation between EU Member States in particular). In connection with the establishment of WADA, Finland actively contributed to the preparation of WADA's financing system. Finland's minister-level representation in the

WADA Executive Board and Foundation Board reflects its strong political commitment to the development of WADA's activities. This is also evident from the fact that Finns hold and have held seats on the Finance and Administration Committee, the Ethics and Education Committee and the Legal Committee during the terms of its operation.

In 2003, FINADA took part in the finalising and adoption of the World Anti-Doping Code (WADC) drafted by WADA. FINADA and the Ministry of Education elaborated their own opinions on the content of the WADC in an inter-ministerial coordination group chaired by the Ministry of Education and including representatives from the Ministry for Foreign Affairs, Ministry of Justice, Ministry of Social Affairs and Health and FINADA. In addition, experts, sports organisations, the Ministry of Education and FINADA discussed antidoping issues in a separate forum.

FINADA has actively contributed to WADA's educational programme which is now WADA's key priority. FINADA and the organising bodies of the 2005 World Athletics Championships began negotiations on education and communications co-operation with WADA as a part of WADA's education and communications programme.

FINADA participated actively in WADA's Independent Observer (IO) programme and has taken part in several IO tasks. The IO programme was established to impartially observe and report on all aspects of the doping control programme at major international sports competitions.

WADA is working intensively to improve the global antidoping administration and management system (ADAMS). FINADA has also introduced the Finnish Antidoping Passport to WADA.

#### UNESCO – the United Nations Educational, Scientific and Cultural Organization

Finland participates politically and financially in the elaboration of the international antidoping convention within the framework of UNESCO. With a view to prepare Finland's stand and the implementation of the treaty, cross-administrative coordination has been enhanced by the creation of a co-operation network for the elaboration of the convention. Chaired by the Ministry of Education, the network will include representatives from the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Social Affairs and Health and the Ministry of the Interior. FINADA's role as the expert on the content is pivotal.

#### Council of Europe

The Council of Europe Anti-Doping Convention ([www.coe.int](http://www.coe.int)) is an intergovernmental treaty under which the governments commit to create preconditions for antidoping work. The treaty has been ratified in 42 countries, in addition to which eight countries have signed it.

Finland has taken part in the Monitoring Group of the Anti-Doping Convention and its advisory groups. Finland vice-chaired the Monitoring Group in 2001–2002.

Finnish experts have participated in several consulting and evaluation tasks within the Council of Europe Commitment project and arranged seminars for developing European countries as a co-partner. FINADA has mainly taken part in the advisory groups on education and legal issues.

### European Union

The European Union ([www.europa.eu.int](http://www.europa.eu.int)) has also co-funded some antidoping projects. FINADA has acted as the project leader for one project and as a partner in a project led by the Netherlands.

### Association of National Anti-Doping Agencies ANADO

ANADO Association of National Anti-Doping Agencies ([www.antidoping.no/anado](http://www.antidoping.no/anado)) is an association for national antidoping agencies. It disseminates information and promotes the development of strong national antidoping organisations. FINADA is one of the founding members of ANADO. In the inaugural meeting, FINADA's representative was given a seat on ANADO's Executive Committee and in spring 2004, she was nominated the vice-chair. ANADO's purpose is to strengthen and maintain regular communication and facilitate development work between national antidoping organisations. ANADO had an important role in negotiations concerning the testing agreements concluded between national antidoping agencies and WADA in 2003.

### International - Arrangement IADA

IADA International Antidoping Arrangement is a government-to-government treaty (between Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom), the purpose of which is to develop quality systems for doping control and assisting, in co-operation with WADA, new countries to adopt a quality system.

IADA's key priority is to develop a quality system for doping testing. IADA has collaborated closely with WADA in developing the International Standard for Doping Control based on the WADC. Both FINADA and the Ministry of Education are involved in IADA.

### Nordic co-operation

Nordic countries have actively exchanged information to harmonise and develop antidoping work. Thanks to the long tradition of co-operation and co-ordination, the Nordic countries are among the world leaders in antidoping work. Nordic co-operation has been particularly close in the development of quality management systems for doping control in various countries.

Nordic countries already had a mutual antidoping agreement in force in the 1980s. In 1994, they concluded an agreement enabling testing in signatory countries under all circumstances.

### Bilateral co-operation

Finland has concluded agreements and, in compliance with these, engaged in bilateral co-operation in antidoping work (exchange of experts in particular) with some of the signatories. Furthermore, Finland and other Nordic countries have supported antidoping work in the Baltic states in the creation of national antidoping programmes.

### Other international co-operation

FINADA was in charge of the implementation of an antidoping project funded by the EU and participated in a project led by the Netherlands as a partner. The project led by Finland was conducted in liaison with the Council of Europe.

## **4. COUNCIL OF EUROPE PROTOCOL AND UNESCO CONVENTION**

Finland signed the convention's additional protocol on 12 November 2002. It has not been ratified or put into effect as part of national legislation. With respect to ratification, Finland has decided to wait for the completion of the International Convention against Doping in Sports presently being developed in UNESCO. Subsequently, Finland can evaluate and co-ordinate the enforcement of the protocol and the new treaty.

## **5. ANTIDOPING WORK AND UNORGANIZED SPORTS**

### Research

Although FINADA does not engage in research on antidoping, it monitors and supports antidoping research carried out by universities and other research institutes. Meetings related to research have been held in the departments of Physical Education and Social Sciences of Sports (Ethics of Sports) at the University of Jyväskylä.

The National Public Health Institute has conducted research on the adverse health effects of anabolic steroids. In 2003, Tuomo Karila published a dissertation on the subject (Adverse effects of anabolic androgenic steroids on the cardiovascular, metabolic and reproductive systems of anabolic substance abusers).

The Doping Testing Laboratory of the United Laboratories Ltd. mainly focuses on anabolic steroids. There are two on-going projects being carried out in co-operation with the Department of Pharmacy of the University of Helsinki and funded by TEKES, the National Technology Agency of Finland. The first focuses on the development of new analysis methods, while the second studies the production of synthetic reference compounds.

On 1 August 2001, the three-year EU-funded project *Steroid glucuronides, development of liquid chromatography/mass spectrometric LC/MS analysis in the detection of doping in sport* was launched. The aim is to produce new synthetic reference compounds and develop related methods. Besides United Laboratories Ltd., the Department of Pharmacy of the University of Helsinki and the Olympic Athletic Centres of Athens and Cologne participate in the project. Research results to date have been reviewed in international conferences and several of them have been published in their entirety.

In 2004, the Department of Social Sciences of Sports (Ethics of Sports) of the University of Jyväskylä published a study on the public image of sports in which antidoping issues were given a heavy emphasis in people's opinions about sports.

FINADA and the Finnish defence forces have co-operated in charting the use of doping agents by new conscripts. A survey was first carried out in 1995 and again in 2003.

## Gyms

FINADA and the Finnish Recreational Sports Federation Kunto ry have drawn up an antidoping commitment for gyms which any gym can join. The gyms sign an agreement with FINADA and Kunto ry in which they commit to promote doping-free sports. These gyms maintain and develop high-quality gym activities which precludes using, distributing or advertising substances prohibited in sports. The gyms have undertaken to expel or otherwise prevent training by a member who is guilty of using doping agents or promoting their use.

