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Anti-Doping Convention (T-DO)

Project on Compliance with Commitments

Respect by Netherlands of the Anti-Doping Convention

Supplementary report by the Netherlands

and

Report by the Evaluation Team

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A. Supplementary report by the Netherlands

Note: This supplementary report should be read in conjunction with the auto-evaluation report submitted by the Netherlands to the Monitoring Group in March 2001 ‘Anti-Doping Policy in the Netherlands: a report on compliance with the Anti-Doping Convention’ and published by NeCeDo.

The Opinion on the Dutch Auto-Evaluation report adopted by the Monitoring Group at its 16th meeting, 14-15 November 2002, is in document T-DO (2002) 15

Compliance Report

In 2001 the report “Anti-Doping Policy In The Netherlands, A Report on Compliance with the Anti-Doping Convention of the Council of Europe by the Netherlands” has been published. In that report, the Netherlands informed the Council of Europe and its member States about its compliance with the Council of Europe’s Anti-Doping Convention. The report focused on the relevant articles of the Convention. For each specific article, the report set how the Netherlands complied with the different articles of the Convention. With a consultation visit upcoming, it is time to describe some significant developments in the field of anti-doping that happened since the publication.

This includes the following subjects:

- . Netherlands Anti-doping Platform
- . Medicines Act
- . The Netherlands Security System Nutritional Supplements Elite Sports (NZVT)
- . Research on doping use in club sports
- . Determinants of the use of doping drugs by athletes of gyms and fitness centres
- . Survey amongst elite athletes; attitudes towards doping issues
- . Gene doping
- . Model Rules for Dutch National Federations
- . National Disciplinary Body
- . Copenhagen Declaration
- . ANADO membership NeCeDo en DoCoNed

The above mentioned developments will be described within the context of the various articles of the Convention.

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

Netherlands Anti-Doping Platform

During the last decade, the anti-doping activities of different organisations in the Netherlands have increased. More players appeared on the field, each with their own authority and focus. The adoption of the World Anti-Doping Code caused more activities for these different organizations and more tasks to fulfil the requirements laid down in the Code. These activities had positive results, but also a negative one: the coordination of the activities was lacking from time to time.

In order to improve the cooperation between the different organizations active in the field of anti-doping in the Netherlands, the State Secretary of Health, Welfare and Sport decided to establish the Netherlands Anti-Doping Platform, in April 2003.

The platform has an independent Chairman and a secretary, both designated by the State Secretary and nine other members: two representatives of Netherlands Olympic Committee*Netherlands Sports Confederation (NOC*NSF), two representatives of DoCoNed (Doping Control Netherlands), two representatives of the NeCeDo and two of the Athletes Commission of NOC*NSF. One member represents the Ministry of Health, Welfare and Sport.

Major tasks of the Platform are:

- . To improve adequate exchange of information between parties active in the field of anti-doping;
- . To promote the coordination of activities by the different organizations, including the participation in international activities.

The platform reports to the State Secretary on a yearly basis.

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.

In the Netherlands the Medicines Act, which provides a legal basis for counteracting the illegal trafficking and production of various doping substances has been changed fundamentally in May 2001. The penalties and fines have increased substantially. The maximum fine nowadays is € 45.000 (was: € 4.500) and the maximum imprisonment 6 years (was 6 months). An important consequence being: more competences of criminal investigation (like confiscation and visitation), not only for the regular law-enforcement authorities, but also for particular ones as inspectorates for health care and custom-officers.

Like in many other European countries of Europe, the Netherlands harmonized legislation in this area, towards more severe actions against the criminal aspects of doping, i.e. illegal trafficking and production. In general, the prescription by physicians of (regular) drugs for doping purposes is not a subject of criminal law, but of disciplinary law. An important instrument are the guidelines of the Royal Dutch Medical Association. As a part of those guidelines the Association of Sports Medicine formulated in 1996 the "Guidelines for professional conduction of physicians working in sports". Those specific rules contain an injunction on prescribing drugs for doping purposes and instructions on informing sports people about (the risks of) doping. In case of violation of those guidelines (including the specific rules), sanctions can vary from an official reprimand to a definitive disqualification to practice medicine.

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 education programmes will emphasise respect for medical ethics.

The Netherlands Security System Nutritional Supplements Elite Sports (NZVT)

Several organisations like Netherlands Olympic Committee* Netherlands Sports Confederation (NOC*NSF) and the Netherlands Centre for Doping affairs (NeCeDo), the Ministry for Health, Welfare and Sports (VWS) and the branch organization for supplements producers and providers in the Netherlands, the NPN are working closely together in the Netherlands Security System Nutritional Supplements Elite Sports (NZVT). This system is developed to assure that the highest levels of security are reached thus given Elite Athletes in the Netherlands a minimal chance of testing positive as the results of using supplements. The analyses are conducted by TNO Nutrition and Food Research (TNO-voeding), the National Institute of Public Health and the Environment (RIVM) and the WADA accredited laboratories of Gent and Cologne. A self regulated system to minimize the risk of inadvertent doping use through nutritional supplements.

Determinants of the use of doping by athletes of gyms and fitness centres

The Netherlands Centre for Doping Affairs (NeCeDo) commissioned TNO Prevention and Health to carry out a study into the determinants of the use of performance-enhancing drugs by athletes of gyms and fitness centres, like: *“Which social-psychological determinants are related to the use of performance-enhancing drugs by athletes of gyms and fitness centres?”* and *“To what extent will owners of gyms and fitness centres support the introduction of (parts of) a policy aimed towards preventions?”*. The results and outcome of the study will be used of the development and implementation of an attitude and behaviour targeting education campaign.

Survey amongst elite athletes; attitudes towards doping issues

Every four years, the Netherlands Centre for Doping Affairs (NeCeDo) conducts a survey amongst Dutch elite athletes to evaluate the existing anti-doping policy measures and to assess the knowledge of doping related issues in this group. In 2002, the survey focus was expanded to include an assessment of the social-psychological determinants of doping use. The results of this study will be used to design a behaviour targeting educational campaign. The negative attitudes towards doping found in this study should be confirmed and extended.

Research doping use in club sports

At the request of the State Secretary for Health, Welfare and Sport, the Netherlands Centre for Doping Affairs (NeCeDo) conducted a research into the doping use in club sport, athlete taking part in organised sport that are not regarded elite athletes. The results and outcome of this study were used for a targeted education campaign aimed at power lifters entitled *“Pure Strength”*.

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.

