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Anti-Doping Convention (T-DO)

Project on Compliance with Commitments

Respect by Malta of the Anti-Doping Convention

**Auto-Evaluation Report by Malta
Report of the Evaluation Team
Comments of the Maltese authorities**

FINAL

**Adopted at the 44th meeting of the
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A. Auto-Evaluation Report by Malta

**MALTA NATIONAL REPORT: COMPLIANCE WITH COMMITMENTS
COUNCIL OF EUROPE ANTI-DOPING CONVENTION
SEPTEMBER 2014**

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List of abbreviations

- ADC: Anti-Doping Commission
- ADAMS: Anti-Doping Administration Management System
- CME : Continuing Medical Education
- DCO: Doping Control Officer
- EPO: Erythropoietin
- GSSE - Games of the Small States of Europe
- INADO: Institute of National Anti-Doping Organisations
- IOC: International Olympic Committee
- KMS: Kunsill Malta Għall-iSport
- MFA: Malta Football Association
- MOC: Maltese Olympic Committee
- NADO: National Anti-Doping Organisation
- NADAP: National Ant-Doping Appeals Panel
- NADDP: National Anti-Doping Disciplinary Panel
- TUE: Therapeutic Use Exemption
- TUEC: Therapeutic Use Exemption Committee
- RTP: Registered Testing Pool
- WADA: World Anti-Doping Agency

Introduction

1. Laws

A. The Sports Act

The Sports Act (Act XXVI of 2002) (Appendix 2) came in force on the 27th of January 2003 and defines the roles of the Malta Sports Council (KMS), a governmental organisation, and the Maltese Olympic Committee (MOC), a non-governmental organisation.

The Sports Act (Appendix 2) gives the Kunsill Malti għall-iSport (KMS) the responsibility to promote sport, to implement government policy on sport, to register sport organisations and to establish dispute resolution structures. KMS was officially recognised by WADA as the NADO in 2009.

B. Anti-Doping Legislation

Malta's Anti-Doping Regulations were defined in Legal Notice 281 of 2011 (Appendix 3). The National Anti-Doping rules include all the mandatory aspects of the 2009 Code and hence comply with the WADA Code. All sports organisations affiliated with and recognised by KMS are required to abide by the Malta Anti-Doping Regulations as one of the conditions to be issued with a certificate of registration with KMS.

2. Structure & Organisation of Sport in Malta

A. Governmental sport organisation

The KMS is the supreme authority of sport whose mission includes increasing participation in sports especially amongst children and youths, promoting a culture of excellence in sport, and monitoring and evaluating all practices, operations and activities relating to sport matters.

The KMS objectives as stipulated in the Sports Law promote the adoption of a holistic approach. The objectives may be classified into immediate, medium and long term. The national sports strategy will be addressing the different objectives, which include:

- To promote and encourage the development of increased participation in sport in Malta and the improved performance by athletes in sport;
- To develop and implement programmes that promote equality of access to and participation in sport;
- To promote a culture of excellence in sport;
- To ensure the provision of resources, services and facilities for the promotion of sport in Malta;
- To promote a culture of participation in sport among people, especially children and youths, as an aspect of personal and social development within the context of government policy on education and health;
- To improve the sporting abilities of the Maltese generally through the improvement in the standard of sport coaches, administrators and officials;
- To foster co-operation in sport with local and international bodies, entities or other persons for the encouragement and promotion of the development of sport programmes initiatives and activities;
- To ensure that all sport activities respect the human dignity, health and safety of all participants in sport as well as the rules of fair play and the health and safety of the spectators;
- To encourage, in furtherance of the principle of subsidiary, non-governmental bodies and private entities or persons and local councils to contribute to the promotion of sport in Malta.

The KMS vision is targeted towards the:

- Development and implementation of policies, programmes and practices aimed at improving access and equity in all aspects of sport;
- Maximisation of available resources for the development of sport;
- Introduction of assistance / incentive schemes for local sport organisations;
- Registration of sport organisations.

The Sports Act communicates a declaration of principles which inspires the Government in its national policies. These are:

- Physical Education and Sport: to be taught and practiced in all primary and secondary schools in accordance to the Education Act;
- No Discrimination: ensuring that no one is discriminated against when involved in sport;
- Recognition: everyone should have the opportunity to participate in sport, irrespective of gender and abilities;
- Fair Play: the Act provides for all participants in sport activities to follow the rules of fair play;
- No Exploitation: controls to ensure that when promoting and providing a service in sport, young people are not exploited.

B. Non-governmental sport organisation

The Maltese Olympic Committee (MOC) was established in 1928. It is the supreme and exclusive authority on matters relating to representation of Malta at the Olympic Games, the Commonwealth Games, the Mediterranean Games, the Games of the Small States of Europe (GSSE) and other international games, which fall under the jurisdiction of the MOC.

The main objective of the MOC is to ensure that preparations by prospective participants are of a standard for the major competitions in which Malta takes part, mentioned above. Its main commitment is that of encouraging, promoting and funding Maltese athletes' participation at these Games and to improve their level of competitiveness.

One of the aims of the MOC in line with that of the International Olympic Committee (IOC) is that of promoting and enhancing “and not trivialising” the Olympic ideas to achieve worldwide reaffirmation of ideals and values, which are reflected in the legacy of the Olympic Games. The Council of the MOC is made up of 48 member Federations and Associations, who are bound to follow the Olympic Charter, which includes a commitment to honour the WADA Code. These entities are subject to restrictions in their financial support if there is a breach in this code of conduct. All athletes competing in international events under the umbrella of the MOC are contractually bound to abide by all AntiDoping regulations and submit to doping controls both during the competition and out of competition.

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

NADO

The NADO of Malta was established by the Legal Notice 281 of 2011 of the Laws of Malta. With the objective of acting as the independent Anti-Doping Organization for Malta, the NADO was given the authority and responsibility for:

- Planning, coordinating, implementing, monitoring and advocating improvements in doping control;
- Co-operating with other relevant national organizations, agencies and other Anti-Doping Organizations;
- Encouraging reciprocal testing between National Anti-Doping Organizations;
- Promoting anti-doping research;
- Where funding is provided, withholding some or all funding, during any period of his or her Ineligibility, to any athlete or athlete support personnel who has violated anti-doping rules;
- Vigorously pursuing all potential anti-doping rule violations within its jurisdiction including investigating whether athlete support personnel or other persons may have been involved in each case of doping;
- Planning, implementing and monitoring anti-doping information and education programs.

The NADO operates independently in decisions and actions from other sports organizations. The principle of independence underpins anti-doping programmes world-wide and ensures the integrity of the anti-doping work.

The NADO's core mandate is to ensure a doping-free environment sport through:

- Detection, deterrence and prevention
- Education, research and international co-operation

The members were appointed by the Parliamentary Secretary for Youth & Sports, and their first task was to develop the anti-doping rules, which contain definition of terms related to doping, the doping control management, whereabouts systems, applications for Therapeutic Use Exemptions (TUEs), the result management procedure, sanctions and disciplinary measures.

The Maltese NADO deposited the instrument of ratification of the Anti-Doping Convention of the Council of Europe on the 3rd November 2011 which then entered into force on 1st January 2012. Malta also deposited the instrument of ratification of the UNESCO International Convention against Doping in Sport on the 6th December 2011 which then entered into force on 1st February 2012.

Code Compliance

Malta was declared fully compliant with the World Anti-Doping Code on the 13th April 2012.