The signatories receive a certificate for their co-operation from FINADA and Kunto ry. The certificate is recognition of the choices made by the gym concerning values, ethics and attitudes. Gyms that have joined the Clean Recreational Sports Initiative are taking a stand and bearing their social responsibility for clean recreational sports. At certified gyms, FINADA is entitled to test athletes whom it has the authority to test. The names of certified gyms are published on the websites of FINADA and Kunto ry.

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## **Appendices**

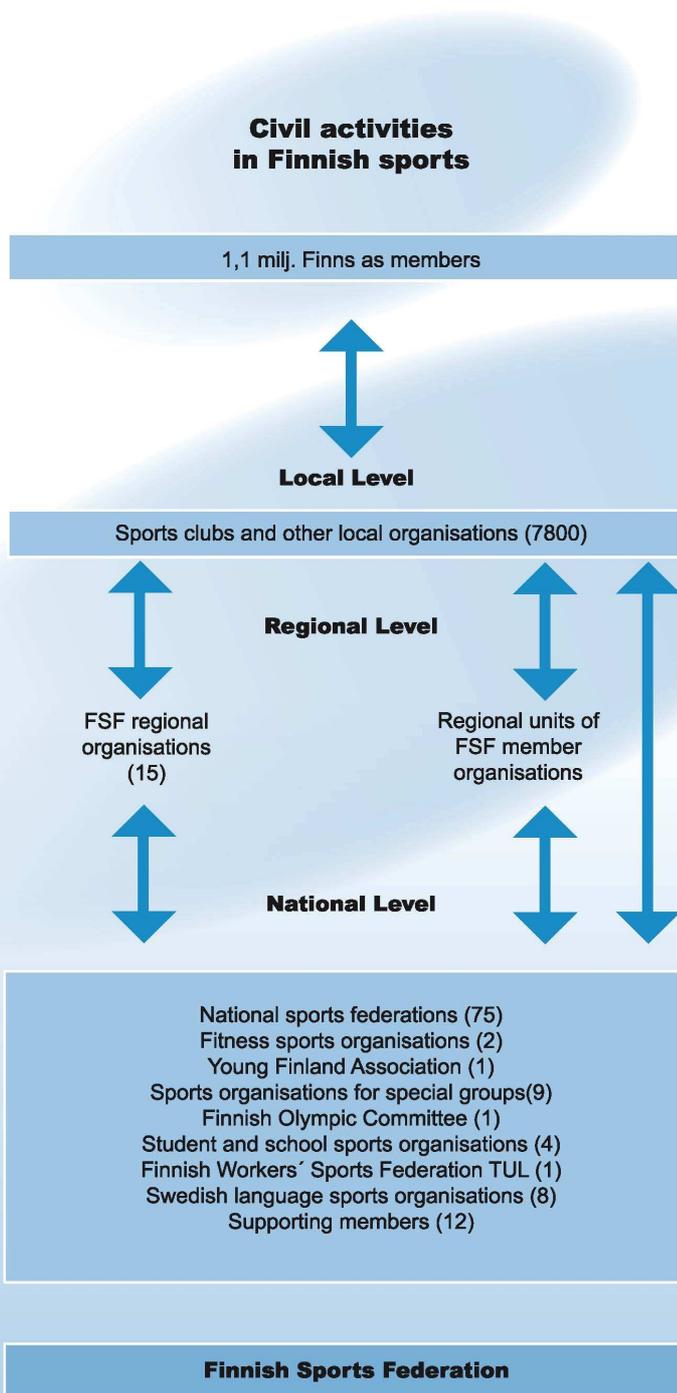
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## FINNISH ANTIDOPING AGENCY (FINADA) ORGANISATION



## Brief history

### General

The IOC created the Medical Commission in 1967 and it was the highest doping control authority before the establishment of WADA.

The Council of Europe Anti-Doping Convention (1990) is the only intergovernmental treaty in the area that has been ratified by the Parliaments of the Member States. The treaty obliges governments to organise and provide resources for antidoping work in their countries. Finland signed the treaty on 16 November among the first countries in the world. The Finnish Parliament ratified the treaty on 26 April 1990 and it came into force on 1 June 1990.

1999 saw the establishment of WADA which took over the promotion and co-ordination of global antidoping work. Its funding came from the IOC and country governments. The WADA Code was completed in time for the Copenhagen World Conference held in 3–5 March 2003, which is when Finland signed it. Sports organisations must enforce the code by the 2004 Olympic Games in Athens and governments by the 2006 Olympics in Turin.

### Finland

The National Olympic Committee began doping testing in Finland 1971. The National Doping Committee was established with the help of sports organisations in 1982 and testing began in 1984.

The Association for Promotion of Sports Medicine and Physiological Testing (Liite ry.) was established in 1990 and the new, independent Finnish Antidoping Committee was launched under its auspices. With the vigorous growth of Finnish Antidoping Committee's activities, it was decided that would be separated from Liite ry. The new entirely independent Finnish Antidoping Agency FINADA was established on 8 November 2001.

## **B. Report of the evaluation team**

### **Introduction**

The visit was carefully organised and warmly hosted by representatives of the Finnish Government and the Finnish Anti-Doping Organisation (FINADA). The evaluation team was well looked after, and provided with comprehensive information and documentation.

The evaluation team was able to get an insight into all the relevant aspects of Finland's anti-doping programme and have direct talks with the key persons involved in the programme. The discussions were conducted in a spirit of openness and transparency. Those involved in anti-doping activities in Finland have shown open-mindedness for new ideas. On the other hand, the experts learned a lot from Finland's experience in anti-doping, which is well advanced in many areas.

The Finnish anti-doping scheme is ruled under the principles of autonomy of sport and subsidiarity between the role of public authorities and the mission of the sport organisations. The task of the Government is to define the responsibilities and create and preserve the necessary preconditions for the practice of sport. Therefore, the Sport Division in the Ministry of Education is very small in international comparison and the National Sport Council (13 members appointed by the Government) represents an essential interface between the public authorities and the world of sport.

### **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.*

- Lately the Finnish authorities have made important achievements in the anti-doping field: setting-up of the Finnish Anti-Doping Agency, Implementation of the Finnish Anti-Doping Code, high-quality and extensive anti-doping programme. References to anti-doping appear in the Penal Code (related to health risk), medical and health care legislation and food legislation. With respect to the fundamental principle of autonomy of sport, the sports regulations are adopted within sports organisations and not by public authorities. Therefore references to doping in the sport-relevant legislation (Sport Act and Law on subventions) are not explicit but deal with ethical questions in sport and give to the government the competences to steer the allocation of grants. The criteria for the allocation of grants are set once a year in a letter with guidelines from the Ministry to the sport organisations. These guidelines include very strict criteria for the Federation to fulfill and report upon in order to be eligible for the allocation of subsidies. The Public authorities also demonstrate their commitment through their important financial support towards FINADA (by about 1.3 million € in 2003) coming from the lottery fund.

The evaluation team understood that the issue is taken very seriously and that the Government is ready to invest in anti-doping and in particular to implement the provisions of the Anti-Doping Convention. Moreover, the evaluation team understood the importance of the principle of autonomy of sport in Finland. The evaluation team also understands that this important public commitment with a loose legal background is linked to some contextual reasons such as

the availability of resources from the lottery fund and the political consensus for implementing an anti-doping policy. Therefore the evaluation team fears that the present legal provision does not sufficiently reflect the actual political and financial commitment in order to embed this commitment in the long-term.

