



Strasbourg, 5 May 2008

T-DO (2008) 12

Anti-Doping Convention (T-DO)

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

Reports by:

- Poland**
- The Evaluation Team**

Table of contents

A. National report	3
Introduction	3
Article 2 - Definition and scope of the Convention	4
Article 3 – Domestic co-ordination.....	5
Article 4 – Measures to restrict the availability and use of banned doping agents and methods	7
Article 5 - Laboratories	12
Article 6 - Education	15
Article 7 Co-operation with the sports organisations on measures to be taken by them	17
Article 8 – International Co-operation	22
Article 9 – Provision of information	23
Appendix 2: Table 1 Research projects carried out in the Department of Anti-doping Research of the Institute of Sport during years 2000-2003.	26
Appendix 3: List of papers published by the staff of the Department of Anti-doping Research, Institute of Sport	27
B. Report of the evaluation team.....	32
Introduction.....	32
Article 1 - Aim of the Convention	32
Article 2 - Scope of the Convention.....	33
Article 3 - Domestic co-ordination	34
Article 4 - Measures to restrict the availability and use of banned doping agents and methods	36
Article 5 - Laboratories	38
Article 6: - Education.....	39
Article 7 - Co-operation with sports organizations on measures to be taken by them	41
Article 8 - International co-operation.....	45
Article 9 - Provision of information.....	47
Summary of the recommendations (short version) in order of priority	48
Acknowledgments	49
Composition of the evaluation team	49
Programme of the evaluation visit.....	49
C. Comments from Poland.....	51

A. National report

Introduction

The aim of this report is to assess whether the actions taken by Poland in the field of combating doping in sport comply with the Anti-Doping Convention of 16 November 1989 of the Council of Europe. The report was prepared by Commission Against Doping Use in Sport, which is in Poland the competent body for dealing with issues connected with doping in sport. The purpose of this document is to reflect the existing system of fighting doping in sport and to pay attention to those elements of the system, which should be corrected or improved. The report constitutes an important source of information for the same institutions engaged in anti-doping activities in our country, since it has been the first document of this type presenting the functioning of the anti-doping system in its entirety. The fields of anti-doping activity, which require immediate changes, have been already identified in the process of writing the report.

Official documents such as legal acts, reports and literature on the issue of doping were used for the purpose of creating this report. It was based to a smaller degree on interviews with the representatives of particular institutions counteracting doping in sport. They served only when documents connected with a certain aspect of combating doping did not exist or when the comments of the specialist in a given field were necessary.

The report is presented in the form recommended by the Monitoring Group of the Anti-Doping Convention, i.e. in the form of an analysis of the consecutive articles of the Convention from the Art. 2 to Art.9.

Anti-Doping work in Poland at the moment of ratifying of Anti-Doping Convention

When in May 1989, the 6th Conference Ministers of Sport of the Council of Europe accepted the Anti-Doping Convention, also some non-member countries, including Poland, were entitled to sign it. On this basis it was signed by the Polish Minister of Foreign Affairs on November 16, 1989 and ratified by President of the Republic of Poland on July 3, 1990. The Convention was published in the official Journal of Acts and is the binding law in Poland.

The fight against doping in sport was launched in Poland by the medical circle more than 30 years before the Anti-Doping Convention was approved. In 1967, the Ist National Scientific Conference on "Pharmacological problems of doping in sport" took place in Poznań. The starting point for organising it were laboratory analyses of samples taken from cyclists – participants of the Race for Peace and the Race for Friendship carried out by the Department of Forensic Medicine of Medical University in Poznań. The participants of the conference agreed that the use of doping substances threatened sport and human life. However, attempts to codify anti-doping activity took over 17 years, when in 1984 Parliament passed the Act on Physical Culture which included an article forbidding the athletes to use pharmacological agents and other substances considered as doping (art.18).

The Anti-Doping Convention was signed at the moment when some first although imperfect regulations already existed. The Anti-Doping Laboratory had operated for two years and the Anti-Doping Commission had worked for a year. The system of combating doping in sport was then on the threshold of functioning. Signing the Anti-Doping Convention accelerated its development, and intensified its operating. As a result the Polish government approved the National Programme for Fighting Doping in Sport in 1993. This document prepared by Physical Culture and Tourism Office determined the anti-doping politics and included decisions concerning: regulations by law, the

structure of anti-doping system, the financing of the programme, prevention, education, scientific research, information, doping control procedures, sanctions and international co-operation.

Article 2 - Definition and scope of the Convention

1. For the purposes of this Convention:

- a. “doping in sport” means administration to sportsman 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 relevant international sports organizations and appearing in lists that have been approved by the Monitoring Group under the terms of Article 11.1.b**
- c. “sportsmen and sportswomen” means those persons who participate regularly in organized sports activities**

The legal regulation on doping goes back to 1984 when to the Act on Physical Culture an article was added imposing a ban on the use of pharmacological agents and other substances considered as doping by athletes (article 18 passage 4-5). The athletes were understood as the members of physical culture federations, regularly practising a particular sports discipline and participating in sports competitions organised by those federations, unions of federations, etc. (article 17 of that law).

However the Act failed to mention in what way particular pharmacological agents were to be regarded as banned, though it provided that the sports practice should be done in accordance with the regulations of the Act and with the resolutions of physical culture associations and their unions, as well as international sports organisations. In fact it was a reference to anti-doping regulations of individual international sports federations. Those regulations were also obeyed by Polish sports federations which are members of international federations.