An office was established in the KMS Head Office premises, from which a National Anti-Doping Programme Coordinator could operate. A National Anti-Doping Programme Coordinator was recruited and employed by KMS on a full-time basis and was given the responsibility to lead the NADO in setting up, developing and implementing Malta's Anti-Doping Programme. Other duties the National Anti-Doping Programme Coordinator was entrusted with are:

a) Legislation

- Assisting with the development and implementation of Malta's Anti-Doping Regulations;
- Staying abreast of the current Code and regulations and update the National Regulations in response to any changes which have been made and communicated by WADA;
- Remaining up-to-date with international research and literature in anti-doping issues and relevant fields;
- Ensuring that the drug testing procedures are in line with Government Legislation and WADA Code.

b) Anti-Doping Programme

- Developing and implementing a strategic plan for the National Anti-Doping Testing Programme;
- Assisting in recruiting, training and providing certification to sample collection personnel including doping control officers, blood collection officers and chaperones;
- Planning and coordinating both in- and out-of-competition testing;
- Identifying athletes after liaising with sports associations to be included in the Registered Testing Pool;
- Managing contracts with courier companies and WADA accredited laboratories for secure delivery of doping control samples and analysis of samples, respectively;
- Identifying Doping Control Stations.

c) Education Programme

- Planning, developing and implementing an anti-doping educational programme;
- Establishing and updating a website so that policies, procedures and other information can be made available to stakeholders;
- Providing educational material including booklets, leaflets to all the athletes in the RTP;
- Assisting in training athletes, responsible persons and National Associations in planning online details of the Athlete's Whereabouts Information through ADAMS.

d) Communications

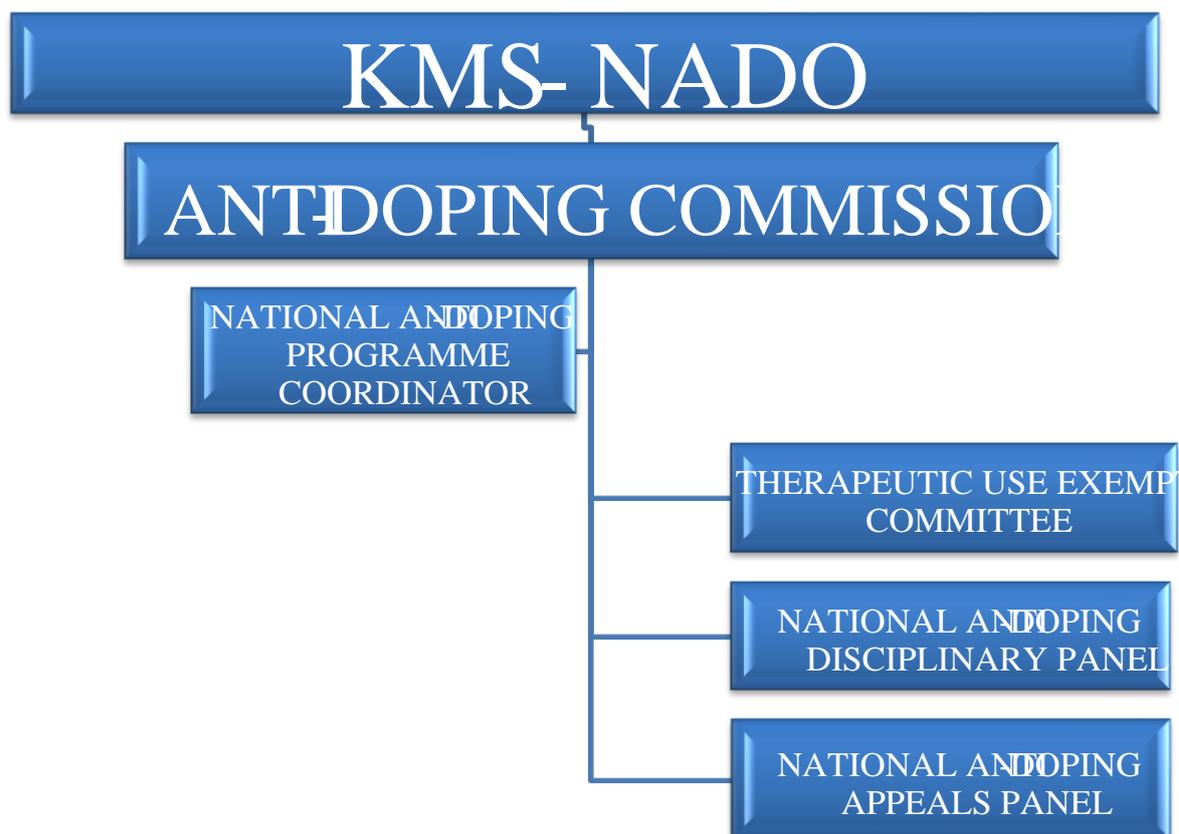
- Developing media relations to promote awareness amongst the sporting community;
- Coordinating the involvement of the Government, KMS, WADA, National Sports Associations and International Federations in the campaign for doping-free sport.

e) Result Management

- Overseeing the Result Management Process including coordination of the Results Management Committee.

The Anti-Doping Commission

The following flow chart describes the structure of the ADC.



The ADC is composed of 4 members and one chair, appointed by the Minister of sports. The ADC administers three panels i.e. Therapeutic Use Exemption Committee (TUEC), the National Anti-Doping Disciplinary Panel (NADDP), and the National Anti-Doping Appeals Panel (NADAP). These panels are made up of medical and legal experts with experience in anti-doping matters and are appointed by the Minister of Sports. They are also completely independent in their decision making processes.

All the ADC and panel members have signed statements of confidentiality and conflict of interests, and they are compelled to keep the professional secret.

The ADC meets the WADA contributory obligations, but it is not a member of the Institute of National Anti-Doping Organisations (INADO) so far.¹

Financing for the NADO is provided through KMS which is a governmental funded entity.

¹ At the time of the presenting the draft report (autumn 2015), the ADC has become a member of the iNADO.

Article 3 – Domestic Co-ordination

1. *The Parties shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.*
2. *They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the Implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organisation.*

The ADC is fully committed to combating doping in sports. It is fully compliant with the WADA code and the law provides for the prohibited list to be updated annually as required by WADA. Currently the ADC is in the process of making changes to legislation LN 281 of 2011 to be compliant with the WADA code 2015. All members of the KMS and MOC are obliged to comply with the Anti-Doping regulations and co-operate with the ADC in carrying out its duties.

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

1. *The Parties shall adopt where appropriate legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and in particular anabolic steroids.*
2. *To this end, the Parties or, where appropriate, the relevant non-governmental organisations shall make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.*
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.*

Most medications listed in the prohibited list (with the exception of recreational drugs) are available from local pharmacies only on presentation of a prescription by a licensed medical practitioner. However certain drugs are available on the black market. Most prohibited substances that are available in this manner, anabolic steroids and growth hormone in particular, are bought online from EU countries which makes their entry via post into Malta much easier. The Anti-Doping Commission is also aware that a number of the prohibited substances are over the counter drugs and thus can be purchased easily. Regarding recreational drugs, which some of them are scheduled on the prohibited list adopted by the NADO, the NADO leaves it up to the Dangerous Drugs Act (Chapter 101 of the

Laws of Malta); with all the repercussions which an athlete can face which could be imposed by the Courts of Malta and the Police force as indicated in the Criminal Code.

Violations of any anti-doping regulation are not treated as a criminal offence. Yet, when it comes to trafficking or attempted trafficking of any prohibited substance or administration or attempted administration (in and /or out of competition) of any prohibited method or substance or assisting, encouraging, aiding, abetting, covering up or complicity involving an attempted or actual commission of an anti-doping rule violation, the Anti-Doping Commission reserves the right to report to the competent administrative, professional or judicial authorities. To date, there has not been any similar case reported.

All sports organisations registered with the KMS are bound to abide by the anti-doping regulations and to co-operate with doping control personnel and other matters as a provision to receiving state funding Art 13 of LN 281 of 2011).