**The evaluation team recognises that Finland takes the appropriate steps and invests sufficient means in anti-doping policies. Therefore, art. 1 of the Convention is respected. However its implementation in the long term could be strengthened.**

#### Recommendation

→ [a] The evaluation team suggests that the Ministry considers using the present consensus and availability of resources in order to process a clear legal provision guaranteeing the preconditions for antidoping activities. This provision would reflect legally the present political commitment and preserve the principle of autonomy of sport. Such a process may also help to clarify the ways to fulfil these needs in the future.

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

*1 For the purposes of this Convention:*

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

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

- Since the legal provision does not include detailed rules on doping, there is no governmental definition of doping in sport. The relevant regulation is the Finnish Anti-Doping Code which is compliant with the World Anti-Doping Code and includes a more comprehensive definition of doping, which is however not inconsistent with the definition of the Convention.
- Similarly, according to the Finnish Anti-Doping Code (sect. 8(1)), the WADA list is the prohibited list currently in force in Finland. Since the WADA list is presently the international list of reference which is endorsed by the Monitoring Group, this definition is respected as well. However, the reference to other lists (International Olympic Committee, International Federation and National Federation) in sect. 8(3) of the Finnish Anti-Doping Code seem to be in contradiction with the expected harmonisation in compliance with the WADA List.

- The definition of the term “athlete” is important because ultimately it defines the scope of the convention. Under the Finnish Anti-Doping Code, the athletes are those who are members of the Finnish Sport Federation which adopted criteria of Anti-Doping Work for the allocation of subsidies in 1980. The Finnish Sport Federation includes 127 sports federations (90%), including almost all sports federations in Finland. In particular, all federations who belong to the National Olympic or National Paralympic Movement are bound by the Finnish Anti-Doping Code. Moreover FINADA has signed contracts with some national federations that are not members of the Finnish Sport Confederation such as the Military Sport Organisation. The process of drafting a contract between FINADA and each national federation is on the way. About 300 Finnish elite athletes are holders of an Anti-doping Passport and therefore members of the control pool. These are the athletes who are supported by the National Olympic Committee and some of those receiving training support in non-Olympic sports. However, FINADA performs in-competition anti-doping controls in almost every sport, even those which are not the most mediatised (there was a control after a “boot-throwing” competition in 2003). The initiatives to carry out preventative work mostly focus at top level and young athletes. However, some initiatives have been taken to reach a wider group of people practising sport. Co-operation with fitness leisure sports and with Military Sports are an indicator of such an effort.

The evaluation team has not been able to interpret section 8 of the Finnish Anti-Doping Code in order to establish that no contradiction could arise from the reference to multiple lists. The evaluation team took note that the role and the emphasis of the Activities of FINADA is mostly focused on top level athlete. Moreover, the federations in charge of educational programmes mostly focus on information to top athletes. This situation is understandable with regards the huge efforts which have been made to implement the World Anti-Doping Code. However, the drive for the implementation of anti-doping measures in sport for all seems to be a second priority while the fight against doping should establish anti-doping attitudes in all those practising sport.

**The evaluation team understood that the definitions in force are compatible with the Convention. However, the fact that there is no regulation stating that every person regularly practising a sports activity should be considered by the anti-doping activities.**

#### Recommendation

- [b] The evaluation team recommends checking whether section 8 of the Finnish Anti-Doping Code should be clarified in order to avoid possible conflicts of rules between section 8(1) and 8(3).
- [c] The Evaluation Team recommends that the future legal provision on anti-doping should state clearly that the target groups of the fight against doping include (at least) all persons who regularly participate in organised sports activities. A broadening of the anti-doping policy requires the involvement of other actors (public health, municipalities). The development of such a wider anti-doping policy would require defining the competences of the concerned partners.

### **Article 3 – Domestic co-ordination – 3.1**

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

[...]

- The Finnish Sports Act envisages that the Ministry of Education is responsible for overall co-ordination on sport policy issues in government, including granting state subsidies to sports organisations. Every year the Ministry of Education decides on the allocation of the state budget coming from the Lottery fund, including finance for anti-doping activities. The Sports Act also describes the role of the National Sports Council appointed by the Government. The representatives of the Ministry of Education gave notice that National Sports Council has also dealt with doping issues, for example after Lahti Nordic World Championships as outlined in *Report of the Doping Enquiry Taskforce*, which was appointed by the Ministry of Education.
- In order to implement many provisions of the Anti-Doping Convention, FINADA, an authority designated by sports organisations and the government was created in 2001, reorganising a previous structure, which was active in anti-doping work already since 1971. Members of the FINADA Board are nominated by the Ministry of Education and sports organisations.
- More information about the co-ordination of anti-doping activities with other ministries and government institutions was presented by the representatives of the Ministry for Justice, Ministry for Social and Health Affairs, the Finnish Customs and the National Bureau for Investigation. These institutions are individually involved in anti-doping work, but there is no special co-ordination between government institutions on anti-doping matters.
- The Ministry of Justice is represented on the Supervisory Group of FINADA by a legal expert.
- The involvement of Finnish Customs is via its Anti-Fraud Unit, which has observed an increase in the abuse of doping substances by investigation of doping offences (73 offences in 2003); therefore it also takes care of the regular education process of their officers. Education activities of Finnish Customs in the field of anti-doping are carried out in co-operation with FINADA. In the investigation process on dissemination of doping substances in the country Finnish Customs co-operates closely with the National Bureau for Investigation.
- The involvement of the Ministry for Social and Health Affairs is not clearly defined and is mainly related to pharmacological products, which come under a complex legislation for control of their availability. However, information and education of medical staff on anti-doping issues could be improved.
- Moreover, the municipalities, although they play a crucial role in the Finnish sport scheme, do not play a significant role in anti-doping policy.

Therefore the evaluation team understood that co-ordination of anti-doping activities with government departments is arranged on an ad hoc basis and felt that they do not join their forces for a common purpose.

**The evaluation team noticed that there is a certain understanding of the issues of anti-doping within all Ministries. However, the inter-ministerial co-ordination of policies and**

**actions between the various Ministries concerned should be enhanced to fully comply with art. 3.1 of the Convention.**

Recommendation

- [d] In order to bring about better co-ordination, the evaluation team considers that Finland should set up a permanent inter-ministerial co-ordination board for the exchange of information at the national level between the Ministries of Education, Health, Justice, Interior (police and customs). FINADA could be involved (as an independent body). Municipal sports structures should also be involved in co-operation with FINADA
- An enhanced co-ordination should be beneficial to information and educational programmes, in particular toward general public, especially young people. It would help to broaden some aspect of anti-doping policies from the top-athlete level to the recreational level of organised sport. Such a co-ordination board would be able to pay due consideration to the issue of gyms, which are in some circumstances beyond the scope of any legislation and regulation.
  - It would also help to share experience and to extrapolate successful activities. For instance, a training plan similar to the course for customs officers could help to build capacities against trafficking of doping substances, for example with the systematic implementation of regular training plans for police forces as well as for prosecutors. Other categories of civil servants like veterinary doctors and inspectors (medicinal, pharmaceutical, market, tax) could also be involved through improved co-ordination.