Only in 1989 by Decision no 11 of the Chairman of the State Committee for Youth Affairs and Physical Culture was it agreed that the list of pharmacological agents and other substances regarded as banned are prepared by the Council for Counteracting Doping in Sport, basing it on the regulations of International Olympic Committee (IOC) and, in particular cases, on the regulations of international sports associations (paragraph 3, passage 2, item 3). The Chairman of the Committee for Youth Affairs and Physical Culture, who summoned the Council then, established the list of those substances and methods included in an appendix to that decision (paragraph 1, passage 2).

In general, the current definition of doping in Poland since 1996 corresponds with the definition of doping defined in the Anti-Doping Convention. Pursuant to article 47 of the Act on Physical Culture of 18 January 1996, doping is defined as *the use of prohibited substances or methods regarded as such by athletes*. The word *athlete* is understood as a person practising as an amateur or as a professional a particular sports discipline and participating in a sports competition (article 3 of that law), while the sports rivalry means primarily sports competition. §7 of the Regulation of the Minister of National Education of 18 September 2001 determines also the disciplinary responsibility of persons from the immediate entourage of a competitor – coaches, trainers, doctors, physiotherapists, activists and other persons not only in case of the use of doping but in case of any violation of the anti-doping regulations consisting in the delivery, distribution, trafficking or serving the prohibited pharmacological substances, applying the methods regarded as banned, exerting pressure or inciting to doping.

Currently the preparation of the lists of prohibited methods and pharmacological substances belongs to the duties of the Commission Against Doping Use in Sport (Act on Physical Culture of 18 January 1996 article 48, passage 2, item 4), while the Minister for Physical Culture and Sport, in consultation with the Minister of Health, defines them by the regulation, taking into account the latest scientific achievements and the directions of the international sports organisations. Until now the lists of prohibited pharmaceutical agents and methods regarded as such were based on the guidelines of the Medical Commission of the International Olympic Committee. Also the list being an appendix to the Announcement of the President's Office of the Physical Culture and Sport of 25 January 2002, which remained in force till 2004, complied with the directions of the Medical Commission of IOC. At present however, *the Regulation of the Minister of National Education and Sport of 13 August 2004 on determination of pharmacological agents and methods recognised as doping the use of which is banned* is binding. The current list included in the Regulation results from the adoption of the World Anti-Doping Code by the Polish Commission Against Doping Use in Sport and is based on the Prohibited List prepared by WADA.

Conclusions

The definition of doping adopted in Poland corresponds with the definition used in the Anti-Doping Convention. The list of prohibited pharmacological substances and methods is based on the list prepared by WADA and brought up-to-date if any changes are introduced.

Article 3 – Domestic co-ordination

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

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

HISTORY

Originally, combating doping in Poland was supervised by the Youth and Physical Culture Committee. The practice of issuing the so-called decision on conducting anti-doping controls at sports events by the Chairman of the Youth and Physical Culture Committee goes back to 1988. In 1991 the functions of the Committee as regards combating doping in sports were taken over by the Physical Culture and Tourism Office (later the Physical Culture and Sports Office), a unit of public administration. That office ensured also the legal and material conditions needed for conducting anti-doping activities. The Physical Culture and Sports Office was abolished in 2002. Some of its responsibilities were taken over by the Polish Sports Confederation established in the same year, the remaining ones were taken over by the Ministry of National Education and Sport (MENiS) – their participation in combating the phenomenon of doping in sports is described below.

Since 1988 the Commission Against Doping Use in Sport has been the legitimate body dealing with the entirety of the issues connected with combating doping. Its names and functions changed a few times since the moment of its creation. It was established on the basis of Decision no. 3 (of 15 February 1988) of the Chairman of the Youth and Physical Culture Committee as the Anti-Doping Commission. Besides the Anti-Doping Commission the Chairman of the Youth and Physical Culture Committee created the Council for Counteracting Doping in Sport (Decision no. 11 of 30 August 1989). The Council was to function as an advisory and consultative organ to the Chairman of the Committee, whereas the Commission was responsible for supervising the control anti-doping tests. In 1991 the President of the Physical Culture and Tourism Office brought into being the Commission for Fighting Doping in Sport replacing the Anti-Doping Commission and the

Commission for Counteracting Doping in Sport, which constituted an advisory and consultative body to the President of the Office.

The present name of the Commission has been in use since 1993, since the moment when Decision no. 11 of 18 March 1993, issued by the President of the Physical Culture and Tourism Office came into force. The Commission Against Doping Use in Sport, as the competent body for dealing with issues connected with doping (article 48, law 1, the Act of 18 January 1996 on Physical Culture) has been brought into being on the basis of the Regulation issued by the Minister of National Education of 14 May 2001 and is functioning in accordance with the rules included in the Regulation issued by the Minister of National Education of 17 October 2001 on the scope and operation methods of the Commission Against Doping Use in Sport.

THE PRESENT SITUATION

The Commission Against Doping Use in Sport

As has been mentioned above, the Commission is the competent body for dealing with issues connected with doping (article 47 of the Act on Physical Culture of 1996). Its activities are financed from the resources of the national budget. The responsibilities of the Commission were determined in article 48, law 2, in the Act on Physical Culture of 18 January 1996, and comprise in particular:

- preparing the regulations and programmes aiming to combat doping in sports and the supervision of their observance,
- organising doping controls and anti-doping tests,
- preparing the list of prohibited substances and methods, as well as
- conducting educational activities in the scope of anti-doping prevention.