Gene doping

The State Secretary of Health, Welfare and Sport asked the Netherlands Centre for Doping Affairs (NeCeDo) for a research study of the possible applications and risks of genetic manipulations in sports. In collaboration with the Dutch Society for Gene Therapy, a study was conducted. It can be concluded that the athletic world will sooner or later be faced with the phenomenon of gene doping to improve athletic performance. The exact number of years that it will take for this method to enter the athletic arena is difficult to estimate, but it is most likely that this will happen within five years. The uncontrolled use of non-therapeutic gene therapy by athletes imposes potential risks. It is questionable whether the existing regulations on genetic materials are sufficient to tackle such uncontrolled use. At this moment, a combination of developing a detection method based on proteomics and a clear education programme on the associated risks seems to be the most promising preventive method to counteract the possible application of gene doping. Based on the outcome of this study NeCeDo advised the State Secretary to a) promote the development of detection methods at a global scale, b) closely inform athletes on the potential consequences of gene doping and c) evaluate current regulations on genetic materials from a doping perspective.

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

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;

Model Rules for Dutch National Federations

International Federations have adapted the existing anti-doping regulation on the basis of the World Anti-Doping Code. Dutch federations also need to have anti-doping regulations that are Code compliant. This is an obligation to stay a member of NOC*NSF, which is a signatory to the Code. To assist the National federations in the process of updating their Anti-Doping regulations and make it compliant to the Code, NeCeDo developed the “Model Rules for Dutch national Federations” in cooperation with NOC*NSF, the Ministry of VWS and DoCoNed. The drafting process included consultation of athletes, lawyers, law professors and national federations. On various occasions WADA was consulted on questions regarding the interpretation of the Code. The objective was to create a set of doping regulations that is comprehensive and transparent. The “Model Rules for Dutch National Federations” contain the World Anti-Doping Code as well as parts of different International Standards (Prohibited List, International Standard for Testing and the International Standard for Therapeutic Use Exemptions).

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;

National Disciplinary Body

Initiated by some federations, and assisted by NOC*NSF, the National Disciplinary Body was founded in July 2003. Some federations saw themselves confronted with more disciplinary cases than in earlier years. These cases turned out to be difficult to handle by members of the federations’ own disciplinary commissions. They were not always capable of dealing with the difficult issues. Its members are, in most cases, volunteers originated from the federation itself, where their opponents are in some cases professional lawyers. These situations occurred especially in cases that dealt with offences of the anti-doping regulations. The required higher sanctions in doping cases could thereby often lead to cases in civil court and claims against the Federation. These were the primary reasons that lead to the development of the National Disciplinary Body.

The National Disciplinary Body consists of a disciplinary commission and a commission of Appeal. Both consist of a “Chamber” of three people. A secretariat is assisting the

Commissions; a special legal secretariat is established to assist the lawyers. Each commission is chaired by a lawyer, the other members are not, but preferably they are insiders in the sport.

In doping cases, the National Disciplinary Body has the ability to form special “Doping Chambers”, including a disciplinary Commission as well as a Commission of Appeal. The Chamber includes specialists on different relevant fields such as International Law, anti-doping policy, elite sports and pharmaceutical/medical experts. The National Disciplinary Body is allowed to impose sanctions to members of participating federations, as laid down in the official regulations of these federations.

Currently eleven federations take part in the National Disciplinary Body, but it is expected that, with the introduction of the World Anti-Doping Code, more federations will follow.

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.

On June 12, 2003 the State Secretary of Health, Welfare and Sport, Mrs. Ross-Van Dorp, signed on the behalves of the Dutch Government the “Copenhagen Declaration”. By doing so, Dutch Government agreed to support the implementation of the “World Anti-Doping Code”.

2. The Parties undertake:

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.

Membership Association of National Anti-Doping Organisations (ANADO)

Both DoCoNed (Doping Control Nederland) and NeCeDo are members of the Association of National Anti-Doping Organisations (ANADO), since the beginning of this organisation in April 2003.

Some further information data provided following the evaluation visit

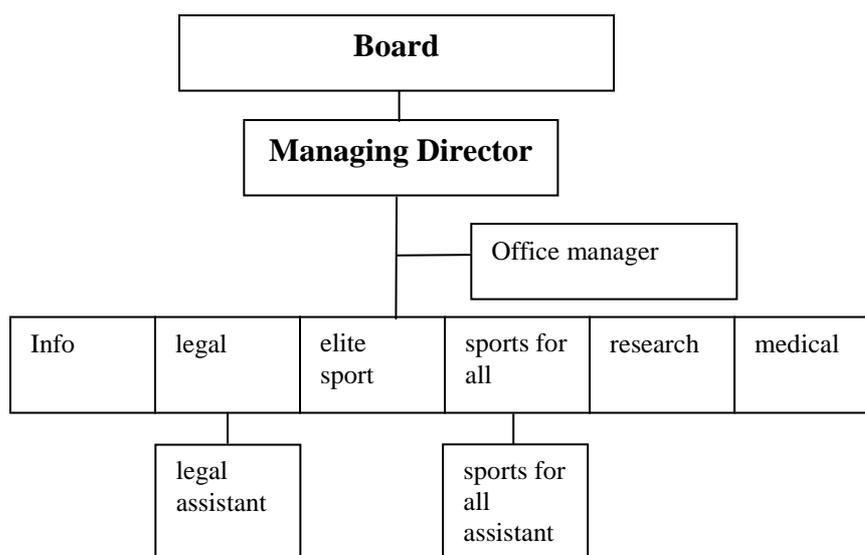
NeCeDo operational costs 2005*

NeCeDo website including online supplement- and TUE system	€ 10.000
Doping hotline	€ 6.700
NeCeDo newsletter "Receptor" 3 editions, 2000 copies	€ 10.000
FanBooklet 10.000 copies, 30 pages	€ 40.000
Elite Sport behavioural campaign concept development & posters	€ 40.000
TUE secretariat administration costs	€ 12.000
Sports for all website	€ 15.000

NeCeDo Staff members

Rens van Kleij, MSC; managing director, 1,0 fte
 Ms Karin Schoenmaker; office manager, 0,9 fte
 Frans Stoele, MA; information & documentation manager; 1,0 fte
 Steven Teitler, JD; manager legal affairs; 1,0 fte
 Ms Jessica Gal, MD; policy officer medical affairs; 0,4 fte
 Bart Coumans, MSC; policy officer sports for all; 1,0 fte
 Ms Penelope Di Lella; MSC; policy officer elite sports; 1,0 fte
 Olivier de Hon, MSC, scientific policy officer; 0,8 fte
 Ms Hetteke Frima, LL.M; legal affairs officer; 1,0 fte
 Ms Wanda Schapendonk, MSC; project assistant; 0,8 fte

NeCeDo organigramme



* The costs specified concern external operational costs not including NeCeDo costs for human resources and overhead.