**Article 3 – Domestic co-ordination – 3.2**

*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.*

- Although the co-ordination could be improved, the evaluation team did not identify any area of the Convention which is not implemented by a competent body or organisation. The evaluation team took note that the Finnish Anti-Doping Organisation (FINADA), a non-governmental organisation primarily financed by the Ministry of Education from the National Lottery Fund, is responsible for the co-ordination of doping control programmes as well as other duties in the fields of education, information, international co-ordination and research. FINADA is also responsible for the implementation of the international regulations arising from the World Anti-Doping Code.

The evaluation team concluded that the general organisation of anti-doping policies and the sharing of the tasks ensure the application of all the provisions of the Convention and in particular those relevant to sports organisations.

**Therefore, the evaluation team concluded that art. 3.2. is implemented.**

#### **Article 4 – Measures to restrict the availability and use of banned doping agents and methods – 4.1**

*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.*

- In Finland, as in many other countries, the responsibility for fulfilment of Article 4 is shared between the Government and sports world. The Government's responsibility lies in creating legislation to counteract the possibility to gain access to doping substances and it is up to sports organisations to reduce or even eradicate the use of forbidden substances in sport. The Government decided in 2002 on an amendment of the Penal Code with effect from 1 September 2002. According to the Penal Code it is a crime – not only for sports people, but for anyone - to prepare, import, disseminate, and possess with the intent to disseminate, doping agents. The amendment substituted provisions in other acts. The possession or use of doping substances, without intent to disseminate such substances, is not prohibited. There are also other legal provisions to protect against the unhealthy use of medicinal products and other substances. In 2003, 73 doping offences were investigated. No meaningful comparison could be made with earlier years since the law on punishable acts of doping only took effect in September 2002. An ongoing increase in the abuse of doping substances has been noticed, which is reflected in the smuggling figures. Most substances are sent from Russia, Spain, Germany and Bangkok (one of the biggest suppliers). There is also a growing market on the internet.
- Some preventive work is done by social welfare institutions.
- Concerning prevention of use of doping substances, there is an agreement between FINADA and the umbrella organisation for gyms (*Kunto ry*) under which gyms can apply for an anti-doping certification which they receive after an evaluation process.
- Customs and police lead joint investigations on doping substances while other departments focus more on other drugs.

The evaluation team considered that, from the government point of view, the challenges are more outside sport than from within the sports world. This appreciation explains why the Ministry responsible for sports is not involved more effectively in the co-ordination of fight against trafficking and availability of substances. Thanks to discussions with representatives from the ministries of Justice and Social and Health Affairs and from police and customs, the evaluation team understood that the objective behind criminalising doping was health. Therefore, the fight against trafficking should require a joint and improved co-ordination action from the Public Health and Interior Ministries.

As mentioned above, possession without intent to disseminate a doping substance is not prohibited. Only possible or established intent to disseminate such a substance constitutes a punishable offence. The reason for this is reportedly that, if use is not forbidden it is difficult to forbid the possession of small amounts of forbidden substances. The burden to prove intent or probable intent seems to imply a difficulty in getting a person convicted of dissemination. Under such regulations, the evaluation team feared that an accused person would hardly recognise the intention to disseminate and that it would be almost impossible for a prosecutor to prove such intent. However, the other provisions can be implemented in such cases (Penal Code Chapter 44, Section 5: Medicine offence or Section 6 Unlawful dealing in imported

goods or Section 6a Petty unlawful dealing in imported good) and judicial precedents show that prosecution is possible even in cases involving small quantities of prohibited substances.

The second point the evaluation team wants to point out is the substances that are included in the provisions of the Penal Code. The substances are defined in a Decree, which can be amended in some weeks' time. Thus a fixed list makes it possible for someone to take advantage of the fact that some prohibited substances do not appear in the Decree. Although the list can be amended quickly, it cannot be made valid retroactively.

Finally, considering the amount of seizures and other criminal offences, the evaluation team assessed that it is a great achievement that special attention is paid to doping substances within customs.

**In principle, in the view of the evaluation team, the legislation seems to fulfil the objective of article 4.1. However there are some points that the team wishes to make in this regard.**

#### Recommendations

- [see recommendation 'd'] The coordination mentioned under Art. 3 would be particularly relevant in order to improve the fight against trafficking.
- [e] The evaluation team recommends moving away from the issue of the burden to prove intent to disseminate doping substances in sport. The evaluation team considers that it should be possible to allow possession for personal use, while defining this personal use in terms of amount and circumstances (e.g. medical prescription).
- [f] The evaluation team recommends not to enact every substance concerned in a decree, but rather, for instance, to classify substances in order not to allow dealers to circumvent the rules.
- [g] Finally the evaluation team considers that the custom authorities should continue to give a high level of priority to the fight against smuggling and trafficking doping substances and could increase international co-operation to help other countries to establish procedures for controlling smuggling of doping substances

#### **Article 4 – Measures to restrict the availability and use of banned doping agents and methods – 4.2**

*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.*

- According to the Sports Act Section 7 the state budget shall include among other subsidies, an annual appropriation earmarked for supporting national and regional sports organisations. The amount of the state subsidy shall be influenced by the number of activities carried out to implement the purpose of the Act. Anti-doping work is not mentioned in the Act itself, but the evaluation team was informed that a sports organisation would not get a subsidy unless it has accepted the Finnish Anti-Doping Rules. In the provisions for deciding the amount of money that should be allocated to an organisation, the anti-doping work performed in the organisation is evaluated. FINADA takes part in this evaluation in respect of sports federations or organisations.

- According to the law on subventions, there are legal possibilities to cut down government funding and to request the reimbursement of subsidies. For instance, after the doping cases in Lahti in 2002, the governmental support to the ski federation was reduced by 170 000 € in 2001 and 170 000 € in 2002, which means 15 to 20% of its subventions.

**Therefore, the evaluation team concluded that art. 4.2 is not only reflected in the legal provision as a potential threat, but also implemented in reality.**

#### **Article 4 – Measures to restrict the availability and use of banned doping agents and methods – 4.3 and 4.4**

*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;*
- 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 organisations of the doping controls required by the competent international sports organisations whether during or outside competitions; and*
- 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.*

*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.*

- FINADA's activities are financed by the state sports budget by means of the lottery funds. Up to 2003 the national federations have co-funded anti-doping work. From 2004 there has been no such co-funding. The funding of anti-doping work has almost tripled since 1990 and the grant for 2004 is 1 204 000 €; this sum will increase in 2005, depending on better profit in the Finnish lottery and changes in organisations funded from lottery. The funding also covers the costs of the analyses at the doping laboratory.
- As mentioned above there are legal provisions to withhold the granting of government subsidies in case the recipient does not fulfil the conditions of the grant. This also applies to athletes, who are found guilty of a doping infraction. The Finnish Olympic Committee signs an agreement with its athletes and deals with the career of an athlete following his/her established violation of the anti-doping rules. Funding was withdrawn for the Finnish skiers in the Lahti case but no request to return any funding was already given raised against them or other sportsmen who have broken the doping rules.
- Finland has signed the Additional Protocol to the Anti-Doping Convention but has not ratified it or put it into effect while waiting for the outcome of international work on Unesco Convention. Furthermore, Finland has signed the Copenhagen Declaration and has by that agreed, within the limits of its constitutional and other legal provisions, to co-operate with WADA and other anti-doping organisations operating under its auspices, subject to relevant host countries' regulations, to conduct doping controls on their athletes, whether inside or outside their territory.