The Commission makes all resolutions at plenary sessions summoned not less frequently than once every three months. The scope of the responsibilities of particular organs of the Commission – the Chairman, the Secretary, the Presiding Board of the Commission and the Sub-commission for Anti-Doping Control is determined by the Regulation of the Minister of National Education of 17 October 2001. In accordance with that Regulation, the Chairman of the Commission supervises its work and represents it outside. The Board, comprising the Chairman, the Secretary and three members of the Commission, carries out the tasks of the Commission between plenary sessions. The Sub-commission organises anti-doping tests according to the plan passed by the Commission and controls those tests. The Secretary supervises the work of the Secretariat, which ensures administrative and financial services for the Commission. Within the Commission there work the groups of experts responsible for medical, legal, information and education issues. Those groups have a consultative role in the Commission.

The Polish Sports Confederation

The Polish Sports Confederation is a unit considered as part of the public finances sector, and it aims to create the conditions for the functioning and development of professional sport and its promotion. The participation in the programmes aiming to combat doping in sports is only one of numerous responsibilities of the Confederation, which co-operates in this regard with the Commission Against Doping Use in Sport and with organisations associating experts in the area of sports medicine.

The President of the Polish Sports Confederation also supervises the activities of Polish sports federations. If the activities of any of those federations breach the anti-doping regulations, e.g., through applying milder disciplinary sanctions than the ones stipulated in the Regulation issued by the Minister of National Education of 18 September 2001, with regard to the athletes who used

doping, the President takes adequate measures, e.g., he asks a court of law to reverse those sanctions.

The Ministry of National Education and Sport (MENiS)

Within the scope of its anti-doping activity MENiS issues regulations standardising the system of combating doping in sports, among others, the Minister of National Education and Sport in agreement with the Minister of Health calls into being, by way of a regulation, the Commission Against Doping Use in Sport and approves the list of prohibited pharmacological substances and methods considered as doping.

The Minister also supervises the Polish Sports Confederation. The assessment of the realisation of the programmes fighting against doping in sports by the Confederation lies within the scope of the activities that belong to the Department for Sports Development Strategy in the Ministry.

The Ministry also conducts activities which aim to include anti-doping content in the didactic curricula in the Polish education.

In the document on Sports Development Strategy until the year 2012, prepared by MENiS, expanding the programme of fighting against doping in sports and the accreditation of the anti-doping laboratory are among the priority tasks for the years 2004-2005. The responsibility for carrying out these tasks belongs to the Commission Against Doping Use in Sport and the Polish Sports Confederation.

Besides the abovementioned institutions, other government organs also participate in the fight against doping, e.g., the Ministry of Health – as regards limiting the production and sales of pharmaceuticals regarded as doping agents; the Ministry of Internal Affairs – as regards border controls; the Institute for Anti-Doping Research (article 5 – ‘Laboratories’) – as regards making doping analyses and conducting scientific research supporting the fight against that phenomenon. Within the structure of the anti-doping system the non-governmental organisations also play an important role – particularly sports federations (article 7 ‘Co-operation with sports federations’) – not only with regard to enforcing disciplinary sanctions, but also with regard to anti-doping prevention within the area of a given sports discipline. So do the Polish Olympic Committee and Polish Paralympic Committee as institutions promoting the principles of the Olympic Games and the rules included in the Olympic Charter.

Conclusions

Many organizations are involved in combating doping in sport in Poland. The responsibilities of the Commission Against Doping Use in Sport are precisely determined in the Act on Physical Culture of 1996 and in the abovementioned Regulation of Minister of National Education. In case of other institutions, e.g. MENiS or Polish Sports Confederation – their activity in this field needs to be clearly specified, e.g. in statutes of those institutions.

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 availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and, in particular, anabolic steroids.

The Act on Physical Culture of 18 January 1996

The use of the prohibited pharmacological substances and methods regarded as banned by athletes is forbidden by the Act on Physical Culture (article 47) of 18 January 1996. The athletes, coaches, activists and other persons, to whom the violation of the abovementioned law will be proved, will be held responsible. The detailed principles of that disciplinary responsibility are regulated by the ***Regulation of the Minister of National Education, issued on 18 September 2001 on detailed principles of disciplinary responsibility for the violation of anti-doping rules***. That Regulation provides for a disqualification penalty from 1 to 6 months in case of detecting the presence of ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine or related compounds in the competitor's body for the first time (paragraph 4). The penalty is much stricter – two years of unconditional disqualification, if the use of other prohibited pharmacological agents or methods (paragraph 5) was detected. Still stricter sanctions are stipulated if the athlete deliberately uses the prohibited pharmacological agents or methods regarded as banned, or takes actions aiming at concealing the abovementioned substances or to distort the results of anti-doping tests, or when the prohibited pharmacological agents or methods regarded as banned were detected in the athlete's body for the second time. The violation of the abovementioned anti-doping regulations results in the disqualification penalty from two to eight years – if the pharmacological substance applied is ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine or related compounds, and over four years – if a different prohibited substance or method has been used (paragraph 6). Also, the athlete cannot refuse to undergo the anti-doping control without disciplinary consequences. The first such refusal results in the sanction up to two years of disqualification, and the next refusal – no fewer than two years of disqualification (paragraph 2).

Poland does not have separate regulations controlling the production and trafficking of prohibited substances. Their availability is limited primarily due to the fact that most of them can be bought only by prescription. Stimulants and drugs belonging to the group of intoxicants, psychotropic drugs and precursors, to which the regulations in the Act on Counteracting Drug Abuse of 24 April 1997 apply, are available exclusively by special prescriptions made out on calculation forms (Regulation on medical prescriptions of the Minister of Health of 10 May 2003). Only one medication can be prescribed on the abovementioned forms.