Government subsidies on anti-doping in the Netherlands (€ x 1000)

	1996	1997	1998	1999	2000	2001	2002	2003
NeCeDo	375	305	458	628	596	877	856	829
DoCoNed	0	0	0	142	393	467	452	471
WADA							164	175
Misc.							100	
Totals	375	305	458	770	989	1344	1572	1475

Summary

Use of Doping Non-Elite Level

2002 NeCeDo Research Study

Background

Current Dutch government policy focuses on reducing the prevalence of doping in top sport and club sport. At present, there are hardly any specific figures about doping in club sport. In order to support future policy relating to doping in club sport, the Netherlands Centre for Doping Affairs (NeCeDo) wishes to establish a clear picture of the nature and extent of use of performance-enhancing drugs in club sport. The Ministry of Health, Welfare and Sport had asked for this survey for the purposes of the working programme of the Netherlands Centre for Doping Affairs. Diopter – Janssens & Van Bottenburg bv (as at 1 May 2002, a part of the WJH Mulier Instituut) was commissioned to conduct the survey, with the Netherlands Centre for Doping Affairs as the principal sponsor. The NeCeDo is partnered in this study by the International Health Foundation (IHF) and the National Olympic Committee★Dutch Sports Confederation and the Ministry of Health, Welfare and Sport. This document is the report on that study.

Objective and research issues

The objective of the study is:

To establish an understanding of the nature and extent of the use of doping in club sport and the establishment of avenues for doping policy.

The use of performance-enhancing drugs is the main focus of the study. However, nutritional supplements and vitamin preparations are also covered. There are two reasons for this. The first is that little is known about the use of these substances by athletes and it is also unclear whether using them can be a first step towards using doping products. It is therefore desirable to obtain information about these areas. Secondly, including these substances in the study provides a broader health-based approach and this makes it easier to approach athletes.

The study focused on the following questions:

- What is the prevalence of the use of nutritional supplements, vitamin preparations and performance-enhancing drugs in club sport and is there a link with background characteristics such as age, gender, branch of sport and the level of sporting activity?
- Which nutritional supplements, vitamin preparations and performance-enhancing drugs and/or methods are used in club sport?
- What are the attitudes of club athletes towards doping and what motives contribute to using - or continuing to use - performance-enhancing drugs?

Research methods

In order to obtain reliable answers to the questions addressed by the study, various methods were used, both quantitative and qualitative. The first phase of the research prioritised the

literature study, the surveys and interviews with people in athlete's circles (sports doctors, trainers and medical support personnel), as well as the secondary analysis of the National Prevalence Study (NPO). The second phase concentrated on the survey of the athletes. The literature study provides an overview of Dutch studies and studies in other countries of doping in top sport and club sport. It also resulted in a conceptual model that provides a picture of the factors which play a role in doping.

The NPO is a major national representative survey of drug use which also covers the use of doping. As a result of the broad approach adopted in the NPO, the results can be seen as a lower limit for doping prevalence.

The interviews with key figures provided background information and acted as a basis for the drafting of the various questionnaires. The interviews with the assistants and medical support personnel at sports associations, the survey of sports doctors and the survey of trainers were intended to obtain some indications from athletes' circles, through a range of channels, about the prevalence of doping in club sport.

The most direct method used to establish the nature and extent of doping was the survey conducted among 723 club athletes in six sports: strength sports, cycling, athletics, fighting and self-defence sports, football and hockey. The athletes involved were competitors active at an advanced level on the amateur circuit.

The nature and extent of the use of nutritional supplements, vitamin preparations and doping

On the basis of the secondary analysis of the NPO and the survey of the athletes, a quantitative survey was conducted of the nature and extent of use.

The 1997 and 2001 NPO

The NPO was conducted in 1997 and in 2001 and it is representative for the Dutch population aged 12 and older in terms of age, sex, education and living environment. The questionnaire asked whether people had ever used drugs or doping products (lifetime prevalence) and whether they had used them in the last year (last year prevalence or current users). The list of doping submitted to the respondents included anabolic steroids, growth hormones, EPO, thyroid preparations, clenbuterol, and stimulants (amphetamines, cocaine, ephedrine, caffeine in high doses).

The main conclusions of the secondary analysis of the 1997 and 2001 NPO were:

- Less than 1% of the Dutch population have ever used doping products. This percentage was 0.9% of the Dutch population aged 12 and older in 1997. The percentage in 2001 was 0.7%.
- 0.3% of the Dutch population aged 12 and older said that they had used doping in the last year. In absolute numbers, this means that there are approximately 40,000 current users (approximately 100,000 lifetime users).
- The majority of the users have been, or are, active in strength training, fitness training or bodybuilding. The share accounted for by this group increased between 1997 and 2001.
- The proportion of users of anabolic steroids in the group of doping users as a whole increased in 2001.
- Users of doping products are mainly men under the age of 30.

The athletes survey

This survey was the most direct way of establishing a picture of the nature and extent of the use of nutritional supplements, vitamin preparations and doping in club sport. On the basis of interviews, the literature study and the NPO data, the expectation was that prevalence would

be low, indeed virtually undetectable, among 'average club athletes'. For this reason, it was decided to use the *targeted sampling* method. A selection was made of six branches of sport: strength sports, cycling, athletics, fighting and self-defence sports, football and hockey. First of all, branches of sport were selected in which, on the basis of the literature study and the interviews with - and surveys of - people in athletes' circles, it could be assumed that there would be a greater possibility of doping use. These were strength sports and cycling and, to a lesser extent, athletics and the fighting and self-defence sports. Two team sports - football and hockey - were also included for comparison purposes.

A selection was then made from competing athletes at the highest amateur levels in the sports in question because it is suspected that doping use becomes more prevalent at more advanced levels.

The survey used a more extensive list of doping than the one used in the NPO. The respondents were asked explicitly whether they used the substances to improve performance or for other reasons. Where the aim of use is to enhance sporting performance, this was considered to be intentional doping and the percentages refer to this type of use.

Given the method used, the results can be seen as an upper limit for the use of nutritional supplements, vitamin preparations and doping in club sport.