The evaluation team wants to point out that there is a risk in basing the funding only on lottery profit. If the profits in *Veikkaus* decrease, the funding granted to FINADA and sport in general could also be revised downwards, at least in the short run.

**Apart from the points raised under 4.1 and 4.3 the evaluation team considers that the commitments under article 4 are well met.**

#### Recommendation

→ [see recommendation 'a'] The evaluation team recommends giving a more secure legal and financial background to the anti-doping policy.

## Article 5 – Laboratories

*1 Each Party undertakes:*

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

*2 These laboratories shall be encouraged to:*

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

- The Finnish Doping Testing Laboratory is organised within United Laboratories Ltd. together with the other laboratories (clinical chemistry, hematology, microbiology, toxicology). It is a private laboratory and it is not sState-funded. The anti-doping unit of the laboratory has enough employees (3 chemists + technicians). In the case of major events, the anti-doping unit can obtain staff from other laboratories (e.g. toxicology).
- The quality system of United Laboratories Ltd is based on standard SFS-EN ISO/IEC 17025, Principles of Good Laboratory Practice of the OECD. The fields of accredited testing are clinical chemistry including immunoassays, hematology, abused drug analysis, drug analysis, clinical microbiology, cytogenetics, pathology, and doping analytics. The Doping Testing Laboratory of United Laboratories Ltd was first accredited by the Medical Commission of the International Olympic Committee (IOC) in 1983, and continued till 2004. Presently the accreditation to carry out doping control analyses is granted by the World Anti-Doping Agency.
- The laboratory has almost all methods needed to analyse substances from the whole list of prohibited substances and methods. In the case of EPO testing, United Laboratories Ltd. co-operates with the Cologne (Germany) laboratory. Analysis of endogenous steroids and synthetic haemoglobins are also performed in other laboratories.
- Staff members of the laboratory are mainly retrained in the workplace, but new experiences are gained in co-operation with other accredited laboratories. It has been stressed that the

specialist of the WADA accreditation authority has stated that the staff qualification corresponds with requirements of all laboratory staff members.

- The laboratory has an agreement with FINADA to not perform analysis for substances where a TUE has been granted and to ask FINADA if those analyses have to be performed.
- The laboratory regularly performs different research projects, mainly focused on anabolic steroids. Presently, the laboratory is involved in research projects founded by WADA – “Metabolism of "new" anabolic steroids: development of in vitro methodology in metabolite production and analytical techniques” and within this project it co-operates with the Cologne laboratory; as well as the project “Development of a universal screening procedure for acidic, neutral and basic doping agents in urine”.
- The State facilitated the establishment of the laboratory and its maintenance at a technical level which is suitable for accreditation in a particular way: FINADA owns some equipment placed in the laboratory and in this way they get the tests which they order at lower prices.

The evaluation team considered that the equipment, the work flow as well as the chain of custody are followed correctly (upon standard). Moreover, the evaluation team deemed it good practice to have the doping control laboratory integrated in a larger laboratory, so as to ensure high quality service and qualification of staff. However, the team identified that for the future, the most sensitive issue with the laboratory is the level of required investment for equipment. Some investment will be necessary in order to be able to perform EPO determination (electrophoresis). A solution should be found between FINADA and the Ministry of Education in order to allow a new investment by FINADA for this purpose.

**The requirements of Article 5 of the Anti-Doping Convention of the Council of Europe are fulfilled. Further clarification on analyses not performed when a TUE has been given could take place within the relevant framework (World Anti-Doping programme).**

#### **Article 6 – Education – 6.1**

*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.*

- FINADA’s specialists informed the evaluation team that education is one of the main activities. Education performed by FINADA is comprehensive and directed to several target groups. There is strategic planning in place for providing education and ensuring communication. According to the Education strategy for 2003-2005, the education process is co-ordinated by FINADA and implemented by instructors in co-operation with partners for the target groups. The strategy defines target groups for education with young athletes as a main priority, also including other athletes, coaches, managers and other people involved in sport. Moreover, the education strategy describes the co-operation partners – all sports organisations, media and the Finnish Defence Forces.

- An important aspect of the education process is the provision of education materials for target groups. There is a set of special brochures for target groups entitled “Clean win”. This collection also includes a printed brochure for the attention of the young athlete’s parents, on items about doping.
- An efficient structure for the training of instructors exists, which includes regular meetings, information exchanges and an instructors manual on main educational topics – prohibited substances, doping control procedure, rights of athletes, ethical questions, FINADA activities. All seminars are held on the request of a partner, usually a sports federation or a club. The requesting organisation provides practical arrangement for the seminar, while FINADA provides lecturers and printed materials. Anti-doping specialists lecture at universities for students on various topics – medical aspects of doping, legal, strategic issues, according to the request of concrete university.
- FINADA also provides trainings for doping control officers and keeps them informed and qualified. Training, certification system and re-certification requirements for DCOs correspond to international standards and are approved by ISO certificate. At the time of the visit, FINADA has 34 certified DCOs and 60 assistants.
- FINADA also provides more traditional informational materials – printed brochures containing anti-doping rules, lists of prohibited substances, etc and these are spread very widely to different target groups. For one target group - health care professionals, FINADA prints every year a special brochure about medicines prohibited in sports. This brochure, which also contains a list of all medicines registered in Finland and their relation to the prohibited list, are sent to all pharmacies, and sports doctors.
- Even though there is no official “hotline”, the concerned persons regularly contact FINADA by phone or any other means, and specialists always try to answer.
- Lastly, FINADA maintains a very informative website: <http://www.antidoping.fi>, which opened only in 2004 and already has approximately 500 users monthly. This website makes available all FINADA materials, manuals, presentations for reading and downloading to anyone interested.
- In order to provide information on the dangers of doping to a wider public, FINADA worked out a Communication Strategy for 2005-2008, which aims to give the “Clean sport” message to much broader target groups than the ones involved in education – from top athletes to the general public and government institutions. The key messages of this new strategy have already been articulated: responsibility of everyone to abide by the rules; FINADA’s role as an expert; Finnish sports respects Fair Play. With these messages, FINADA seeks to share information, raise discussion, affect the behaviour and improve the image of sport and FINADA.

The evaluation team underlines the variety of media used by FINADA as well as its thoughts on target groups and messages. The evaluation shares the analysis which leads to the broadening of the target groups. It also considers that the booklet for parents of young athletes serves as a positive example of a tool for this target group.

**The requirements of Article 6.1 of the Anti-Doping Convention of the Council of Europe are fulfilled and will be better implemented with the future strategy 2005-2008 of**

**FINADA. However the evaluation group would like to mention two possible improvements.**

Recommendations

- [see recommendation 'c'] co-operate with health care institutions in order to reach a broader public.
- [h] The evaluation team recommends considering a more active involvement of all young people in education campaigns, possibly at school, taking into account the spreading of doping substances at gyms as reported by customs and police.