The Act of 6 September 2001 Pharmaceutical Law

The production and sales of all medicinal products, including substances regarded as doping, is regulated by the act of 6 September 2001 (Journal of Acts 2001, No 126, item 1381) Pharmaceutical Law.

Pursuant to this act, the control over the production of medicinal products is exercised by the State Pharmaceutical Inspectorate which also supervises the quality and sales of medicinal products, in order to secure the social interest with regard to health and life security of citizens concerning the use of medicinal products in pharmaceutical storehouses, chemist's shops, pharmacies and other points of sale. The Inspectorate is managed by the Main Pharmaceutical Inspector (article 39, law 2), eligible for issuing permissions for the production and import of medicinal products.

The permissions for inclusion in sales are issued by the Minister of Health. The decision of the minister is made on the basis of a report prepared by the President of the Registration Office of Medicinal Products and Biocides, containing the assessment of a medicinal product included in sales (article 8, passage 1). The party applying for the inclusion in sales of a medicinal product has to submit the documentation containing, among others, the name of the medicinal product and the commonly used name of active constituents, accurate quantity and quality data, test results referring to them (quality, biological, microbiological, pharmacological, toxicological, clinical) and the

characteristics of a medicinal product (including, among others, clinical data such as recommendations and contraindications, special precautions concerning the usage and undesirable effects). A medicinal product included in sales is liable for registration in the Register of Medicinal Products Included in Sales on the territory of the Republic of Poland. The minister of health may refuse to issue permission for the inclusion in sales if, for example, the test results show that the medicinal product is characterised by the risk of usage incommensurate with the expected therapeutic effect.

The production, import and inclusion in sales of a medicinal product without the required permission is liable to a fine, penalty of restricted freedom or imprisonment up to two years (article 124 and article 125). Advertising medicinal products available only by prescription is also prohibited – those who violate this regulation are liable to a fine.

The Act of 24 April 1997 on Counteracting Drug Abuse

The production and sales of intoxicants, psychotropic drugs and precursors are regulated by the Act of 24 April 1997 on Counteracting Drug Abuse. The regulations in that act include the production and sales of stimulants such as, for example ephedrine, cocaine as well as drugs, such as heroin, hydromorphone, methadone, morphine, oxycodone, oxymorphone, petidine.

Pursuant to article 23, passage 1 of that article, intoxicants and psychotropic drugs may be produced exclusively by an entrepreneur who has a concession for the production of pharmaceutical substances, having received the permission from the Main Pharmaceutical Inspector. That permission is also needed by entrepreneurs producing and processing I-R precursors, higher schools or other scientific institutions which in order to carry out research (within their statutory activity) may produce and process some groups of the abovementioned substances. Before the permissions are issued, the pharmaceutical inspector in the voivodship (the local government level) has to ascertain that the applicant provides for the conditions of production and sales securing against the use of intoxicants, psychotropic drugs or precursors covered by the permission by unauthorised persons or for the purposes other than those defined in the issued permissions (article 23, passage 5 and passage 8).

The permission of the Main Pharmaceutical Inspector is also required in case of import from abroad and exportation abroad of the discussed substances. The detailed conditions and the mode of issuing of the abovementioned permissions are regulated by the Regulations of the Minister of Health of 13 January 2003 (Journal of Acts 2003, No 26, item 315 and item 316).

The production of intoxicants against the regulations in the Act is liable to a penalty of imprisonment up to three years. Importation and exportation or transporting of the abovementioned substances are offences liable to a fine and imprisonment up to five years. If the object of the abovementioned acts is a considerable amount of substances or that act was committed for the purpose of financial or personal profit, the perpetrator is liable to a fine and imprisonment of minimum three years. The inclusion in sales of the abovementioned substances is liable to a fine and imprisonment from six months to eight years, and providing other persons with intoxicants or psychotropic drugs falls under the penalty of imprisonment up to three years. The period of imprisonment may be longer if the prohibited substance is offered to a minor. The perpetrator of such an act faces a penalty of imprisonment up to five years, and if he does it for the purpose of financial or personal profit, he is liable to imprisonment of minimum three years.

The Act of 6 June 1997 on The Penal Code (Chapter 19 Offences against life and health)

Making available or direct offering doping substances to sportsmen and sportswomen may be regarded as an offence if the use of the doping substance by a sportsman results in his death, a severe detriment to health, impairment of the functioning of a bodily organ or disturbance of health. Different kinds of penalty are foreseen depending on if the consequences were caused intentionally or unintentionally.

Murder is liable to imprisonment of minimum eight years (article 148, paragraph 1 of the penal code), in case of manslaughter, the imprisonment is not shorter than three months and not longer than five years (article 155 of the Penal Code). The perpetrator who intentionally caused a severe detriment to health of a sportsman faces imprisonment up to ten years (article 156, paragraph 1 of the Penal Code) or up to three years if he acted unintentionally (article 156, paragraph 2 of the Penal Code). An intentional impairment of the functioning of a bodily organ or the disturbance of health, lasting no more than seven days, is liable to fine, restriction of freedom or imprisonment up to two years (article 157, paragraph 2 of the Penal Code), and if the perpetrator acts involuntarily, the imprisonment cannot exceed one year (article 157, paragraph 3 of the Penal Code). The prosecution of such offences is carried out from a private accusation (article 157, paragraph 4 of the Penal Code).