Some associations which conduct their own anti-doping controls receive grants from State to enable them to do this. The Malta Football Association (MFA) is the biggest recipient for such funding, having carried out 136 anti-doping control tests in 2013

In 2013, the ADC carried out 120 anti-doping control tests both in competition and out of competition. The full breakdown of these controls can be found in Appendix 1.

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.*

A feasibility study was carried out about ten years ago to find out if a WADA accredited Doping Control Laboratory was a viable venture in Malta. The conclusion was that such a laboratory in Malta is not feasible due to our small size and limited athlete population. Such a laboratory would need to receive substantial financial input whether this comes from State or Private Enterprise to both set up the lab and earn and retain WADA accreditation. It was concluded that it would not be possible to generate the required number of tests per annum to retain the WADA accreditation for the laboratory once this is achieved.

Doping controls carried out by ADC or any other entities are essentially sent by courier to WADA accredited laboratories in Europe. This, in fact, may be problematic to us when sending samples for Erythropoietin (EPO) and blood tests as these have to be sent refrigerated with the temperature of the bag well-controlled and also the bag will need to reach the laboratory within 36 hours.

Article 6 – Education

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

The Anti-Doping Commission is committed to educating athletes and their support personnel on the Principles of Fair Play and the effects of prohibited substances.

This is done on several levels:

- Organising informative **National Seminars** for athletes, support personnel and the general public. There were such seminars in both 2012 and 2013. The topics covered the Doping Control process and athletes' rights and obligations, Therapeutic Use Exemptions, Anti-Doping Rules Violations & Sanctions, Obligations of the National Associations towards the NADO, Results Management Process.
- The ADC also offers the opportunity to Sports Associations and Federations to have **educational sessions** for their athletes on demand. One such session was conducted in 2014 for the Malta Triathlon Federation.
- **Educational material.** The ADC has a number of informative leaflets in both English and Maltese which are distributed to athletes at seminars, outreach events etc. on *The Prohibited List, The Doping control process, Alcohol, Anabolic Agents, Beta blockers, Cannabinoids, Diuretics, Glucocorticosteroids, Manipulation of blood and blood components, Narcotics, Stimulants ad Dietary Supplements*. All these leaflets are also available for download from the ADC web site.
- The ADC also conducted sessions in the local **Sports school** targeting children between 11 and 13 years old. The session covered the principles of fair play and the effect of use of prohibited substances.
- There was also an informative lecture regarding the work of the NADO given to 2nd year Law students at the **University of Malta**.
- **Web site.** The ADC administers a web site which is found on the KMS web site².
- Here one can find information on the Doping Law, set up of the ADC together with the Panel members, information on the prohibited list, registered testing pool, TUE's, athletes' whereabouts, doping control process, results management process, and educational pamphlets.
- The site also carries the details of the disciplinary proceedings of sanctioned athletes and the Annual reports of the ADC.
- **Facebook page.** The ADC has set up a page on Facebook (The National Anti-Doping Organisation of Malta), which is used as an educational platform. Anti-doping messages are posted together with updates and news from WADA, and news concerning positive cases in the media, photos from outreach events etc.³

² <http://www.sportmalta.org.mt/antidoping>

³ www.facebook.com/nadomalta

- **Outreach events.** In 2013 the ADC held one outreach event at an International Rugby match played in Malta. The stand was visited by the athletes themselves and many spectators. Educational pamphlets and freebies with the message of the ADC were distributed
- The ADC is also in contact with the Malta College of Family Doctors to hold a session for Family Doctors on doping issues as one of their Continuing Medical Education (CME) activities in the near future.
- In 2012 the ADC ran a **DCO accreditation course** which was carried out with the help of UKAD who sent the instructors for the course. The DCO's were recruited after a call for applications in the local media. In 2014 the ADC has carried out the DCO reaccreditation courses which are being done in-house. This has been done in 2 sessions to accommodate the maximum number of persons. The whole doping control process is examined. Also the DCO are given examples from real-life situations of abnormal athlete behaviour, possible anomalies in the testing procedure to avoid etc.

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

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

All sports entities registered with the KMS and MOC are bound to respect all the rules and regulations of the WADA Code and Prohibited list as demanded by LN 281 of 2011. These entities are subject to restrictions in their financial support if there is a breach in this code of conduct.

All athletes competing in International events under the umbrella of the MOC are contractually bound to abide by all Anti-Doping regulations and submit to doping controls both during the competition and out of competition.

The Malta Football Association is the only entity which implements its own doping control programme. It is fully compliant with WADA regulations as regards doping control, sanctions, disciplinary proceedings etc.

Doping control procedure

Doping control procedure is conducted in compliance with International Standard for Testing of World Anti-Doping Agency. The ADC draws up a testing distribution plan based on competitions available, risk of doping in particular sports and number of participating athletes.

With regards to anonymous reporting and tip-offs, the NADO conducts testing after it scrutinizes the source of the report, the possible objectives and agendas of the reporter and after conducting an intelligent search on the athlete and the alleged allegations including history of the individual upon whom a report was filed.

Registered Testing Pool (RTP)

In March 2012, the first group of athletes were included in the RTP of the NADO in accordance with WADA Code Art.5.1.1. The criteria adopted for the inclusion of athletes in the NADO's RTP included selecting athletes on a 'semi-professional' level (top level) for whom the government pays half of their working hours in exchange for training. The RTP was revised quarterly and new athletes were included in the RTP as stipulated in Art. 11.2.4 of the International Standards for Testing. All the athletes were asked to submit their whereabouts on ADAMS. Today the RTP amounts to 23 athletes. The Anti-Doping Commission consulted with WADA's handbook entitled: Guideline for Implementing an Effective Athlete Whereabouts Programme Sec.2A and Art.11.2 of the International Standard for Testing before establishing the RTP and the testing distribution plan.

Anti-Doping Administration Management System (ADAMS)

In agreement with Art.11.3 of the International Standard for Testing and following consultation with WADA's Guidelines for Implementing an Effective Athlete Whereabouts Program, the Anti-Doping Commission agreed that the athletes in the RTP would submit their whereabouts on ADAMS. The National Anti-Doping Programme Coordinator and the Chairperson of the Anti-Doping Commission were given an orientation session via telecommunication by the ADAMS support team from WADA and in January 2012 the Anti-Doping Commission on behalf of the NADO signed the memorandum of understanding for access and use of ADAMS.

Doping Control Tests

In 2012, the ADC conducted 100 doping controls, from which 82 were in competition tests (81%) and 19 out of competition tests (19%). From these doping controls, 6 Anti-Doping Rule Violations (ADRV's) resulted (6%), one each for Football, Snooker, Weightlifting, Basketball, Waterpolo and Rowing.

In 2013, the ADC conducted 129 doping controls, from which 113 were in competition tests (87.6%) and 16 out of competition tests (12.4%). From these doping controls, one ADRV resulted (0.77%), from Futsal.

TUEs

The Therapeutic Use Exemption Committee (TUEC) is composed of three medical specialists and one pharmacist. The TUEC processed 6 applications for TUE in 2012 (one of which was granted) and 7 in 2013 (where 2 were granted).

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.

The ADC is fully compliant with the matters covered by this Convention. There are at present, no regulations of a national level that require that national or International records achieved by athletes should be accompanied by a negative doping control report. However the affiliated sports organisations all follow the regulations of their international federation regarding this matter and they abide by their regulations.