**Article 6 – Education – 6.2**

*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.*

- According to the information given by Minister of Culture Ms Tanja Karpela, the Ministry of Education is responsible for research in the field of sports and subsidises various projects of sports science. Furthermore, the ministry supports and finances sports institutes, where some research activities are carried out, emphasising the development of scientifically-based, physiological and psychological training programmes.
- The Finnish Olympic Committee initiates and supports research activities for improvement of training methods and health of top level athletes.
- From 2005 the Finnish Olympic Committee and the Finnish Sports Federation have introduced a new Fair Play programme for athletes of all levels, coaches and other persons involved in sports.

**The evaluation team considered that the requirements of art. 6.2 are fulfilled and recommends the improvement of the sharing of these experiences.**

Recommendation

- [i] In order to offer an opportunity for other partners to benefit from results of such projects, the evaluation team recommends making an index of State-supported projects available for national and, to a certain extent, international sports organisations.

**Article 7 – Co-operation with sports organisations on measures to be taken by them – 7.1**

*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.*

- In Finland the government's responsibilities in anti-doping policies are based on the Anti-Doping Convention of the Council of Europe and the Sports Act, and are defined as creating a legal framework for sports, steering and monitoring and financing. The Ministry of Education is the competent ministry. The creation of goals and missions of sports, sports

ethics, the implementation of sanctions and anti-doping activities are being devolved upon the sports organisations. As pointed out earlier, the prerequisite in obtaining government subsidies is that the sports organisation carries out anti-doping work.

- In Finland, sports organisations are gathered under an umbrella institution, the Finnish Sports Federation, whose members are special sports federations, regional sports organisations, and recreational organisations. All these organisations have agreed on co-operating and promoting sports, as formulated in the Statutes of the Finnish Sports Federation; every year, the highest decision making body – the conference of members – agrees on the principle of tackling important issues for all sports organisations. One such issue is the doping problem.
- The Statutes of the Finnish Sports Federation state that all members follow the rules of the Finnish Anti-Doping Agency and a similar statement is included in the general statutes for sports clubs, which are recommended by Finnish Sports Federation. Anti-doping work has been included in the ethical and educational guidelines of the Finnish Sports Federation and is approved by the aforementioned annual conference. These guidelines include overall principles for member federations in health promotion, responsibility in the field of education, equal participation of different groups, environmental aspects of sports, as well as compliance with principles of transparency, democracy, honesty and fairness.
- In order to follow these ethical principles all sports organisations undertake to focus on several priorities among which anti-doping has an important role.
- With respect to their own commitments, the Finnish Sport Federation also acts within their international Federations in order to facilitate the implementation of all appropriate measures at international level. This is for example the case of the Finnish Football Federation which took a position within UEFA for the adoption of the WADC.

The evaluation team understood that the Finnish Sports Federation has been an active participant in the reorganisation of Finnish anti-doping structures and a supportive and demanding founding member of the Finnish Anti-Doping Agency. As far as the Finnish Swimming Federation, the Finnish Floorball Federation and the Organising Committee of World Athletic Championships are representative of Finnish sports organisations, these organisations are actively involved in the fight against doping; they focus mainly on prevention and education, while doping controls are carried out by FINADA.

**Therefore, the evaluation team concluded that art. 7.1 is successfully implemented in Finland.**

#### **Article 7 – Co-operation with sports organisations on measures to be taken by them – 7.2**

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

- a anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;*
- b lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;*
- c doping control procedures;*

- d disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:*
- i the reporting and disciplinary bodies to be distinct from one another;*
  - ii the right of such persons to a fair hearing and to be assisted or represented;*
  - iii clear and enforceable provisions for appealing against any judgment made;*
- e procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;*
- f procedures for the mutual recognition of suspensions and other penalties imposed by other sports organisations in the same or other countries.*

- The FINADA members are the Finnish Sports Federation (FSF), the Finnish Olympic Committee, the Finnish Paralympic Committee, the Finnish Society of Sports Medicine and the Finnish Ministry of Education. Its board, the Anti-Doping Committee, consists of six members, half of which are appointed by the Ministry. The other three are representatives from FSF, the Finnish Olympic Committee and the Finnish Society of Sports Medicine. FINADA is directly financed by the government.
- FINADA, which is independent from its creators, draws up and endorses anti-doping rules, monitors their implementation, is in charge of doping control, education and communications and promotes anti-doping work at international level.
- The Finnish anti-doping rules are in compliance with the World Anti-Doping Code (WADC). They shall be applied by all sports organisations, other organisations and other persons who are in some way committed to complying with the rules. Therefore, mutual recognition of controls is included in the anti-doping rules. The rules also include that FINADA shall adhere to the International Standards approved by WADA and to the Models of Best Practices recommended by WADA as appropriate.
- The existence of WADC is a sign of harmonisation on many issues such as the list of prohibited substances and methods, doping control procedures and disciplinary procedures. Many of the commitments in Article 7.2 are thus taken into account by the signatories of the Code. FINADA has signed the Code and has implemented it in its anti-doping rules. However the remark mentioned at the second bullet under art. 2 should be considered.
- The FINADA board decides on the strategy on who to test and the doping controls are also carried out and financed by FINADA. Subsequently, the sport federations are free to concentrate on education and training, communications and information dissemination in their respective sports. Their activities will be assessed by FINADA in connection with the allocation of the Finnish Ministry of Education appropriations.
- The concentration on doping controls is put on top level athletes. About 300 athletes belong to the FINADA Testing Pool. The numbers of tests have increased and are still increasing. In 2005 the goal is to conduct 1700 controls in the national programme and 800 international controls. 60 % are tests out-of-competition. 5 – 10 % of these are announced controls and only occur if the athlete is difficult to find. Even some announced controls have resulted in positive tests.

- Standard contracts of athlete support personnel includes the provision that the contract will be ended in case of doping offence. In such a case an effective informal pressure is put on other sports organisations to avoid those persons from being employed in other sports during their suspension, but there is no regulation, no established system to prevent it formally.
- FINADA is in charge of conducting the investigations following a possible doping infraction and it has the responsibility to establish that an anti-doping rule violation has occurred. If a person is suspected of having committed an anti-doping rule violation, the case is brought to the Supervisory Group of FINADA. The group, which is appointed by the FINADA board, consists of four persons, at least two physicians and one lawyer, who decide whether the action constitutes a doping offence on the basis of the Finnish Anti-Doping Rules. The Supervisory Group can also impose a provisional suspension, which occurs almost automatically when a case is brought to the Supervisory Group for trial. If the Supervisory Group decides that the case constitutes an anti-doping rule violation, then it is the task of the competent sports organisation to impose the sanction in accordance with its own rules and the Anti-Doping rules. The sports organisation is bound to comply with the decision of the Supervisory Group that a violation against the rules has occurred but can appeal against it. The Supervisory Group also acts as the TUE Committee.
- A decision based on the Anti-Doping Rules arising in an international event or involving an international-level athlete may be appealed by the athlete to the Finnish Sports Arbitration Board. In last appeal, it may be appealed by the athlete, the sports organisation, FINADA or WADA to the Court of Arbitration for Sport (CAS). However, although the Court of Arbitration is indirectly recognised by all members of sports organisation who are bound by the Regulation of the Finnish Sport Federation, it is impossible to exclude any other jurisdiction in particular if the appeal is directed against procedural elements or compliance with fundamental rights. Therefore, an agreement of the parties is required in order to recognise the Finnish Sports Arbitration Board as an appeal body. This requirement opens the door to appeals to Civil Courts and two cases have already been judged by Civil Courts.