The main conclusions of the survey among athletes were:

- Nutritional supplements and/or vitamin preparations are an important supplement to the daily diet for most competitive athletes (89%). Cyclists are the athletes who use these substances most often. Sports and energy drinks, as well as vitamins, are the most commonly-used products.
- Of the competitive athletes from the selected branches of sport and the selected level, 14% had used doping at some time, whereas 9% had used them in the last twelve months. These answers were based on an extensive list of doping which included substances such as caffeine, alcohol, marihuana and hash.
- Of the six selected branches of sport, doping is most prevalent in strength sports, followed by cycling. The other sports lag a long way behind.
- The most commonly-used substance is caffeine. This applies to all branches of sport, with the exception of the strength sports, where anabolic steroids are the most commonly-used substance.
- If caffeine, alcohol, marihuana and hash are not taken into consideration, the percentage of doping users falls considerably. The proportion of athletes from the selected branches of sport and the selected level who have used doping products at some time is, in that case, 6% and the proportion of athletes who have used doping products in the last twelve months falls to 3%.
- If caffeine, alcohol, marihuana and hash are not taken into consideration, the difference in doping prevalence between strength athletes and the other athletes becomes much larger, while the difference between the cyclists and the other athletes disappears. The strength athletes are the principal users of the harder doping products.

The two most striking branches of sport in terms of doping prevalence are the strength sports and cycling. The relatively high prevalence in strength sports is striking, even when a number of substances are not included. In the case of cycling, a striking feature is that doping prevalence is only relatively high when an extensive list of doping (including caffeine) is used.

Another striking feature is that nutritional supplements and doping receive more attention in the world of cycling than in other sports. This can be concluded from the survey of the

trainers on the Association Panel (average trainers) and of trainers from the Royal Netherlands Cycling Union. The latter talk more to their athletes about this subject and provide them with information about it more often. The cycling trainers also have much more definite opinions about doping than the average trainers, who adopt more often a neutral stance on the propositions submitted to them. For example, cycling trainers think that the IOC doping list should be shorter, whereas a large proportion of the trainers from the Association Panel adopt a neutral stance.

Ideas about doping and demand for education

Doping was rejected by the majority of the competitive athletes who were questioned, with 38% stating that doping is permissible in certain circumstances. Athletes' circles (trainers, support staff, parents, doctors, fellow athletes) are also opposed to doping.

Some contradictions emerge when it comes to the demand for more information and education about nutritional supplements, vitamin preparations and doping. On the one hand, most of the competitive athletes who were questioned did not want more information about how doping, nutritional supplements and vitamin preparations work. In this respect, it should be pointed out that the group which did want more information consisted mainly of strength athletes and cyclists.

On the other hand, a majority of the competitive athletes believe that there should be more education in club sport about doping. The competitive athletes apparently believe that they know enough themselves, but education in club sport is approved of in general terms.

B. Report of the Evaluation Team

General

The Evaluation team would start by expressing its warm gratitude to the Dutch authorities for the way the visit was prepared and organised and for the possibility of having full and frank discussions with the different actors involved. We are most appreciative that the State Secretary for Sport, Ms Clémence Ross-van Dorp, gave us 30 minutes of her precious time and was in consequence late for an appointment with the Prime Minister. At VWS, Peter de Klerk, Senior Policy Advisor, was our practical and genial host. His colleagues, including the Director of the Sport Department Rob de Vries, and the Sport, Exercise and Health Project Manager, Maarten Koornneef, were of great help. Rens van Kleij, Director of NeCeDo, was of particular help and openness, together with many of his staff who gave us presentations. So was Koen Terlouw of DoCoNed, and its treasurer, Mr Gerrits Jan (whom we also thank for dinner on our last night). Mr van der Vegt, chair of the Netherlands Anti-Doping Platform, fitted an extensive but unscheduled interview at the “Ahoy” arena into his diary at the last moment. Mr D Segaar, chair of the Audit Committee; Mr M. Bartman, chair of the athletes’ commission; Mr Frans van Dijk, Head of Elite Support at NOC*NSF, all gave us detailed presentations and answered our questions patiently and kindly. Almost all speakers gave us print-outs following their professional powerpoint presentations. We are grateful to them all as well as to those whose names do not appear above but who helped and informed us during our visit.

The programme is at the appendix.

The evaluation team consisted of:

- Ms Pirjo Krouvila, International Affairs Director at the Finnish Anti-Doping Agency and delegate to the Monitoring Group;
- Dr Bernard Simon, expert in international anti-doping affairs at the French Ministry of Youth, Sports and Community Life, and delegate to the Monitoring Group;
- Mr George Walker, Head of the Sport Department at the Council of Europe.

The Dutch national report was in two parts: a fairly extensive and detailed “auto-evaluation” report entitled “Anti-Doping Policy in the Netherlands: a report on compliance with the Anti-Doping Convention”, published by NeCeDo in early 2001. The Monitoring Group adopted an opinion on this report in 2002 (T-DO(2002)15). A supplementary report was prepared with this evaluation visit in mind in mid-2004 (T-DO(2004)28). Some further information (mainly factual) was made available to us after the visit by way of follow-up, including, a summary of a research project of 2002 into doping use in organised sports at sub-elite level. These materials are reproduced at the end of the supplementary report.

The team did not therefore have a classic up-to-date national report and did not refer to the 2001 report during the visit. In addition, the visit was, for reasons that are not controversial, relatively short (two full days). Our report is therefore based almost entirely on the information received and the ensuing discussions during the visit. The duration of the visit and the nature of the evaluation process account for the fact that the evaluation report is somewhat shorter than those following visits to some other countries. We hope that this does not detract from the usefulness of the observations and recommendations which we have made.

Article 1

Aim of the Convention

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

The Netherlands signed the convention in 1990, followed by ratification in 1995. The domestic governmental system accounts for the delay from a formal viewpoint. From the angle of implementation by the Netherlands, the delay made little difference. Since 1990, there have been a whole series of improvements and modifications made to Dutch anti-doping policies and programmes. These continue as the World Anti-Doping Code comes into effect.

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.*

The definitions used in the Netherlands conform with those in the convention.

With regard to §2.b, the Dutch authorities fully respect the performance enhancing and dangers to health criteria set out in the convention’s preamble (and the World Anti-Doping Code). The Dutch government attaches considerable importance to the public health angle, and there are also detailed individual health checks for groups of elite athletes. In the view of the Dutch government, the “spirit of sport” criterion is one for the sports organisations to deal with in their regulations: it is not a matter for direct state action. The government considers that this criterion opens the door to adding substances (and methods) to the list which are not clearly linked to the other two criteria. Such additions would inevitably have practical consequences for anti-doping organisations. Nevertheless, the government requires sports organisations to respect the World Anti-Doping Code.

With regard to cannabinoids, the Dutch government while disapproving, accepts or tolerates that they will be consumed in society. In sport, the Dutch sports organisations must implement the respective international rules on THC in their own rules. There is thus no problem in practice, as sport “punishes” such users in sport.

In the context of public anti-doping policy, we were informed that the government of the Netherlands is also conscious of the need for the public authorities to take steps to counter possible “threats to sport as a whole”. The assessment of such a threat involves identifying whether or not there might be a governmental responsibility to take appropriate action, and provides a more general legitimation of the strong involvement of the government of the Netherlands in anti-doping policy. It is not a criterion for judging whether a substance or method should be prohibited under the World Anti-Doping Code.