Appendix 1: Testing statistics NADO

2012

Discipline	No. of Tests	Of which Males	Of which Females	In-Competition	Out-of-Competition	Of which in the RTP
Rowing	8	8	0	8	0	0
Athletics	13	10	3	6	7	9
Football	10	8	2	9	1	4
Judo	5	1	4	3	2	4
Rugby	1	0	1	0	1	1
Snooker	2	2	0	2	0	0
Waterpolo	6	6	0	6	0	0
Canoeing	1	1	0	0	1	1
Basketball	4	4	0	4	0	0
Triathlon	9	5	4	8	1	3
Sailing	1	0	1	0	1	1
Shooting	5	5	0	3	2	4
Cycling	8	8	0	4	4	7
Volleyball	10	6	4	10	0	0
Weightlifting	6	4	2	6	0	0
Swimming	7	5	2	7	0	0
Netball	4	0	4	4	0	0
Total	100	73	27	80	20	34

2012 ADRVs

Discipline	Gender	ADRV	Sanction	Athlete in the RTP
Rowing	Male	Presence of a prohibited substance or its metabolites or markers in an athlete's sample - Clenbuterol	2 years ineligibility	No
Football	Male	Presence of a prohibited substance or its metabolites or markers in an athlete's sample - Ephedrine	4 months ineligibility <i>(Reduced to 3 months on the athlete's appeal)</i>	Yes
Waterpolo	Male	Presence of a prohibited substance or its metabolites or markers in an athlete's sample – Cocaine (Benzoylcegonine, Ecgoninemethylester)	2 years ineligibility	No
Snooker	Male	Refusing or failing without compelling justification to submit to Sample collection after notification as authorized in applicable antidoping rules, or otherwise evading Sample collection	2 years ineligibility	No
Weightlifting	Female	Presence of a prohibited substance or its metabolites or markers in an athlete's sample – Bendroflumethiazide	6 months ineligibility	No
Basketball	Male	Presence of a prohibited substance or its metabolites or markers in an athlete's sample – Δ^9 -tetrahydrocannabinol	6 months ineligibility	No

Testing programme 2013

Discipline	No. of Samples Analyzed	Of which Males	Of which Females	In-Competition	Out-of-Competition
Athletics	12	9	3	8	4
Basketball	6	2	4	6	0
Bowling	13	8	5	13	0
Canoeing	1	1	0	0	1
Cricket	2	2	0	2	0
Cycling	11	9	2	10	1
Football	15	13	2	13	2
Futsal	4	4	0	4	0
Handball	2	2	0	2	0
Hockey	4	4	0	4	0

Judo	2	1	1	0	2
Netball	4	0	4	4	0
Powerboats	1	1	0	0	1
Rowing	6	6	0	6	0
Rugby	1	0	1	0	1
Sailing	1	0	1	0	1
Shooting	8	7	1	6	2
Swimming	5	4	1	5	0
Tennis	2	2	0	2	0
Triathlon	9	5	4	8	1
Volleyball	4	0	4	4	0
Waterpolo	10	10	0	10	0
Weightlifting	6	3	3	6	0
Total	129	93	36	113	16

2013 ADRVs

Discipline	Gender	AAF / ADRV	Sanction	Athlete in the RTP
Cycling	Female	Presence of a prohibited substance or its metabolites or markers in an athlete's sample – Budesonide	No	No
Triathlon	Female	Presence of a prohibited substance or its metabolites or markers in an athlete's sample – Budesonide	No	No
Futsal	Male	Presence of a prohibited substance or its metabolites or markers in an athlete's sample – Cocaine	2 years ineligibility	No

B. Report of the Evaluation Team

Introduction

At the 40th meeting of the Monitoring Group of the Anti-Doping Convention of the Council of Europe held on 6-7 May 2014, the Maltese authorities were invited to an Evaluation visit by the experts of the Anti-Doping Convention of the Council of Europe, in order to evaluate compliance of the Maltese anti-doping programme with the requirements of the Anti-doping Convention.

In response to this proposal of the Monitoring Group in September 2014 the Ministry of Research, Innovation, Youth and Sport of Malta sent an invitation to organise an evaluation visit and accompanied this invitation with the Malta National Report: Compliance with Commitments of the Anti-Doping convention (see above Part A of this report).

The Secretariat of the Council of Europe negotiated the visit with the Anti-Doping Convention experts and the Maltese authorities and agreed to organise an evaluation visit in the framework of the Compliance with the Commitments project on 22-24 April 2015.

The composition of the Evaluation Team and contact details of the experts is available at the end of this report.

Prior to the visit the experts studied the Malta National Report and relevant legal documents provided by the Chair of the Anti-Doping Commission Dr. Lucienne Attard, who was the main organiser and contact person during the visit.

During the preliminary discussions on the first day of the visit with the Dr. Lucienne Attard and Dr. Chris Bonett, Vice-President and Head of Legal & Football Governance of Malta Football Association, the evaluation team received an update on the anti-doping legislation introduced since the writing of the report in September 2014. The evaluation team received the copy of new Anti-Doping Regulation, which was developed to implement the 2015 World Anti-Doping Code and proclaimed by the World Anti-doping Agency (WADA) as compliant with the Code.

This introductory meeting gave valuable information on the planned revision of the current Sports Act, which among other things will envisage full independence of the National Anti-Doping Agency, currently under the Maltese Sports Council.

Consequently the report of the Evaluation Team in parts will refer to the new Anti-Doping Regulation and initiatives, which are not mentioned in the Malta National Report.

The Evaluation Visit was excellently planned allowing the experts to get an insight into all parts of the anti-doping program. The Evaluation Team was first received by Hon Chris Agius, Parliamentary Secretary for Research, Innovation, Youth and Sport of Malta, who expressed understanding of the threat of doping to the values of sport and public health, and confirmed political commitment of the Government of Malta to continue enhancing and developing an efficient and independent anti-doping program. The experts met with the leading sports organisations – Maltese Sports Council, Maltese Olympic Committee and Malta Football Federation – and heard their support and appreciation of the work carried out by current Anti-Doping Commission and encouragement for improvements to its

work. At the University of Malta Institute for Physical education and sport the experts discussed sustainable and efficient ways to carry out anti-doping education and information campaigns. Many practical questions and day-to-day implementation of the anti-doping activities were discussed with the members of the Anti-Doping Commission and its only employee, as well as Chairpersons of the National Anti-Doping Disciplinary Panel and National Anti-Doping Appeals Panel.

The Evaluation Team highly appreciates open and transparent manner in which the visit was held. The experts had a chance to share their knowledge and experiences in specific anti-doping fields, as well they benefited from learning the ways Maltese anti-doping programme is being organised and functioning.

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.

Malta signed the Anti-Doping Convention of the Council of Europe already in 1994, and was the latest country to ratify the Anti-Doping Convention of the Council of Europe. The Anti-Doping Convention entered into force in Malta on 1 January 2012⁴, and it was a response to the international surge to fight against doping. In the same vein Malta ratified the International Convention against Doping in Sport of UNESCO⁵.

In September 2012 Malta signed the Additional Protocol to the Anti-Doping Convention, but has not ratified it⁶.

Sports governance in Malta is organised in compliance with the Sports Act adopted in 2003⁷. The central body in the sports organisation is the Maltese Sports Council established and functioning in accordance with the Sports Act. The fight against doping is one of the key functions of the Maltese Sports Council Article 6(1)n “to co-operate with national and international sporting organisations with the aim to fostering a sporting environment that is free from unsanctioned use of performance enhancing drugs and doping methods”. The Minister in consultation with the Maltese Sports Council in accordance with the mandate given by the sports Act (Article 52) is entitled to make specific regulations for carrying out provisions of the Sports Act. In compliance with this clause the minister adopts Anti-Doping Regulations. The previous edition was adopted in 2011, and in early 2015 a new edition of the Anti-Doping Regulations⁸ was adopted compliant with the 2015 World Anti-Doping Code.

During the meetings with the Evaluation Team the political and sports leaders of Malta expressed their unanimous support in developing and improving the anti-doping program, one part of which will be revision of the Sports Act with a view to strengthen the status and independence of the Maltese NADO by defining it in the sports Act and removing it from subordination of the Maltese Sports Council.