The Act of 23 January 2003 on General Insurance in the National Health Fund

That Act regulates, among other matters, the organisation and the operating rules of the National Health Fund, which finances health benefits and ensures the reimbursement of medication costs within the confines of the financial resources at their disposal. The regulations included in that Act give the Fund the right to control the realisation of contracts providing benefits, e.g., with regard to validity of medication and medical products selection, as well as the rules concerning making out prescriptions (article 127, law 1, items 4 and 5). The detailed scope of control concerning the making out and processing of prescriptions for reimbursed medication and medical products is determined in ***the Regulation of the Minister of Health of 10 May 2003 on medical prescriptions***. It covers the control of the conformity of the data in the prescriptions with the medical documentation kept, the control of the correctness of making out prescriptions, as well as the correct number of issued medications and applying appropriate prescription charges, and also meeting the processing deadlines. Thus the abovementioned controls can confirm or negate the validity of making out and processing prescriptions for anabolic steroids or other doping drugs. For the purposes of control, prescriptions are stored in pharmacies for 5 years, counting from the end of the year in which they were processed. Impeding or preventing the performance of control is liable to a fine (article 175, passage 2).

The Act of 11 May 2001 on the Comestibles and Nutrition Conditions

The conditions of production and sale as well as the requirements concerning the health quality of comestibles, including diet supplements introduced for sale as comestibles, are determined in the Act of 11 May 2001 on the comestibles and nutrition conditions. As per article 18, passage 1 of that Act, the entrepreneur who introduces dietary supplements to the territory of the Republic of Poland for the first time has to inform the Head Health Inspector about it, providing the samples of labels to be put on these products. In the process of dietary supplements' production only those vitamins and mineral components can be used which were listed in the appendices to ***the Regulation of the Minister of Health of 19 December 2002 on dietary supplements***. However, dietary supplements which do not meet the requirements included in the regulation can be sold up until 1 August 2005. Selling dietary supplements without having informed the Head Health Inspector is liable to a fine. The same fine applies to the starting the production or sale of these comestibles without the decision

of the National Health Inspection confirming the fulfilment of the necessary requirements regarding the assurance of the appropriate health quality of these products.

4.2. To this end, the Party 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 associations in Poland are financed mainly from public means – both the national budget resources and the resources in the local self-governments' budgets. Although, since the ratification of the Council of Europe's Anti-doping Convention, numerous activities have been undertaken aiming to introduce legal regulations assuming the observance of anti-doping rules as the criterion for subsidising sports associations, there is still no law which would prohibit subsidising such sports associations from public resources. However, transgressing these rules is tantamount to breaking the law, and in such a case the organ supervising the physical culture association (the relevant starost depending on the location of the association) or the sports association (the President of the Polish Sports Confederation) can undertake the measures targeting these organisations, mentioned in the Act on Physical Culture of 18 January 1996 – Article 16 and 17 of that Act stipulates a wide scope of measures – starting from sending a warning to the headquarters of the sports federation, through suspending particular headquarters' members from their duties, to its dissolution by the court as the result of the motion put forward by the supervising organ.

4.3. Furthermore, the Parties shall:

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

Sports federations in Poland do not receive any direct funds for conducting doping controls and sample analysis. Organising doping controls belongs to the responsibilities of the Commission Against Doping Use in Sport, which receives money for that purpose from the central budget. A part of the budget is assigned to cover the cost of doping analyses conducted by the Department of Anti-doping Research of the Institute of Sport in Warsaw (Regulations by the Minister of National Education of 17 October 2001 on the range of activities of the Commission Against Doping Use in Sport, and of 16 August 2001 on the definition of institutions responsible for anti-doping analyses as well as the mode, method and rules of payment for anti-doping control research).

b) take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen or sportswomen who have been suspended following a doping offence in sport, during a period of suspension.

In Poland sports grants for the members of the national, Olympic, and Paralympic teams are financed from the national budget resources. Those grants will be discontinued if the athlete's rights have been suspended by the statutory organ of the relevant Polish sports federation in accordance to the sports regulations, including the cases of the athlete's rights being suspended as the result of having breached anti-doping regulations. Nevertheless, it is paid out when the reasons for suspension have ceased. The sports grant is revoked in case the athlete has lost his competitor rights for the time of the European championships, Olympic Games, or for the period of preparation for these events. The person entitled to suspend or revoke the abovementioned grants is the President of the Polish Sports Confederation, and in the case of disabled sportsmen – the relevant minister of physical culture and sport.

Sports grants for those sportsmen and sportswomen who achieve good sports results in international or national competitions can be financed from the resources of the local self-governments. In that case the rules of awarding and revoking grants are established by the local self-governments by way of resolution. The grants are usually revoked if the competitor's rights have been suspended by the relevant statutory organ of a sports club or sports association, i.e., also when that was the result of the athlete's breaching the anti-doping regulations. However, in some cases the grant discontinued only by the time of restoring the competitor's rights.

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.

The international sports federations conducting competitions in our country can perform anti-doping controls among Polish and foreign competitors on the basis of the world or European championships regulations, or the statutes of international sports federations. In the majority of cases the Commission does not receive information regarding the tests performed and the results of examinations from international and Polish sports federations.

Conclusions:

It is necessary to introduce regulations, which, regardless of the pharmaceutical law defining the conditions of sales and production of all medicinal products, would limit the availability of doping substances. It is also important to tighten the cooperation between the police, pharmaceutical inspectors and customs in order to prevent the illegal sales of those substances. There is also a need to increase the control of composition of diet supplements and to establish strict penalties for adding doping substances to those products.