With regard to §2.c, Dutch anti-doping policy is very much focused on elite athletes at international level, and some national level athletes/sports. On the specific request of the government, Necedo conducted a study in 2002 into the prevalence of the use of doping in organised sport at the non-elite level. The study concluded that there is no structural doping problem in this area, with the exception of strength sports. As a result of this study, strength sports, both organised and not organised, are a target group in NeCeDo's activities. The core of that programme is prevention through information and education. For example, a prevention campaign “Pure Strength” was launched by the Dutch powerlifting association and NeCeDo, which focussed on information, nutrition and training as alternatives for the use of doping. We were informed that, based upon this study, Dutch anti-doping policy with the core-functions of repression (tests and sanctions) and prevention (information and education) will be continued to focus on elite athletes.

This study is obviously an important one. However, as other evaluation teams have had occasion to remark, it cannot be assumed that doping is limited to elite level or just one or two other sports. Thought should be given in the Netherlands to progressively widening the scope of the national anti-doping policy. One main argument is that by carrying out even a limited number of controls at lower levels or with younger athletes educational and preventative work is carried out. Indeed, we were informed that the lower levels of organised sport are subject to Dutch anti-doping policy, but mainly with regard to prevention. The repression part is not excluded, and there are possibilities to carry out target tests at these lower levels.

We recommend that that a strategy be developed by the extending the fight against doping in the Netherlands.

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.*

As we have seen, the health implications of doping are important for the Dutch government. The ministry responsible for health is also that responsible for sport (Ministry of Health, Welfare and Sport: VWS which eases coordination. As the Minister for Sport told us, sport has implications for many other sectors of governmental activity and goals in society. Balance between prevention and repression is a strategic matter. Anti-doping policy also respects the

autonomy of individual citizens and human rights. The Ministry of Justice is responsible for controlling illegal drugs production and anti-trafficking policies.

The government has taken various coordination initiatives, in particular by helping to set up, in cooperation with the sports movement, bodies which come under §2:

- in 1989, the Netherlands Centre for Doping Affairs (NeCeDo). This body is “the national anti-doping agency in the Netherlands”¹. The government finances it to the tune of 90% of its budget.
- in 1999, the Foundation Doping Control Netherlands (DoCoNed). This body “delivers high quality doping tests and related services”² in the Netherlands. The government finances in principle 50% of its budget; the other 50% comes from NOC*NSF.

In the words of our interlocutors, anti-doping as far as it regards the use of doping substances or methods “is chiefly a matter for the sports organisations themselves”. It is clear from our visit that the individual national sports federations still have much power and authority in anti-doping matters: the National Olympic Committee-Netherlands Sports Federation (NOC*NSF) only has such power as the federations delegate to it. However, NOC*NSF does have considerable financial powers and has included binding anti-doping criteria in its own regulations.

A relatively new coordination initiative has been taken (mid 2003) by the creation of the national anti-doping Platform, a consultative body for the government, consisting of representatives of NOC*NSF, NeCeDo, DoCoNed, athletes, and the VWS. The chair is an independent personality (currently Mr Jos van der Vegt, CEO of the Rotterdam “Ahoy” sports arena). The Platform brings together the numerous actors, meeting about four times a year; it has succeeded in bringing about more coordination, cooperation and mutual trust. It has devoted much attention to developing rules for the implementation of the World Anti-Doping Code and its standards (TUEs, athletes’ whereabouts information, etc). It makes recommendations, on the basis of consensus, to whichever of those representative organisations in the platform who have asked for a question to be addressed. The chair is also using the platform to address national and general anti-doping issues.

As can be seen, the organisational structure of anti-doping in the Netherlands is quite complicated: there are several bodies involved, each with specific rights and responsibilities. This situation is partly historical in origin and partly the result of facing up to new challenges, as the doping in sport environment evolves rather rapidly. The Platform plays a key role in keeping the overall situation under review and providing answers to new challenges. It is too early in its life to make recommendations as to its possible future, but it is sure that it must continue with at least the same position and moral authority. Whether the authority should be extended is a matter for later consideration.

However, the evaluation team was struck by the creation of two distinct bodies (NeCeDo and DoCoNed) in national anti-doping programmes. The bodies have distinct tasks (advice, regulations, education, research; doping controls and results management respectively) which in many other countries are carried out by a single organisation. The extensive and vital role in Dutch anti-doping programmes played by DoCoNed makes it impossible to designate NeCeDo (or DoCoNed) as “the national anti-doping agency”. Two foundations; two boards, two staffs;

¹ Quotation from “Gene Doping » (p[36]), NeCeDo, 2004.

² Quotation from DoCoNed Annual Report for 2003, (p6, “Mission”).

two budgets seem to us an unnecessary complication for carrying out a single policy. This leads on occasion to some bizarre division of tasks (see article 7). For example, NeCeDo is responsible for training doping control officers, and for the administration of TUEs, tasks which might seem to belong more properly with DoCoNed's field of responsibilities. The structural fact that there are two distinct bodies (which was decided primarily because of legal fears and concerns) is however weakened in practice by the fact that their offices are on the same floor of the same building. Though the two bodies are proud of their independence, and this does not appear to have any injurious effect in practice on Dutch anti-doping programmes, the distinction appears to be a somewhat artificial one from a practical point of view.

We recommend that:

- *the Platform is given all possible encouragement and means to fulfil its role;*
- *consideration be given to merging NeCeDo and DoCoNed into a single national anti-doping organisation. Such a merger would also help to raise the profile and visibility of anti-doping work in the Netherlands, and provide a "one-stop service" for athletes, sports organisations and government. Ideally, the initiative for this should come from the two bodies themselves.*

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.*

§ 1. Restrictions on the availability and use of some banned substances are regulated by the Medicines Act (revised with stiffer penalties in 1995), and by the act of 2001 criminalising illegal production and trade various products containing doping substances which is estimated at \$70m per year; penalties of up to six years' imprisonment are available upon conviction. International police cooperation is also a main weapon. An increasing problem nowadays (as elsewhere) is trade through the internet, much on the increase, which requires new detection and prosecuting tools.

This law is to be evaluated in 2005.

§ 2. and 3.a Both government (VWS) and NOC*NSF have financial anti-doping criteria. These are specified each year by VWS when deciding the grants to national sports federations. 5% deductions (which can be cumulative) are foreseen under various circumstances, and have been applied in 2001, 2003 and 2004 (1, 2 and 1 sport respectively, with cricket offending twice)³. The sum may sound little but has a disproportionate effect, especially for less prosperous sports. They are given a chance to correct their position before a final decision is taken. The model anti-doping regulations for sports federations developed by NeCeDo are now almost universally applied so there is nearly 100% compliance with this provision.