Conclusions:

The Evaluation Team concludes that the political commitment expected in Article 1 is fulfilled. The Evaluation Team proposes that the Maltese authorities consider possibilities to consult the experts from the Monitoring Group regarding legal and organisational actions of to implement necessary amendments to the Sports Act aimed at defining status of the Maltese NADO.

⁴ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=135&CM=8&DF=19/07/2015&CL=ENG>

⁵ http://portal.unesco.org/en/ev.php-URL_ID=48766&URL_DO=DO_TOPIC&URL_SECTION=201.html

⁶ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=188&CM=8&DF=19/07/2015&CL=ENG>

⁷ <http://www.sportmalta.org.mt/userFiles/455%20sports%20act%202003.pdf>

⁸

<http://www.sportmalta.org.mt/userFiles/LN%2017%20of%202015%20of%20the%20Laws%20of%20Malta.pdf>

Article 2 - Definition and scope of the Convention

1. For the purpose 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.

As described above in the Article 1, specific anti-doping related definitions are included in the Anti-Doping Regulations 2015 and they are verbatim reflection of the definitions used in the 2015 World Anti-Doping Code.

The Evaluation team drew attention of the Maltese anti-doping specialists and sports authorities that the definition of athlete and the scope of those persons who can be subject to the doping control tests need to be clarified. The Evaluation Team found discrepancies between the definitions of athlete in the Anti-Doping Regulations 2015, the Sports Act and the Anti-Doping Convention.

The Evaluation Team advises to clearly identify the relations between the athletes defined by the Anti-Doping Regulations 2015 and registered persons defined by the Sports Act.

Regarding the List of banned pharmacological classes of doping agents and doping methods (WADC IS Prohibited List), the Evaluation Team understands that the Article 5(1) of the Anti-Doping regulations 2015 require that the Anti-Doping Commission publishes such lists in the Government Gazette. The Evaluation Team would like to make sure that every revision of the Prohibited List is published and made available to the sports society (each national association and its registered members).

Conclusions:

The Evaluation Team concludes that the scope of the Convention and the definitions applied are satisfactory covered by the Maltese Anti-Doping Regulations and the Sports Act.

Recommendations:

- To align definitions used in the Sports Act and the Anti-Doping Regulations 2015, in order to ensure undisputed rights of the Maltese NADO to carry out doping controls, apply sanctions and implement anti-doping prevention activities;
- To ensure that all revised versions of the List of banned pharmacological classes of doping agents and doping methods (WADC IS Prohibited List) are published in Government Gazette.

Article 3 - Domestic co-ordination

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

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

The Evaluation Team notes with appreciation that the organisational structure of sport in Malta was carefully explained in the Malta National Report and by the Maltese colleagues during the meetings. This background information made it easier to understand the extent of domestic coordination and possibilities to improve it.

The Maltese sports structure is mainly based around a vertical axis – from the Ministry of Sport, through the Maltese Sports Council to the Maltese Olympic Committee, national sports associations and other sports organisations and institutions.

According to the Sports act and Anti-Doping Regulations 2015 the implementation of the Anti-Doping Convention is clearly entrusted to the Anti-Doping Commission appointed by the Minister responsible for Sports to oversee all aspects of the anti-doping programme.

The Evaluation Team would like to advise some horizontal co-operation, mostly at the government level, in order to implement a number of anti-doping activities, where involvement of other government agencies is vital:

- anti-doping in school curricula – education institutions
- doping trafficking – police and customs
- public health – health care institutions
- funding – national lottery or international funding projects

As mentioned before the Evaluation Team was informed about the short term plan to restructure the Maltese NADO (Anti-Doping Commission ADC) and reflect its roles and responsibilities in the Sports Act. This gives an opportunity to create a supervisory or consultative board consisting of representatives from different spheres, thus allowing easier access to the decision making level of important institutions and helping to facilitate adoption of necessary rules and procedures, as well as funding.

Conclusions:

The Evaluation Team concludes that basic requirements of domestic coordination are successfully implemented.

Recommendations:

- in order to improve domestic coordination to consider establishing an inter-institutional advisory board consisting of experts from other government agencies (health, education, law enforcement, finance);
- to study the experience of the other states parties to the Anti-doping Convention for such inter-institutional coordination.
- to consider attracting financial, material and human resources (directly and indirectly) from other government agencies to support implementation of anti-doping programme.

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

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

In several discussions with the Maltese sports and anti-doping specialists the issue of uncontrolled availability of the doping substances, especially the anabolic steroids, was identified as a serious problem. All involved were of the opinion that some actions need to be taken as soon as possible. The Evaluation Team advised model activities carried out by other states parties of the Anti-Doping Convention – from criminal and administrative sanctions to public awareness programs.

Currently all medical products are produced, imported, sold and prescribed in accordance to the Medicines Act⁹, but no specific actions are envisaged regarding doping substances or the places where doping is being sold illegally. This is deemed to be falling under the Dangerous Drugs Ordinance¹⁰, and the Anti-Doping Commission considers that it could be eligible to initiate cases, when the receive relevant information. However, the evaluation team didn't get the information whether such cases have been considered. Therefore it would be advisable to evaluate whether this type of legislation is sufficient, and to develop a detailed procedure for such cases.

The Evaluation Team is of the opinion that if the new Anti-Doping Commission will be a public body, it should be entitled to share information with law enforcement agencies, use the information to prosecute doping traffickers and help to plan efficient targeted testing programme.

4. 2. To this end, the Parties, or where appropriate, the relevant non-governmental organisations shall make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

Sports Act and its by-laws envisages the rights and responsibilities of the sports organisations (clubs, schools, associations, members) when they receive government funding, and complying with Anti-Doping Regulations is one of such responsibilities. During the discussion at the Maltese Sports Council and the Maltese Olympic Committee the Evaluation Team received assurances that the funding scheme works as described in the Act and persons are well aware of their duties to take part in the fight against doping. The problematic part of Maltese sport are the non-registered sport organisations, usually fitness gyms, which are not participants of the Maltese Sports Council and thus outside their jurisdiction.

4.3. Furthermore, the Parties shall:

- a) assist their sports organisations to finance doping controls and analysis, 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*

⁹ <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8924&l=1>

¹⁰ <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8641&l=1>

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.

Doping control programme in Malta is relatively young and therefore it has some specific features. Since 2010 all sport associations which are registered members under the Sports Act and united in the Maltese Sports Council are being tested by the doping control programme implemented by the Anti-Doping Commission. At the same time the Malta Football Federation maintains its own doping control programme (with its own DCOs and result management process), because they started doping control already in 1995.

In compliance with the international commitments arising from the Anti-Doping Convention and the World Anti-Doping Code, the Maltese sports organisations support and help other entities to carry out doping controls in Malta.

Legal provisions in the Anti-Doping Regulations, 2015 allow the Maltese Anti-Doping Commission to request tests for Maltese athletes when they are abroad.

4.4. Parties reserve the right to adopt anti-doping regulations and to organise doping controls on their own initiative and on their own responsibility, provide that they are compatible with the relevant principles of this Convention.

As described in the Articles above, Maltese government has adopted already the second edition of the Anti-Doping Regulations, covering all requirements of the Anti-Doping Convention and even beyond, because the World Anti-Doping Code calls for more detailed and stronger commitments in the fight against doping.

Conclusions:

In assessing how Malta implements this complex Article of the Anti-Doping Convention, the Evaluation Team concludes that Malta successfully complies with the requirements of reducing trafficking of doping, restricting funding to doping offenders, as well as implementing internationally agreed doping testing programme.