First and foremost, the evaluation team considers that the organisation of the anti-doping work between the government, sports organisations and FINADA serves well the purposes of good anti-doping work.

Concerning the disciplinary process and in particular the mission of the Supervisory Group, the Evaluation Team is concerned about the clear separation between the reporting and the disciplinary body mentioned in art. 7.2.d i. The evaluation team considers that the system with the Supervisory Group in charge of taking provisional decisions and deciding on the violation of an anti-doping rule mixes reporting and disciplinary functions. As it is, the sports organisation which is supposed to be disciplinary body has to either abide by the Supervisory Group's decision and mete out the consequences (where there is not much margin for consideration according to the rules) or to appeal to the Finnish Arbitration Board. Under such circumstances, the disciplinary body is not able to take a decision after due hearing of the parties. Moreover, the fact that the only solution for the disciplinary body not to recognise an offence is to appeal against it puts the disciplinary bodies in the position of a party. Finally, the national federations may lose their sense of responsibility in anti-doping work if they do not have to take the decision on « guilty or not guilty ». If one considers that the supervisory body is the disciplinary body, then it would be both judge and party. Consequently the independence of the Supervisory Group would not be sufficient, since the group is appointed by the FINADA Board.

The evaluation team also considered that, even in the position of reporting body, the Supervisory Group should not act as the TUE committee. If decisions on a TUE should arise in a case, the reporting body would certainly not be in a position to report on this in an independent way. Similarly, the evaluation team expresses its reservations on the guarantees of independence of the Supervisory Group.

The evaluation team noticed that the English version and the Swedish version of the Anti-Doping Rules differ when it comes to the national athlete's right to appeal as in the English text, there seems to be a condition that the anti-doping rule violation should have occurred in competition. As Swedish is a national language in Finland the evaluation team assumes the Swedish version to be the correct one, otherwise this limitation of the athlete's right to appeal at least to one instance would be a serious breach to the fundamental rights of the sportsman.

**The evaluation team considers that almost all regulations mentioned under art. 7.2 are perfectly implemented by the Finnish Sport organisations and FINADA. The only point which should be reviewed is the disciplinary procedure which should respect the requirement of independence of the various bodies, separation of the disciplinary and reporting bodies and give better guarantees for the rights of athletes.**

#### Recommendations

- [j] The evaluation team recommends reforming the disciplinary procedure in order to guarantee a strict separation between the reporting and disciplinary bodies. The evaluation team would prefer that the Supervisory Group should only introduce the case to the sports organisation in question and stick to the role of reporting body. The disciplinary body should be in charge of establishing if there is an offence or not. Such an ordinance would allow the disciplinary body to fully play its role. It would contribute to giving responsibilities and a neutral position to the sports organisations. It would also strengthen the athlete's right as a different body from the one connected to the investigation body. Such a body could find out and take into account circumstances in favour of the athlete which have not been brought forward by the athlete him/herself. In such a case, the speed, rigour and compliance of the decisions with the applicable rules would be guaranteed by the right to appeal of the reporting body (Supervisory Group). Alternatively, if the commitment and the capacities of the federation could not be ensured for this purpose, the evaluation team would recommend considering the setting-up of a single independent disciplinary chamber for all sports. In the latter case, the evaluation team would suggest considering to embed such a disciplinary body in the Finnish Sport Federation, because it should be strictly independent from FINADA as long as FINADA is in charge of reporting.
- [k] The evaluation team recommends setting up rules in order to guarantee a higher independence of the Supervisory Group (nomination process and incompatibility with professional and elected positions in Sport Organisations). The evaluation team believes that this Group should not act as the TUE Committee.
- [l] The evaluation team recommends clarifying the inconsistency between the English and the Swedish text of the Anti-Doping Rules so as to make sure that the enacted solution guarantees the right of athletes to appeal.

**Article 7 – Co-operation with sports organisations on measures to be taken by them – 7.3 and 7.4**

*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;*
- 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;*
- c to clarify and harmonise 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 organisations;*
- 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.*

- Most actions foreseen under art. 7.3 are implemented by FINADA (testing programme, selection process considering risk profiles and random selections, mutual recognition, rules for eligibility to take part in sport events, etc) However, the active role of the sports organisation should be mentioned.
- The sports structure in Finland changed in 1993 with the establishment of the Finnish Sports Federation (FSF). Its membership is composed of 113 sports federations and 13 supporting members. For the FSF ethical values in sport are very important. At the time when the evaluation team visited Finland, new guidelines were soon to be approved by the Annual Meeting of the FSF. Anti-Doping work was to be included in the new ethical and educational guidelines. The FSF and its member federations follow the current rules of the FINADA Anti-Doping Rules. Apart from shaping the guidelines, the FSF has no mission in anti-doping work. The FSF is actively involved in the administrative organisation of the Finnish Anti-Doping Agency and satisfied of division of responsibilities between the Ministry, FINADA, the FSF and the sports federations. The FSF considers that FINADA had succeeded in testing and in delivering education and information. The level of funding for national anti-doping work in Finland is considered as good by the FSF.
- The Finnish Olympic Committee (FOC) is the co-ordinating body for elite sports in Finland with 53 member organisations. The FOC is a support organisation for national sports associations, national head coaches, international level elite athletes in Olympic sports and elite sport research projects. FOC signs contracts with all top level Olympic athletes individually which include detailed agreements and co-operation in anti-doping matters. This committee has also entered into contracts with national coaches which include promotion of anti-doping work and provisions on the possible consequences if doping offence occurs. The FOC co-operates with FINADA on a daily basis, notably on athletes' contracts and information and education for young talents and on testing programmes for all potential athletes for the Olympic team. The FOC also works with coaches associations on ethical questions.

- The evaluation team met the Swimming Association and the Finnish Floorball Association, as examples of involved sports federations.

The Swimming Association has 8000 registered swimmers (Blue Card) and 35 000 in learn-to swim, etc, programmes. The Association focuses on clubs and intends to bring everyone in swimming closer to anti-doping work. They have friendly and regular contacts with FINADA, which aims to make all federations co-operate as favourably as the Swimming Association. The Swimming Association comments the way result management in a doping case is handled. The result management starts in FINADA, who decides if there has been an infraction. If the Association considers that there are mitigating circumstances in a case they have to hear FINADA before reducing the ineligibility time.

The Finnish Floorball Federation puts much effort into preventative measures to all partakers in the sport - juniors, athletes, coaches, administrative personnel, support staff, parents and federation personnel - and would have liked more resources for education programmes. They concentrate on ethical issues for the younger members; the closer the athlete comes to elite level the more stress is put on anti-doping.

- FINADA is presently preparing a questionnaire in order to take the opinion of athletes into account. However, FINADA, like the sports organisations, has decided not to use active athletes in anti-doping work, due to the risk of losing credibility if an adverse result occurs to such athletes.
- The co-operation with the laboratory, used for analyses, is commented on under article 5.
- Research on scientific training methods are supported by the FOC. To provide the highest possible level of training and preparation for competition, the Finnish Olympic Committee subsidises different research projects and supports a programme called “doctor to each athlete” to ensure health care. The Finnish Olympic Committee plans a broad campaign for next year – Fair Play project – aimed at health promotion, equality, prevention against harmful habits (smoking, drugs, and alcohol).