§3. b, c, d. We believe that these provisions are implemented. The Netherlands has not yet signed the Additional Protocol to the Anti-Doping Convention (ETS 188). In order to implement article 3.d fully, *we recommend that the Netherland's government ratifies the Protocol as soon as possible.*

We also recommend that the monies resulting from any 5% deductions be transferred to DoCoNed in order to make unannounced controls on athletes from the federation(s) concerned.

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;*
 - b. *or 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;*

³ Information and documentation provided by VWS.

- 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 anti-doping laboratory at Utrecht failed to obtain re-accreditation from the IOC in 1993 and 1995, but continued some research activities until 2003, when it was shut down. The government's position nowadays is that funding a national laboratory is not the first priority in the anti-doping policy as long as access to a foreign accredited laboratory is guaranteed.

Samples are sent by DoCoNed to the accredited laboratories at Gent or Cologne, which is cheaper and more effective. Reporting time is usually 14 days. Analytical reports for national samples are sent to DoCoNed; for international samples to DoCoNed, WADA and the international federation of the sport.

Though the laboratory no longer exists, we will deal with research here. A comprehensive research programme, bearing in mind the resources available, is conducted under NeCeDo's auspices. This programme is guided by a nine-member multidisciplinary scientific advisory committee of NeCeDo. The programme covers both pharmacological aspects and, especially, sociological aspects of doping use in the Netherlands, including in fitness centres. Two substantial "Topical Publications" have been published: "Mind Sports and Doping" (2000) and "Gene Doping" (2004). Every four years a survey on use amongst Dutch elite athletes is conducted. Considerable research is also done in the delicate and sometimes controversial field of nutritional supplements. As 90% of Dutch Olympic athletes say they use supplements, this is important. The Dutch system of quality control for food supplements in sport (NZVT) is described in doc T-DO (2004) Inf 2 and further information is given in doc T-DO (2004) 11. This system, which it was admitted was expensive to set up, is an original approach: 139 products from 32 suppliers have been approved. It appears to be giving results which satisfy athletes and anti-doping regulations.

Another important research project was the 2002 study on the prevalence of the use of doping in organised sport at the non-elite level (cf article 2). The outcome of this study is interpreted as giving no cause for specific anti-doping policies at that level, as far as testing and sanctions are concerned.

A promising new avenue is a current research project into hormone receptors and in particular the androgenic elements that would enable the detection of new designer steroids.

Results are disseminated to members of the International Anti-Doping Arrangement.

We recommend a wider diffusion of more interesting Dutch anti-doping research results amongst the Monitoring Group, and possibly also amongst the WADA, families.

We recommend that the monitoring of the NZVT nutritional supplement system be instituted and that the results of this monitoring also be communicated to the Monitoring Group and WADA.

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 government and NeCeDo certainly attach priority to preventative and educational measures. A considerable proportion of the anti-doping budget is spent on such matters. NeCeDo has a well deserved reputation for the design, quality and structure of its educational work, and this despite a relatively small number of people working in this field (two, plus part of the director's time). The materials and campaigns are prepared in consultation with VWS, NOC*NSF, the athletes' commission and with various expert groups. Main target groups are: elite athletes (about 1500 persons); national level athletes (about 3500 persons); athlete support personnel and families of sporting participants. The main educational goals are the practical elements of anti-doping, and there is a wide variety of vehicles used to reach the audiences. The fan booklet is a noted NeCeDo innovation, updated each year with the latest prohibited list. NeCeDo reckons that 40% of athletes know their materials, with the fan booklet reaching 80%. The NeCeDo website gets hits from 30% of athletes and a hotline, open for three hours a day, gets questions on substances, medicines and TUEs from 40% of athletes. Most federations receive annual presentations on anti-doping procedures etc. The results of the elite athlete survey (see article 5 above) are used to evaluate past actions and to influence new directions in the educational field. This is similar to the Swiss approach in anti-doping education (see doc T-DO(2004) 6 final). However, this work does not appear to be differentiated as regards different sports. As a result of these evaluations, more emphasis is now given to trying to understand behavioural determinants. 98% of athletes claim that they are strongly against doping, but this figure hides the fact that 11% of them consider that it should be unregulated.

NeCeDo has taken the lead in coordinating the Monitoring Group's contributions to the educational and outreach work of WADA, and in particular, the ongoing development of a non-mandatory standard to the Code on education and information.

Sport for All is not neglected. This work is concentrated mainly on the non-organized sports framework (gyms, fitness centres, etc.), which has long been a focus for NeCeDo research and education. The current emphasis is to try to show such gym users the positive effects on individual health of a proper sporting or fitness programme (rather than body image or other aims). This research-based work in general is a model for such an approach.

With regard to §6.2, a 1998 research project on performance enhancing methods reviewed legitimate methods of performance enhancement as alternatives to doping: the main avenues explored were nutrition and training. In this context, and with reference to article 7.3.f below,

NOC*NSF has also helped athletes by providing a recovery drink; and climate-adapted sports training and competition clothing.

Our recommendations are based on the fact that this work in the Netherlands is already of a very high standard, and on that basis to try to develop new pathways for educational and preventative work to help other countries in their similar work.

We recommend:

- *A monitoring system on the impacts of educational work, possibly through improving the collection of relevant statistical information.*
- *To broaden the number of experts involved in the educational network and thus to increase the number of presentations that can be made (to federations; groups of athletes; families; gym users; 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 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.*
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.*

As stated earlier, Dutch sports federations are mainly responsible for anti-doping work as far as it regards the use of doping substances and methods. They have to put their regulations into conformity with the government's policy. There is no national anti-doping law. NeCeDo has developed model rules and regulations for the federations. These are now being revised to be in conformity with the World Anti-Doping Code and its associated standards. Matters which require regular updates (eg, the prohibited list) are put into annexes, so that the decision to change them as necessary can be taken by the federation's executive committee rather than requiring the agreement of the federation's general assembly. This ensures rapid decision-making and increases harmonisation.

NeCeDo monitors the federations' rules and decisions and informs NOC*NSF of possible discrepancies. NOC*NSF then takes the appropriate action, based on its proper regulations. All this is quite complicated and very respectful of the autonomy of the individual federations. There are however two practical consequences:

- a) there is a multiplicity of anti-doping regulations; their revision is time consuming and opens the door to a lack of harmonisation;
- b) it appears that many sports federations regard their duties as accomplished when their regulations are satisfactory, and do little more than provide information to their members on those members' rights, relying on NeCeDo's successful educational work and responsibilities. There is a danger that the federations might feel that they no longer have any direct responsibilities for anti-doping, in particular preventative work.