Recommendations:

- To consider amending existing legislative measures and procedures to control the trafficking of doping substances;
- To empower the law enforcement agencies to share information with the Anti-Doping Commission;
- To ensure that the legal status of Anti-Doping Commission is such that it can receive information from the law enforcement agencies;
- To improve efficiency of testing programme and to implement necessary requirements for specific doping tests, such as the athlete biological passport and Technical Document for Sport Specific Analysis, for which additional financial resources need to be identified;
- To consider possibility to test Maltese athletes, while they are training and competing abroad;
- To assess the possibility to merge the national doping testing programme with the programme carried out by the Malta Football Association, in order to avoid duplication and ensure the rights of athletes to have understandable result management process in the country.

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 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 Evaluation Team welcomes the decision of the Maltese anti-Doping Commission to use the WADA-accredited Doping Control Laboratory in other countries. Most of the samples are being sent to the laboratory in Greece, but due to logistic problems (especially for blood samples, which are not yet being collected in Malta) other option and solutions are being explored and used. The Evaluation Team members from NADOs with no national laboratory shared their experiences for choosing laboratories, deciding the courier company to transport samples, to find best equipment for urine or blood samples; and agreed to continue supporting Maltese Anti-Doping Commission with practical examples of their daily work.

Conclusions:

The Evaluation Team concludes that the obligation of States Parties to assist their organisations to gain access to a WADA-accredited Laboratory as indicated in Article 5 of the Convention is fulfilled by Malta. Consequently the rest of the Article 5 is not applicable to Malta.

Recommendations:

- the Maltese Anti-Doping Commission can receive advice and help from other states parties of the Anti-Doping Convention regarding models of best practice when choosing WADA accredited laboratory and transportation of samples;
- To investigate the possibilities to get WADA approval for a local laboratory to perform haematological module of the athlete biological passport, in order to progress with blood testing and with the athlete biological passport programme.

Article 6 - Education

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

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

Taking into consideration relatively small resources, both human and financial, the Maltese Anti-doping Commission has managed to implement a number of impressive anti-doping education and information campaigns. These actions are well described in the respective chapter of the National Report (see above Part A). However, the Evaluation Team found that in the Anti-Doping Regulations 2015, education is not defined as one of the tasks of the Anti-Doping Commission.

Some additional anti-doping education campaigns include a project “Anti-Doping Awareness and Education Campaign” subsidised by the UNESCO Voluntary Fund against Doping in Sport, which helped to organise seminars and produce printed materials about harm of doping and anti-doping rules and procedures.

During the meeting the chair of the Anti-Doping Commission informed about an EU funded project aimed at creation of a transnational network of young athletes who have the knowledge about anti-doping and who act as anti-doping ambassadors for the fight against doping in sport, where Maltese Olympic Committee is one of 5 partner organisations. The project will end in late 2016.

Most fruitful exchange was at the University of Malta Institute for Physical Education and Sport, where the director Andrew Decelis explained the system of education of PE-teachers and coaches. In response regarding anti-doping education to the sports students the Chair of the Advisory Group on Education of the Monitoring Group, Dr Ieva Lukosiute-Stanikuniene explained the work of the group aimed at the model guidelines for universities, and invited director Decelis to participate in the work if the group.

Specificity of the Maltese sport is the small size of the country and this gives a possibility for almost individual training to every top level athletes.

Regarding research activities director Decelis explained that the students and academics of his institute focuses on development of best training methods. He agreed that better coordination with sports associations could be achieved in order to ensure practical implementation of the findings of Institute’s researchers.

Conclusions:

The Evaluation Team concludes that Malta has a good progress with anti-doping education activities and research aimed at development of better training methods, but considers that the responsibility to coordinate and/or implement anti-doping education activities should be reflected in the Sports Act or the Anti-Doping Regulations.

Recommendations:

- The responsibility of the Maltese Anti-doping Commission to co-ordinate and/or implement anti-doping education and information programmes could be reflected in the Sports act or Anti-doping Regulations with necessary funding;

- Joining the Advisory Group on Education of the Monitoring Group would provide an excellent source of model guidelines for different types of education and information programmes for all target groups, especially for sports specialists;
- Closer co-operation with the national sports associations is advised in order to better direct resources of the sports scientists searching for new training methods.
- To involve top athletes as role models to influence young athletes' values to foster anti-doping attitude
- To include anti-doping topic (subject) into the University of Malta Institute for Physical Education and Sport curricula
- To involve national sports federations into anti-doping education and information programs.

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

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

The Evaluation Team was introduced to the Anti-Doping Regulations 2015 governing the anti-doping activities of the Maltese Sports organisations and described in detail above. However, the specific activities of the Maltese federations in their international federations were not addressed. The Evaluation Team invites comments from the Maltese authorities.

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. list 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:

- the reporting and disciplinary bodies to be distinct from one another;*
 - the right of such persons to a fair hearing and to be assisted or represented;*
 - clear and enforceable provisions for appealing against any judgement 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 Evaluation Team finds that the requirements of the Article 7.2.a-c are in detail described in the newly adopted Anti-Doping Regulations 2015 which are compliant with the World Anti-Doping Code.

Regarding disciplinary procedures the Evaluation Team didn't receive enough sufficient explanation about the result management process in non-analytical cases, especially concerning processing of information, which would imply that a person has committed an anti-doping rule violation by possessing, trafficking, administering a doping substance, or that a person was complicit in anti-doping rule violation by another person, or that a person was involved in prohibited association with another person who is serving an sanction for violating anti-doping rules (Articles 3.2.f-k of the Anti-Doping Regulations 2015).

Regarding on special sanctions to athlete support personnel it is the understanding of the team that such professionals will receive a sanction on anti-doping rule violation, but no specific information regarding professional sanctions based on professional codes of conduct was not received. Comment from the Maltese authorities would be welcomed.

Mutual recognition of suspensions and other penalties are defined in the Article 15(12) of the Anti-Doping Regulations 2015.

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 away 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 by 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.

The Evaluation Team understands that the doping controls carried out by the Anti-Doping Commission are unannounced, in-competition and out-of-competition urine tests. The blood testing has not been started during the time of the Evaluation visit. With regards to the doping control programme of the Malta Football association, the Evaluation Team understood that those are in-competition urine tests.

The Evaluation Team understood that only one fully paid staff member works for the Anti-Doping Commission, which does not provide for sustainability, continuity and stability.

If one needs to speak about effective scale of tests, the Maltese authorities could be encouraged to assess both existing programmes in conjunction. According to the information received during the visit, the Anti-Doping Commission performs 100-130 tests yearly for all 47 sports associations, while Malta Football Association does 130-150 tests per year. The Evaluation Team understands that tests in football are done also in the framework of Anti-Doping Commission's programme. Moreover – both programmes perform their own result management, TUE and other anti-doping activities. The Evaluation Team members consider that some optimisation of human and financial resources could be achieved if both programmes could find common platform.

Subarticles 7.3.b.-f have been described above in the articles 4 and 5 and are properly implemented.

Conclusions:

The Evaluation Team concludes that Malta fulfils all requirements under Convention Article 7, while certain improvements can be suggested, especially regarding investigation of non-analytical cases.

Recommendations:

- to evaluate the possibility for closer co-operation and possible merger of some or all activities of Malta Football Association into the Anti-Doping Commission, in order to ensure that the Anti-Doping Commission complies with the definition of the “national anti-doping organisation” as defined by the Article 2 of the Anti-Doping Regulations 2015;
- to ensure that the Anti-Doping Commission has proper rights to process information necessary for result management of non-analytical cases, especially to exchange information with the law enforcement authorities, so that sanctions in such cases can be applied;
- to ensure that a sufficient number of staff members work for the Anti-Doping Commission and are properly trained, in order to be able to handle anti-doping activities; co-operating with other state parties can help nurturing dedicated personnel.

Article 8 - International co-operation

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

The Parties undertake:

- 1. 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;*
- 2. to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and*
- 3. 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.*
- 4. The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.*

The Evaluation Team witnessed the openness and readiness of the Maltese authorities to participate in the international fight against doping. Most of the achievements have been described in the National Report and introduction to this part of report.