Article 5 - Laboratories

5.1. Each Party undertakes:

a. either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by 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.

The Polish Doping Control Laboratory was established in 1987 at the Institute of Sport in Warsaw. Currently it operates under the name of the Department of Anti-Doping Research (DAR) and on the legal basis of the Institute of Sport of which it is an organisational unit. The analyses of doping substances are carried out in DAR on the basis of Regulations by the Minister of National Education of 17 October 2001 on the range of activities of the Commission Against Doping Use in Sport, and of 16 August 2001 on the definition of institutions responsible for anti-doping analyses as well as the mode, method and rules of payment for anti-doping control research. The above-mentioned regulations define the Institute of Sport in Warsaw as an institution responsible for anti-doping analyses. The agreement is concluded between the Institute of Sport and the Commission Against Doping Use in Sport in Poland, which covers the analytical costs. In the event of lack of the possibilities to make anti-doping analyses at the Institute of Sport, they are carried out in

laboratories abroad accredited by the World Anti-Doping agency (WADA). DAR keeps a register of B doping samples examined in laboratories abroad accredited by WADA.

In December 2000 DAR applied for accreditation from the Medical Commission of IOC and in 2001 it was later included into the accreditation processes of WADA. The accreditation test was carried out in July 2004. Dr. Ray Kazlauskas, from the Australian Sports Drug Testing Laboratory in Sydney was present as the WADA representative to witness the test. The proficiency tests from WADA was carried out in October, 2004 (WADA PT-04).

Since all documentation of the accreditation test and the WADA PT-04 test were satisfactory, the Polish laboratory was recommended to the WADA Executive Committee for accreditation. The WADA Executive Committee accredited the Polish laboratory on November 20th 2004.

DAR was also given the accreditation of the Polish Accreditation Centre in 1997 since it fulfilled the requirements of PN-EN 45001 norm and the ones of the ISO/IEC 25:1990 guide. DAR has fulfilled the requirements of PN-EN ISO/IEC 17025:2001 norm since 2003 as well.

Moreover, DAR is the affiliate member of WAADs – World Association of Anti-Doping Scientists (October, 2004) and the laboratory is officially recognised by Union Cycliste Internationale (UCI) for carrying out medical monitoring.

DAR is also a professional member and received a certificate of Association of Official Racing Chemists entitling to make blood and urine analyses of horses taking part in racing and riding competitions.

DAR also carries out special analyses ordered by public prosecutors, hospitals, etc. apart from the contract with Commission Against Doping Use in Sport, and it has signed contracts with the Polish Equestrian Federation and WADA (contract for analysing equine blood samples).

5.2. These laboratories should be encouraged to:

a. take appropriate action to employ and retain, train and retain qualified staff

The Department of Anti-Doping Research is a place of work for university lecturers, assistants and laboratory technicians.

A university lecturer in DAR may be a person with a doctoral degree of medical, chemical, pharmaceutical, biological or related sciences, approved by the Scientific Council of the Institute of Sport. An assistant in DAR may be a person with a master's degree in chemistry, pharmacy, biology or related sciences, approved by the Scientific Council of the Institute of Sport. A laboratory technician in DAR may be a person with a technician's diploma in medical, chemical, pharmaceutical or related testing. In 2004 DAR employed 7 persons: 3 researchers (university lecturers, assistants), 3 laboratory technicians and one administrative and technical worker.

The DAR employees constantly raise their qualifications through training courses planned by the DAR quality manager together with the DAR head. Participation in seminars, lectures, conferences etc. is recorded in the trainings' register. Every new employee has to be trained with regard to the appliance service and the preparation of samples for analysis (this concerns persons making analyses) as well as the quality system in DAR. A few DAR employees had training within the cooperation with the laboratory in Kreischa (Germany) and Seiberdorf (Austria). For years the DAR employees also take part in the Cologne Workshop on Dope Analysis.

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 human body and their consequences for athletic performances.

c. publish and circulate promptly new data from research.

Organization and financing system

The Department of Anti-doping Research uses its own research facilities as well as the common scientific environment of the Institute of Sport. The Institute has a legal personality and is supervised by the Ministry of National Education and Sport. The planning and realization of the scientific work (including ethical aspects) have been controlled by the Scientific Council and by the Director of the Institute. The scientific outcome of the Department, mainly in the form of publications, has been reported to the Ministry of National Education and Sport, Ministry of Science and to the National Commission Against Doping Use in Sports. The Institute of Sport provides organizational, financing, technical and library support as well as all other facilities necessary for research activity and practical work of the Department.

The financing of science and research in Poland is based on grants obtained from Committee for Scientific Research (CSR), a body supervised by Ministry of Science and Information Technology of the Republic of Poland. From the governmental side, the CSR is the only organisation entitled to spend public money for research purposes. The Institute of Sport, therefore, applies every year for grants to the CSR, presenting its research plans and last year reports, including those topics related to the anti-doping activities. The average annual financial support from CSR for all scientific projects of the Institute of Sport amounts to 1 800 000 PLN (475 000 USD). This sum might be increased by monies gathered from other incomes of the Institute of Sport (expertises, practical implementation of scientific results, economical activities, etc.).

The Committee for Scientific Research also provides financial support for investment in analytical equipment and laboratory facilities. Recently, the Ministry of National Education and Sport has been planning some financial support for investment in analytical instruments for the Department of Anti-doping Research of the Institute of Sport.