Doping controls, both in- and out-of-competition are carried out by DoCoNed on behalf of NOC*NSF and the federations. With approximately 3000 athletes in the testing pool, around 2500 controls (the aim is between 2500 and 2800 in 2004) are conducted each year by 30 certified doping control officers (who are trained by NeCeDo, not DoCoNed). 60% are in-competition tests. The large picture of how many controls per sport per year is agreed by NeCeDo and NOC*NSF, in consultation with DoCoNed, mainly on the basis of the annual sports competition calendar. The detailed operational selection by sports discipline, is made by DoCoNed. The cost (2004) is €1,075,000, split between VWS (€425,000) and NOC*NSF (€650,000). A mobile doping control bus has been purchased. TUEs are also handled by NeCeDo, with good IT software and a pool of independent experts. Whereabouts information – so far with 800 athletes – is also run with a performing IT base within DoCoNed, and is updated on a monthly basis. Positives (including cannabinoids and refusals) are expected to be slightly higher than 2% in 2004.; the average figure of 1999 – 2003 was 1.7%)

DoCoNed also has responsibility for starting the process of test results management by federations. In addition, an "Audit Commission", set up under the aegis of NOC*NSF, is charged with reviewing the follow-up given to all adverse analytical findings. Sports federations are responsible for sanctions. Twelve federations (mainly smaller ones) have agreed to set up, under the authority of the NOC*NSF's "Central Institute for Sports Disciplinary Actions", a

single disciplinary “Chamber for Doping Affairs”, with harmonised regulations and procedures, for dealing with cases in those federations. In both cases, the first instance body’s judgement can be appealed to the above Institute’s “Chamber for Doping Appeals”. These two chambers consist of independent members appointed by the Institute’s board.

The provisions of Dutch law do not extend to controlling athlete support personnel. The persons mentioned at §7.2.e are regulated by the specific professional organisation, and NOC*NSF will only fund persons who are members in good standing with the appropriate professional organisation. In the Netherlands, nutritionists are also included in this list. This is a good starting point. There would be advantage however in seeing to what extent specific anti-doping criteria could be included in relevant professional codes of conduct (such as for coaches, or for sports doctors).

The provisions of §7.2.f are now taken care of under the Code.

The quality controls in sample taking and results management are high. Both NeCeDo and DoCoNed have ISO 9001 : 2000 certification.

The NOC*NSF’s Athletes’ Commission plays a very active role in helping to develop those policies which affect athletes directly: coordination of unannounced controls on the same athlete; blood sampling; the provision of whereabouts information; supplements (the NZVT system is highly appreciated); the anticipation of gene doping questions; dealing with cases of “possession” (under the WADC) where a third party might have spiked the accused’s sports bag; obtaining relevant anti-doping information when travelling abroad, etc. Athletes appreciate the work of NeCeDo and provide feedback from experience of the Dutch international elite athletes and teams.

The recommendations which follow are the consequence of the implicit evaluations we have made of the Dutch system, which is a high-performing one, especially for the international elite level, and well adapted to the situation and traditions in the Netherlands.

We recommend:

- *The proportion of unannounced out-of-competition controls should be increased as a priority to over 60% of testing.*
- *Consideration should be given to increasing the number of controls and extending them to a wider selection of national elite athletes (statistically, many will not undergo even one control per year) and even to those just below. Bearing in mind the financial implications of this proposal, we suggest that this extension should be based at first on target testing (high-risk sports; athletes at risk).*
- *The national federations should be encouraged to assume a greater feeling of responsibility for anti-doping educational work, in cooperation with NeCeDo and in compliment to it.*
- *Sports federations and NOC*NSF are encouraged to consider extending the authority of the Chamber for Doping Affairs to cover more, and preferably all, sports.*
- *More specific measures should be taken by NOC*NSF and the sports federations to supervise the work of athlete support personnel and if necessary sanction those who commit or contribute to committing an anti-doping rule violation.*

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;*
 - 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 Dutch government (§8.1) and the relevant national organisations (§8.2.c) have been very active in international anti-doping cooperation: with the Council of Europe, the Monitoring Group of the Anti-Doping Convention (including chairing its advisory group on education), the World Anti-Doping Agency (WADA) of which the current Dutch State Secretary has been one of the European board members, the International Anti-Doping Arrangement (the Netherlands is the current secretariat), UNESCO and other bodies. The Dutch EU presidency was instrumental in achieving the election of a European minister as Vice-Chair of the WADA board. Strong inputs to the development of international anti-doping policies and work have been given to the development of the draft UNESCO convention as well as to the development of the prohibited list, the TUE and the education standards of the World Anti-Doping Code.

NOC*NSF at the request of the government has the primary operational responsibility for article 8.2.a.

Articles 8.2.b and 8.3 are not relevant.

We recommend that the Dutch government and the relevant national anti-doping organisations continue their strong involvement in international anti-doping fora and in helping to resolve questions as they arise. As mentioned under article 5, there is also good reason to inform other countries and organisations of the experiences and methods developed in the Netherlands.

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 Dutch government and NeCeDo 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 NeCeDo topical publication on Doping in Mind Sports.

Summary of Recommendations
in order of priority

Consideration be given to merging NeCeDo and DoCoNed into a single national anti-doping organisation. Such a merger would also help to raise the profile and visibility of anti-doping work in the Netherlands, and provide a “one-stop service” for athletes, sports organisations and government. Ideally, the initiative for this should come from the two bodies themselves (Art. 3).

The Netherland’s government ratifies the Additional Protocol (ETS 188) as soon as possible (Art. 4).

A strategy be developed for extending the fight against doping in the Netherlands (Art. 2).

The Platform is given all possible encouragement and means to fulfil its role (Art. 3).

The proportion of unannounced out-of-competition controls should be increased as a priority to over 60% of testing.

Consideration should be given to increasing the number of controls and extending them to a wider selection of national elite athletes (statistically, many will not undergo even one control per year) and even to those just below. Bearing in mind the financial implications of this proposal, we suggest that this extension should be based at first on target testing (high-risk sports; athletes at risk) (Art. 7).

The national federations should be encouraged to assume a greater feeling of responsibility for educational anti-doping work., in cooperation with NeCeDo.

*Sports federations and NOC*NSF are encouraged to consider extending the authority of the Chamber for Doping Affairs to cover more, and preferably all, sports.*

*More specific measures should be taken by NOC*NSF and the sports federations to supervise the work of athlete support personnel and if necessary sanction those who commit or contribute to committing an anti-doping rule violation (Art. 7).*

A wider diffusion of more interesting Dutch anti-doping research results be made amongst the Monitoring Group, and possibly also amongst the WADA, families (Art. 5).