Some key dates:

1994 – signing the Anti-Doping Convention of the Council of Europe

2009 – Maltese Sports Council officially recognised by WADA

2010 – Maltese NADO rules recognised as compliant with the 2009 World Anti-Doping Code

2012 – ratifying the Anti-Doping Convention and the International Convention against Doping in Sport,
- signing the Additional Protocol to the Anti-Doping Convention

2010 – Maltese NADO rules recognised as compliant with the 2009 World Anti-Doping Code

2015 – Maltese NADO rules recognised as compliant with the 2015 World Anti-Doping Code

During the visit the Anti-Doping Commission informed that it has recently become a member of the Institute of National Anti-Doping Organisations (iNADO) and will be able to benefit and contribute to this important network.

The Evaluation team would like to underline that in 2014 Hon Chris Agius, Parliamentary Secretary for Research, Innovation, Youth and Sport was unanimously selected as one of the three officials representing the European Union on the Foundation Board of the World Anti-Doping Agency (WADA).

After discussions with Maltese anti-doping specialists the Evaluation Team would like to encourage them to use the existing network of contact persons and organisations to consult on a daily basis regarding issues that may be unclear. The members of the Evaluation Team offer their services to be a liaison, if needed.

Conclusions:

The Evaluation Team concludes that Malta has developed its anti-doping programme in accordance with international standards and with assistance of international organisations, but on a practical level direct bilateral contacts could be promoted.

Recommendations:

- Maltese anti-doping specialists are invited to participate at the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe as well as the meetings of its Advisory Groups (on Education, Science, Legal Issues and Compliance);
- With the support of the Evaluation Team members the Maltese Anti-Doping Commission could consider establishing co-operation with other, well-established national anti-doping organisations in Europe.

Article 9 - Provision of information

Since the entry into force of the Convention in 2012, Malta provided the Council of Europe with information on the measures taken for the purpose of complying with the terms of the Convention as required using the online reporting tool. Since 2014 Maltese delegation participates in the meetings of the Monitoring Group and the Ad Hoc European Committee for the World Anti-Doping Agency (CAHAMA).

Conclusions:

The Evaluation Team concludes that Malta fulfils the requirements under the Article 9 of the Anti-Doping Convention.

Recommendations:

- The Maltese authorities could consider defining domestic procedure on how to report to the Council of Europe on legislative and other measures for the purpose of the Anti-Doping Convention, in particular for replying to its annual online questionnaire.

Summary of Recommendations

Article	Recommendations
Art. 2	To align definitions used in the Sports Act and the Anti-Doping Regulations 2015, in order to ensure undisputed rights of Maltese NADO to carry out doping controls, apply sanctions and implement anti-doping prevention activities
	To ensure that all revised versions of the List of banned pharmacological classes of doping agents and doping methods (WADC IS Prohibited List) are published in Government Gazette
Art. 3	To consider establishing an inter-institutional advisory board consisting of experts from other government agencies (health, education, law enforcement, finance), in order to improve domestic coordination;
	To study the experience of the other states parties to the Anti-doping Convention for such inter-institutional coordination.
	To consider attracting financial, material and human resources (directly and indirectly) from other government agencies to support implementation of the national anti-doping programme.
Art.4	To consider amending existing legislative measures and procedures to control the trafficking of doping substances;
	To empower the law enforcement agencies to share information with the Anti-Doping Commission;
	To ensure that the legal status of Anti-Doping Commission is such that it can receive information from the law enforcement agencies;
	To improve efficiency of testing programme and to implement necessary requirements for specific doping tests, such as the athlete biological passport and Technical Document for Sport Specific Analysis, for which additional financial resources need to be identified;
	To consider the possibility to test Maltese athletes, while they are training and competing abroad;
	To assess the possibility to merge the national doping testing programme with the programme carried out by the Malta Football Association, in order to avoid duplication and ensure the rights of athletes to have understandable result management process in the country;
Art. 5	To liaise with other states parties of the Anti-Doping Convention regarding models of best practice when choosing WADA accredited laboratory and transportation of samples;
	To investigate the possibilities to get WADA approval for a local laboratory to perform haematological module of the athlete biological passport, in order to progress with blood testing and with the athlete biological passport programme;
Art.6	To reflect in the Sports Act or the Anti-doping Regulations the responsibility of the Maltese Anti-doping Commission to co-ordinate and/or implement anti-doping education and information programmes and assign necessary funding;
	To join the Advisory Group on Education of the Monitoring Group, which would provide an excellent source of model guidelines for different types of education and information

	programmes for all target groups, especially for sports specialists;
	To enhance co-operation with the national sports associations is advised in order to better direct resources of the sports scientists searching for new training methods;
	To involve top athletes as role models to influence young athletes' values to foster anti-doping attitude;
	To include anti-doping topic (subject) into the University of Malta Institute for Physical Education and Sport curricula;
	To involve national sports federation into anti-doping education and information programmes.
Art.7	To evaluate the possibility for closer co-operation and possible merge of some (or all) activities of Malta Football Association into the Anti-Doping Commission, in order to ensure that latter complies with the definition of the " <i>national anti-doping organisation</i> " as defined by the Article 2 of the Anti-Doping Regulations 2015;
	To ensure that the Anti-Doping Commission has proper rights to process information necessary for result management of non-analytical cases, especially to exchange information with the law enforcement authorities, so that sanctions in such cases can be applied
	To ensure that a sufficient number of staff members work for the Anti-Doping Commission and are properly trained, in order to be able to handle anti-doping activities; co-operating with other state parties can help nurturing dedicated personnel.
Art 8	To designate Maltese anti-doping specialists for participation at the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe as well as the meetings of its Advisory Groups (on Education, Science, Legal Issues and Compliance);
	To consider establishing bilateral co-operation with other, well-established national anti-doping organisations in Europe on issues of mutual interest.
Art 9.	To define domestic procedure on how to report to the Council of Europe on legislative and other measures for the purpose of the Anti-Doping Convention, in particular for replying to its annual online questionnaire.

**Evaluation team and programme of the evaluation visit
Valetta, Malta
22-24 April 2015**

Composition of the Evaluation Team

1	Dr Liene KOZLOVSKA	Anti-Doping Department State Sport Medicine Centre Raina bouly. 27 Riga LV-1050 LATVIA Mob: +37129296236 Email: liene.kozlovska@antidopings.lv
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3	Dr Ieva LUKOSIUTE-STANIKUNIENE	Director of Anti-Doping Agency Zemaites str.6 LT-03117 Vilnius LITHUANIA E-mail: ieva.lukosiute@antidopingas.lt
4	Ms Mehri GAFAR-ZADA	Programme Manager Sport Conventions Directorate General II – Democracy Council of Europe FR - 67075 Strasbourg Cedex Tel : +33 3 90 21 40 54 E-mail: mohruba.gafarzada@coe.int