Research and development

The Department of Anti-doping Research of the Institute of Sport has much developed since the very beginning (1987). Because of the previous political system and an unstable transition period in Poland, the management of the Department was mainly devoted to increasing the analytical capability, proper training of the personnel, international co-operation, sufficient urine samples analysis and implementation of the quality system. IOC and WADA accreditation procedures further increase these requirements. Under such circumstances the research activities were not a primary topic for the Department. Despite these difficulties, however, the staff of the Department has been able to perform some studies and publish the results in national and international journals as well as to present them during international congresses and symposia.

The frame for scientific research of the Department has been generally defined as:

“DETECTION OF PHARMACOLOGICAL SUBSTANCES AND METHODS FORBIDDEN IN SPORT”

Every year, within this frame, a specific research projects are developed, among which some must last for a longer period. Table 1 (appendix 2) presents the titles of specific research projects carried out in the Department of Anti-doping Research during the years 2000-2003.

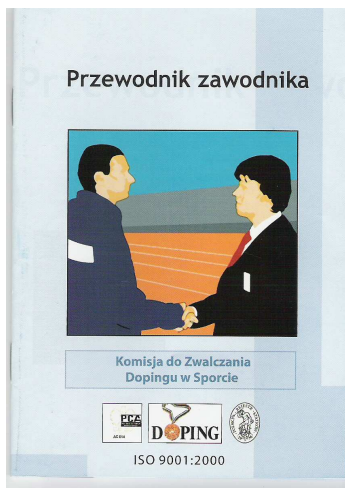
Article 6 - Education

6.1 The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values in 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.

Publishing activity

From among the books published by the Commission Against Doping Use in Sport, the issues from the 'Doping' series are worthy of notice. These publications aimed to inform both sportsmen (Issue no 5 – „Jesteś sportowcem? Powiedz nie!” [*Are you a sportsman? Say no!*], 1996) and the parents of persons who practise sport (Issue no 3 - „Może i Twoje dziecko”- [*Maybe your child as well*'] a handbook for parents, 1994) how dangerous a phenomenon doping is and how to counteract it. The issues published by the Commission also included antidoping provisions in force and presented the method of conducting doping controls (Issue no 2 - „Procedura Kontroli Dopingu” [*The procedure of Doping Control*'], 1994).

One of the publications presenting the problem of doping in a more exhaustive way is surely a book edited by Tadeusz Rychta, entitled „Przeciwdziałanie dopingowi w sporcie” [*Counteracting doping in sport*'], published in 1995. On the one hand, that book brings up the problem of negative health consequences caused by the use of doping, and on the other, it deals with different aspects of the fight against that phenomenon – psychological, legal, organisational, and it also points to the selected forms of biological regeneration as well as an adequate diet as a fair alternative to the use of doping. In 1997 a training and informational guide entitled „Czysty Sport” [*Pure sport*'] was published, which was a consequence of work of the working party on Education of the Monitoring Group of the Anti-doping Convention by the Council of Europe. In 2004 the Commission published an illustrated „Przewodnik zawodnika” [*The competitor's guide*'] presenting, among others, the procedures of anti-doping control and the procedures of managing the research results, and also the rights and duties of competitors. Moreover, the educational activity includes translations and publications of the session materials of the Monitoring Group of the Council of Europe and scientific conferences. The Commission also issues anti-doping



posters (a poster entitled „Nie przekreślaj siebie” [*Do not destroy yourself*'], 1994) and every year since 1998 a wall calendar of the Commission Against Doping Use in Sport has been published.

Apart from the publications issued by the Commission Against Doping Use in Sport, the books published also by other institutions are worthy of notice, for example “Doping” issued by PZWL - Medical Publishing House (the last, third edition in 1995) edited by Wojciech Rewerski and Krystyna Nazar, and a book published by the Publishing House of the Academy of Physical Education, Katowice, in 2002, entitled „Doping nie tylko w sporcie. Przyczyny – Skutki – Przeciwdziałanie” [*Doping not only in sport. Causes – Consequences – Counteracting*'] by

Krzysztof Sas-Nowosielski. The first publication depicts the history of doping, including the pharmacological, psychological and legal aspects of that phenomenon. The book also presents the principles of conducting antidoping research, the organisation and equipment of the antidoping laboratory as well as the methods of marking the doping substances. The history, causes and consequences of the use of doping are also described in the publication of K. Sas-Nowosielski, where the author particularly emphasises the role of pedagogical influence in fighting against that phenomenon.

The legal aspects of doping are mentioned in the publications of the Polish Society of Sports Law, among others, in a book edited by Andrzej J. Szwarc and entitled „Prawne problemy dopingu w sporcie” [‘*Legal problems of doping in sport*’], 1992, which includes materials from the conference held in 1991 in Poznań, devoted to varied legal problems connected with sport.

Films

The educational activity also comprises the realisation of films aiming to counteract doping. The video cassettes with those films, like books on doping, are distributed and lent to the Polish sports federations, the academies of physical education, the schools of sports championships and sports and medical counselling services. Until recently, the following films have been realised: „Laboratorium - procedura dopingu” [‘*Laboratory - the procedure of doping*’] (1991), „Koks” [‘*Dope*’] (1991), „Ile można stracić” [‘*How much you can lose*’] (1991 – the film was created on order of the Polish Federation of Bodybuilding and Strength Triathlon), „Champion” (1997), „Przeżyć bez wspomagania” [‘*Survive without support*’], „Chorzy” [‘*The sick*’] (1998).