Monitoring of the NZVT nutritional supplement system should be instituted and that the results of this monitoring also be communicated to the Monitoring Group and WADA (Art. 5).

A monitoring system on the impacts of educational work should be encouraged, possibly through improving the collection of relevant statistical information.

To broaden the number of experts involved in the educational network and thus to increase the number of presentations that can be made (to federations; groups of athletes; families; gym users; etc) (Art. 6).

The monies resulting from any 5% deductions be transferred to DoCoNed in order to make unannounced controls on athletes from the federation(s) concerned (Art. 4).

The Dutch government and the relevant national anti-doping organisations continue their strong involvement in international anti-doping fora and in helping to resolve questions as they arise.

As is customary, a copy of this report in its draft form was forwarded to the Dutch authorities for their possible reactions and comments. The report was discussed at a meeting of the Netherlands Anti-Doping Platform on 7 March, and the resulting comments sent to the Secretariat on 18 March.

A number of factual matters were revised following this process and have been incorporated into the report.

A number of comments were made on the Recommendations. The Evaluation Team is pleased to note that most recommendations are endorsed, and often fully endorsed. Some of the Platform's comments have led to either slightly revised recommendations or to some more explanations being given by the Evaluation Team. However, the Evaluation Team's recommendations remain their own recommendations, as do the reactions of the Platform.

It therefore seems to us that the best way to reconcile the different viewpoints (which are on the whole a matter of emphasis rather than of principle) is to reproduce the comments of the Platform in extenso hereafter:

C. Comments of the Netherlands on the Recommendations of the Evaluation Team

The Recommendations of the Evaluation Team were discussed in a meeting of the Netherlands Antidoping Platform on 7th March in Rotterdam (Ahoy). The comment below is the outcome of this discussion. The comments are following and based upon the summary of the recommendations on page 15 of the draft report of the Evaluation Team (also page 22 of the full draft report, T-DO (2005) 4).

The comments are unanimously supported by the Athletes Commission, DoCoNed, NeCeDo, NOC*NSF and the government of the Netherlands.

We request the Evaluation Team to consider our remarks and to adjust the recommendations where appropriate.

Merging NeCeDo and DoCoNed

This recommendation is endorsed. Recently, also another independent report recommended to merge the two national anti-doping organisations. By now, a project is started to develop a plan for establishing one organisation. The project was assigned by the two organisations themselves.

Ratification of the Additional Protocol

This recommendation is endorsed. Parliamentary procedures in the Netherlands are quite complicated. Therefore the AP will probably be submitted for ratification together with the Unesco-convention.

Extending fight against doping.

This recommendation is not fully endorsed. The whole sector of sport is subject of our anti-doping policy. The part of prevention is directed to elite sport, organized sport at the non-elite level and to non-organized sport (gyms). The part of repression (tests and sanctions) is limited to elite-sport with a slight possibility of extension by target-controls; in the near future, the number of target-controls will grow considerably. In that sense, the fight against doping is extended slightly. But the other sectors than elite sport will not be a main subject of tests. That is justified by the study into the prevalence of the use of doping in organised sport at the non-elite level (NeCeDo 2002) and by the need to spend the limited financial resources as effective as possible.

Encouragement Platform

Fully endorsed.

Increasing % out-of-competition controls

Endorsed.

Extending controls with a wider selection.

Partly endorsed, partly not. We will first look to another model of distribution by selecting more elite sports and athletes. By this, we want to address the tests more at the direct target groups. So, not a wider selection, but a more specific selection. At the other hand, we want to increase the number of target tests out of the total number. Target tests can be addressed to elite athletes but also to athletes beyond. So, in total more attention for high-risk sports and athletes at risk.

Only after that attempt, the discussion can be started to increase the number of tests in total. See also the comment at the recommendation of extending fight against doping.

More responsibility for national federations regarding education.

Not endorsed. Federations have the responsibility to effectively inform their athletes, e.g. as a requirement from government (subsidies) and NOC*NSF. In order to meet those requirements, federations can use the education materials and services of NeCeDo. For reasons of independency that is positive, but it leaves the formal responsibility of federations unimpeded.

Extending authority Chamber Doping Affairs

Fully endorsed

Specific measures athlete support personnel

Endorsed, with the remark that regulations and possible sanctions can only be developed by the professional organisations of the personnel. In most cases NOC*NSF and the government don't have direct authority on the professional organisations.

Wider diffusion of research.

Fully endorsed.

Monitoring NZVT

Fully endorsed

Monitoring system educational work

Fully endorsed

Increase experts educational work

Endorsed concerning athletes of fitness centres. Special attention is being paid to fitness instructors to teach them about doping, dealing with use and the provisions of alternatives.

Not endorsed concerning elite sports. Looking at the size of the target group and the variety of education materials available, there is a good coverage. There is no need to increase the number of experts nor presentations in this regard.

Deducted money to unannounced controls

Quite creative suggestion, but not practical. It does not fit in the agreement that sport itself finance the direct costs of doping controls and government the fixed costs (overhead). That is a reflection of the first responsibility for sport itself to combat the use of doping in sport. Moreover: though (or because?) the deduction-instrument is effective, the deducted amounts are marginal.. So, not endorsed.

Continuing involvement in international anti-doping policy

Fully endorsed

Appendix

Programme of the visit

14 December 2004

Morning

- Welcome at the Ministry of Health, Welfare and Sport
- Short introduction in the Netherlands anti-doping policy
Peter de Klerk, Koen Terlouw, Maarten Koornneef, Rens van Kleij
- Meeting with the State Secretary of Health, Welfare and Sport, Minister of Sport
Clémence Ross-Dorp
- The Netherlands anti-doping policy:
 - task and responsibilities
 - structure and organisation
 - the Netherlands Anti-Doping Platform
- NOC*NSF Audit Committee Doping
Dolph Segaar

Afternoon

- Introduction NOC*NSF
Frans van Dijk
- Disciplinary Chamber
- NOC*NSF research and education
- The Netherlands Security System Nutritional Supplements Elite Sports (NZVT)
Peter de Klerk, Frans van Dijk
- NOC*NSF Athletes Commission
Michiel Bartman, Trea de Looff

15 December 2004

Morning

- Welcome at the NeCeDo/DoCoNed office
Rens van Kleij
- Introduction NeCeDo
- Sports anti-doping regulations
Rens van Kleij
- Research
Olivier de Hon
- Education Elite Sports
Penelope di Lella
- Education Sports for All
Bart Coumans

Afternoon

- Introduction DoCoNed
Koen Terlouw
- Doping Controls
- Platform
Jos van der Wegt