PROGRAMME

22 April 2015	
	Arrival of the experts. Pick up from airport and transfer to hotels
19.15	Meeting with author report author– Dr Lucienne Attard, Chairperson Anti-Doping Commission, Malta at Castille Hotel
20.00	Welcome dinner hosted by National Anti-Doping Organisation, Valletta
23 April 2015	
09.00	Pick up from Hotels & transport to Ministry of Education & Employment
9.15 – 10.00	Visiting the Ministry of Sport and meeting Officials: <ul style="list-style-type: none"> - <i>Hon Chris Agius, Parliamentary Secretary for Research, Innovation, Youth and Sport</i> - <i>Mr Vince Azzopardi, Head of Secretariat</i> - <i>Mr Jonathan Barbara, Private Secretary for the Parliamentary Secretary</i> - <i>Dr Lucienne Attard, Chairperson of the National Anti-Doping Organisation and author of report</i>
10.00 – 10.30	Transport to the Institute for Physical Education and Sport, University of Malta
10.30 – 11.00	Visit to the Institute for Physical Education and Sport, University of Malta <ul style="list-style-type: none"> - <i>Dr. Andrew Decelis Director IPES</i>
11.00 - 11.30	Transport to Malta Sports Council, Cottonera Sports Complex
11.30 – 12.15	Meeting with Malta Sports Council Officials at the Cottonera Sports Complex <ul style="list-style-type: none"> - <i>Hon. Luciano Busuttill, Chairman KMS</i> - <i>Mr Mark Cutajar, Acting CEO KMS</i> - <i>Mr Joe Cassar, Secretary KMS Board of Directors</i> Visiting the Cottonera Sports Complex Facilities
12.15 - 13.15	Visiting NADO office at the Cottonera Sports Complex <ul style="list-style-type: none"> - <i>Meeting with Anti-Doping Commission (ADC), Discussing in detail Malta's national report:</i> - <i>Dr Lucienne Attard, Chairperson</i> - <i>Dr Clint Tabone, Legal Advisor & Member</i> - <i>Mr Paul Sultana, Member</i> - <i>Mr Ivan Vella, Member</i> - <i>Dr Joe Cassar Delia, Member</i> - <i>Mr Ignatius Zammit, National Antidoping Programme Coordinator</i>
13.15 - 13.45	Working Lunch provided by NADO
13.45 – 14.45	<ul style="list-style-type: none"> - Continue meeting with ADC and meeting <i>National Anti-Doping Disciplinary Panel, National Anti-Doping Appeals Panel</i> - <i>Dr Maria Azzopardi, Chairperson National Anti-Doping Disciplinary Panel</i> - <i>Dr Carmel Cascun, Chairperson National Anti-Doping Appeals Panel</i>
14.45 – 15.00	Transport to Maltese Olympic Committee Headquarters
15.00 – 15.30	Visiting the Maltese Olympic Committee (MOC) <ul style="list-style-type: none"> - <i>Mr Julian Pace Bonello – MOC President</i> - <i>Mr Joe Cassar – MOC Secretary</i>
15.30 - 16.00	Transport to MFA Ta'Qali
16.00 –	Visit the Malta Football Association (MFA) – National Governing Sport Organisation

16.45	- <i>Dr David Attard, Head Medical Department, MFA</i> - <i>Mr Rodney Pisani, Deputy General Secretary, MFA</i>
16:45	Transport to Hotels
19.30	Pick up for Dinner at the Ordnance Restaurant, Valletta hosted by the Parliamentary Secretariat for Research, Innovation, Youth and Sport.
24 April 2015	
8.30 – 8.45	Transport to Ministry of Education and Employment: DG Boardroom
8.45 – 10.00	Debriefing on NADO report
10.00 – 11.30	Transport to Valletta for City Tour + Caravaggio viewing.
13.00 –	Departure of the delegation. Pick up from Hotels & Transfer to airport

C. Comments of the Maltese authorities

Article	Recommendations	Comment	Timeline (if applicable)
Art. 2	To align definitions used in the Sports Act and the Anti-Doping Regulations 2015, in order to ensure undisputed rights of Maltese NADO to carry out doping controls, apply sanctions and implement anti-doping prevention activities	Sports Law is in the process of being updated and this issue will be addressed	End of 2016
	To ensure that all revised versions of the List of banned pharmacological classes of doping agents and doping methods (WADC IS Prohibited List) are published in Government Gazette	Already being done on a yearly basis by NADO	On going
Art. 3	To consider establishing an inter-institutional advisory board consisting of experts from other government agencies (health, education, law enforcement, finance), in order to improve domestic coordination;	This will be discussed and considered	
	To study the experience of the other states parties to the Anti-doping Convention for such inter-institutional coordination.	This will be discussed and considered	
	To consider attracting financial, material and human resources (directly and indirectly) from other government agencies to support implementation of the national anti-doping programme.	This will be discussed and considered	
Art. 4	To consider amending existing legislative measures and procedures to control the trafficking of doping substances;	This will be discussed and considered	
	To empower the law enforcement agencies to share information with the Anti-Doping Commission;	This will be discussed and considered	
	To ensure that the legal status of Anti-Doping Commission is such that it can receive information from the law enforcement agencies;	This will be discussed and considered	
	To improve efficiency of testing programme and to implement necessary requirements for specific doping tests, such as the athlete biological passport and Technical Document for Sport Specific Analysis,	This will be discussed and considered. Additional funding to be identified	2018

	for which additional financial resources need to be identified;		
	To consider the possibility to test Maltese athletes, while they are training and competing abroad;	This will be discussed and considered. Additional funding have to be identified	2018
	To assess the possibility to merge the national doping testing programme with the programme carried out by the Malta Football Association, in order to avoid duplication and ensure the rights of athletes to have understandable result management process in the country;	This will be discussed with MFA	2016-17
Art. 5	To liaise with other states parties of the Anti-Doping Convention regarding models of best practice when choosing WADA accredited laboratory and transportation of samples;	NADO at present consults with certain other NADO's and iNADO	
	To investigate the possibilities to get WADA approval for a local laboratory to perform haematological module of the athlete biological passport, in order to progress with blood testing and with the athlete biological passport programme;	This possibility will be investigated with WADA and a local laboratory	2016-17
Art. 6	To reflect in the Sports Act or the Anti-doping Regulations the responsibility of the Maltese Anti-doping Commission to co-ordinate and/or implement anti-doping education and information programmes and assign necessary funding;	Sports Law is in the process of being updated and this issue will be addressed	2016
	To join the Advisory Group on Education of the Monitoring Group, which would provide an excellent source of model guidelines for different types of education and information programmes for all target groups, especially for sports specialists;	Agreed. NADO Chair attended two (2) sessions 2015-2016	On going
	To enhance co-operation with the national sports associations is advised in order to better direct resources of the sports scientists searching for new training methods;	To be discussed	
	To involve top athletes as role models to influence young athletes' values to foster anti-doping attitude;	Malta's participation in prePLAY project makes use of several top athletes as prePLAY Ambassadors	2015-2016
	To include anti-doping topic (subject) into the University of Malta Institute	Being discussed. Also to include antiDoping in primary and secondary	2017

	for Physical Education and Sport curricula;	school curricula	
	To involve national sports federation into anti-doping education and information programmes.	All national sports federations are invited to NADO's seminars	On going
Art.7	To evaluate the possibility for closer co-operation and possible merge of some (or all) activities of Malta Football Association into the Anti-Doping Commission, in order to ensure that latter complies with the definition of the “ <i>national anti-doping organisation</i> ” as defined by the Article 2 of the Anti-Doping Regulations 2015;	This will be discussed with the MFA	2016-17
	To ensure that the Anti-Doping Commission has proper rights to process information necessary for result management of non-analytical cases, especially to exchange information with the law enforcement authorities, so that sanctions in such cases can be applied	To be discussed at the right level	
	To ensure that a sufficient number of staff members work for the Anti-Doping Commission and are properly trained, in order to be able to handle anti-doping activities; co-operating with other state parties can help nurturing dedicated personnel.	Training will be provided to NADO staff	2016
Art. 8	To designate Maltese anti-doping specialists for participation at the meetings of the Monitoring Group of the Anti-Doping Convention of the Council of Europe as well as the meetings of its Advisory Groups (on Education, Science, Legal Issues and Compliance);	A number of persons have been identified and have attended several meetings	
	To consider establishing bilateral co-operation with other, well-established national anti-doping organisations in Europe on issues of mutual interest.	To be considered	
Art. 9	To define domestic procedure on how to report to the Council of Europe on legislative and other measures for the purpose of the Anti-Doping Convention, in particular for replying to its annual online questionnaire.	The annual online questionnaire is completed by NADO.	On going