The evaluation team concludes that all actions foreseen in art. 7.3 are implemented. Considering FINADA’s role in anti-doping matters the sports federations’ responsibilities in that area are not so important. Greater consideration should be paid to the possibility of involving athletes in the fight against doping by other means than taking them as role model for PR campaigns. As pointed out earlier, the responsibilities of the sports federations concerning disciplinary sanctions should be clarified.

**With the small pointers above the evaluation team finds that the commitments in article 7.3 and 7.4 are very well met by Finland, with its longstanding work against doping.**

#### Recommendations

- [m] FINADA and the sports organisations should consider ways to actively involve athletes in designing and implementing anti-doping activities in balance with the “top-down” implementation process of the Convention and of the WADC with due consideration to the needs and opinions of the most important target group.

## 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 organisations.*

*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.*

*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.*

- Finland takes an active part in all processes of the development of worldwide anti-doping policies. It was particularly involved in drafting the World Anti-Doping Code, establishing the WADA education programme and drawing up the International Convention against doping in sports as proposed by Unesco. Finland is also an active member of the Council of Europe's Monitoring Group of the Anti-Doping Convention, the Nordic Co-operation, the Association of National Anti-doping Organisations (ANADO) and the International Anti-Doping Agreement (IADA) quality system.
- Finland is involved in bilateral co-operation with some organisations, but especially assisting Estonia in creating an antidoping system, giving access to the doping control laboratory in Helsinki and inviting Estonian experts to training activities. Detailed explanation of Finland's involvement in international work are contained in the National Report.
- Finland has signed the Additional Protocol to the Anti-Doping Convention but has decided not to begin the ratification process before being able to explain the consequences of its ratification and its compatibility with the new international Unesco Convention.
- The doping control laboratory staff informed the evaluation team that United Laboratories Ltd is co-operating with other WADA accredited laboratories in order to provide highest quality services and perform research in elaboration of new practices for the detection of doping substances and methods.

The evaluation team considers that Finland is doing excellent international work in the field of international co-operation on anti-doping and supports development of clean sports and the fair play principle on the international scale.

**The article 8 is fully implemented.**

<h3><u>Recommendations</u></h3>
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<p>→ [n] Finland is advised to ratify the Additional protocol ETS188.</p>
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**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 Finnish Government and FINADA have consistently completed in due time the annual data base questionnaire of the Monitoring Group and have also taken the initiative to distribute other relevant national information, such as the FINADA annual report to the Secretariat of the Council of Europe.

**The Evaluation Team considers that art. 9 is fully implemented.**

### Summary of the recommendations and prioritising tentative by the evaluation team

Article	Recommendation	Actor concerned
6	i) To publish information on interesting educational projects as good practices	FINADA
1, 4	a) To provide a more secure legal and financial background for the anti-doping policy.	Ministry of Culture and Sport, Government, Parliament
2, 6	c) In this legal provision, mention that anti-doping policies do not focus solely on top athletes, but is relevant for every person who participates in organised sport activity on a regular basis.	Ministry of Culture and Sport, Government, Parliament
6	h) To launch special education programme for young people in school	FINADA, Ministry
3, 4	d) To set up an inter-ministerial co-ordination body	Government
7	j) To reform the disciplinary procedure	FINADA and FSC
7	k) To set up rules which guarantee the independence of the Supervisory Group	FINADA
7	l) To clarify the Anti-Doping Rules on right of athletes to appeal	FINADA
4	g) To continue to give high priority to fight against trafficking and increase international co-operation to help other countries to establish procedures for controlling smuggling of doping substances	Ministry of Interior, Government
4	e) To review the legislation against trafficking in order not to need to prove intent to disseminate the prohibited substances	Ministry of Interior, Government
4	f) To review the legislation against trafficking in order not to mention every prohibited substance	Ministry of Interior, Government
8	n) To Ratify the Additional Protocol to the Anti-Doping Convention	
7	m) To involve athletes in anti-doping activities more efficiently	FINADA, Sport organisations
2	b) To check if there are contradictions between sect. 8(1) and 8(3) of the Finnish Anti-Doping Code	FINADA

### Acknowledgments

The preparations for the visit to Finland were first-rate. The evaluation team was made very comfortable and would like to thank all those who contributed to the preparation of the visit and to the visit itself. It is particularly grateful to the Minister of Sport, Ms Tanja Karpela, for the hearing and to Ms Minna Polvinen for the co-ordination of the visit and the hospitality

received as well as Mrs Pirjo Krouvila, Mr Juha Viertola and Mr Timo Haukilahti for their precious support and their readiness to provide us with the best information.

### **Composition of the evaluation team**

- Mrs Kristina Olinder, Sweden
- Mrs Liene Kozlovska, Latvia
- Dr. Joško Osredkar, Slovenia
- Mr. Stanislas Frossard, Sport Department of the Council of Europe

### **Programme of the evaluation visit**

#### **Monday November 15**

Meeting of the evaluation group at the hotel

#### **Tuesday November 16**

##### ***Morning***

Meeting with the authors of the national report.  
Ministry of Education

Meeting with the Director-General of the Department for Cultural, Sports and Youth Affairs  
Mr Kalevi Kivistö  
Ministry of Education

Sports Policy of the Ministry of Education  
Chaired by the director of the Sports Division Ms Raija Mattila  
Ministry of Education

Meeting with other authorities responsible for anti-doping. Expert meeting.  
Ministry for the Interior, Ministry for Justice, Ministry for Social and Health Affairs, the  
Finnish Customs, the National Bureau for Investigation  
Ministry of Education

##### ***Afternoon***

Meeting with the Sports Federations  
Finnish Sports Federation Office  
Chaired by the Director-General of FINADA, Mr Juha Viertola

- Finnish Sports Federation
- Finnish Olympic Committee
- Finnish Swimming Federation
- Finnish Floorball Federation
- IAAF World Championships in Athletics 2005 Local Organizing Committee

Meeting of the evaluation group  
Finnish Sports Federation Office

**Wednesday November 17*****Morning***

Meeting with the United Laboratories  
Hosted by Mr. Antti Leinonen, Head Chemist of the Laboratory

Presentation of laboratory activities and quality system of doping control

Meeting with the Minister responsible for Sport Ms. Tanja Karpela, Ministry of Education,

Meeting with FINADA  
Hosted by Mr. Juha Viertola, Secretary General of FINADA

Presentations of the activities

- organization
- rules and regulations
- doping controls
- medical services

***Afternoon***

Presentations continue

- education and communication
- international
- research

Meeting of the evaluation group experts  
Finnish Sports Federation Office

- drafting of the recommendations

**Thursday November 18*****Morning***

Meeting with the evaluation group and hosts  
Ministry of Education

- discussions, possibility for additional questions to the hosts

Meeting of the evaluation group experts  
Ministry of Education

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### **C. Comments from Finland**

The Finnish authorities expressed their satisfaction at the report of the evaluation visit and did not wish to make any comments.