Most of those short 11 to 15-minute films feature doping as a problem concerning not only the persons doing sport professionally, but also amateurs, and particularly persons frequenting gyms. Beside the comments of doctors, nurses and coaches, the films aim to act on the emotions of spectators, and therefore they also show the confessions of people whose relatives (friends, sons) used doping. They all emphasise that doping addicts psychologically those who use it, and say that fighting the addiction is exceptionally difficult. The films also deal with the subject of the excessive use of pharmaceutical substances normally permitted, such as amino acids, minerals as well as the problem of responsibility of the trainers who, according to the confessions of former competitors, in the past many a time treated young sportsmen as “guinea pigs”.

Website

The Commission Against Doping Use in Sport has had its own internet page www.antydoping.pl since 2001. The page contains information about the Commission – its history, makeup, organisational structure, activity, including among others the report of the Commission for 2003, the description how the quality management system functions, the competitor’s guide, the World Anti-Doping Code, World Standard for Doping Control as well as other important information for competitors. Currently the page is available only in the Polish language, but there are also plans to create an English version of that page.

Lectures

Lectures and presentations devoted to the issues of doping in sport are the permanent element of the Commission’s educational activity. These lectures are organised in sports schools and sports federations for pupils, students, trainers, coaches and competitors, as well as for sports doctors.

Training

The Commission Against Doping Use in Sport also organises training sessions for doping control officers in order to improve and standardise the methods of work, especially with regard to organising the control tests and refresher training on correct test procedures. Since the quality management system has been introduced, every year in December a plan of training sessions is prepared for the coming year. The plan is drawn up by the Commission's Secretary and approved by the Sub-commission. The training needs are defined, among others, on the basis of the information obtained during the inspection of the management system, internal and external audits, comments made by inspectors and periodic assessments made by antidoping officers. The newly employed person/inspector undergoes all trainings and the elementary course on the existing quality management system required by the rules of law.

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

Conclusions

Although educational materials have been provided by institutions combating doping in sport, lack of long-term educational strategy focused on different target groups, e.g. professional athletes, recreational athletes, coaches, young athletes and their parents, etc. is noticeable. It is also important to tighten co-operation in the field of prevention between Commission Against Doping Use in Sport and sports federations and to prepare in co-operation with MENiS and the Polish Sports Confederation educational programmes which would include ethical aspects and health consequences of the use of doping in sport.

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

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

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

a) anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;

There are 64 sports federations in Poland. Each of them is obliged to observe the regulations of the Act on Physical Culture of 18 January 1996 and the regulations of the Minister of National Education and Sport, including the ones on doping. Not observing the abovementioned regulations amounts to the infringement of the law and in such a case the organ supervising the sports federation (the President of the Polish Sports Confederation) can undertake the measures targeting these organisations, mentioned in the Article 16 and 17 of the Act on Physical Culture of 18 January 1996 – starting from sending a warning to the headquarters of the sports federation, through suspending particular headquarters' members from their duties, to its dissolution by the court as the result of the motion put forward by the supervising organ.

At the moment and in connection with the adoption of the World Anti-Doping Code by international sports federations and the Commission Against Doping in Sport, the process of

harmonisation of anti-doping regulations which are binding in Poland with the regulations of international sports federations has been accelerated.

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;

Until the year 2004 there existed a discrepancy between the list of prohibited substances and methods recognised as doping which was binding in Poland and the lists of international federations to the observance of which Polish sports federations were obliged. However this problem has been solved now - at present the WADA list is binding in Poland (*the Regulation of the Minister of National Education and Sport of 13 August 2004 on determination of pharmacological agents and methods recognised as doping the use of which is banned*). The list was also accepted by international federations since it was the condition of taking part in the Olympic Games in Athens in August, 2004.

c. doping control procedures

The breakthrough in the process of unifying doping control procedures was the introduction of the System of Quality Management and obtaining the ISO 9001:2000 certificate by the Commission Against Doping Use in Sport in 2003. As the result, the doping control procedures in use are consistent with the requirements of ISO 9001:2000 and ISO/PAS18873. The quality assurance policy conducted by the Commission aims to enhance the cohesion, security and effectiveness of the procedures at all the stages of the control. Each employee of the Commission, including all the Doping Control Officers (at present their number amounts to 24) are obliged to know the rules of that policy and put them into practice.

d. disciplinary procedures, applying agreed 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 and represented;**
- (iii) clear and enforceable provisions for appealing against any judgements made**

Disciplinary proceedings in cases of infringements to the antidoping regulations are conducted by the disciplinary bodies of the relevant sports federation. However, the legal regulations do not impose the requirement to separate the investigation and disciplinary bodies. In some federations the issue of appointing the disciplinary spokesman, who would act in the capacity of the investigation body, is being worked on, but this is a solution to be implemented in future.

The right of the sportsman to an impartial hearing as well as defence and representation is guaranteed by the rules included in the Regulation of the Minister of National Education of 18 September 2001 on the principles of disciplinary responsibility for breaching the anti-doping rules. The person against whom disciplinary proceedings are to be initiated has to be informed about his or her right to defence and about the procedures connected with the possible appeal proceedings. By paragraph 10 of the abovementioned Regulation that person also possesses the right to have the defence attorney appointed, to receive full information concerning the accusations and the evidence, as well as to present clarifications in person and to lodge an appeal. The investigation and disciplinary proceedings are supervised by the Secretary of the Commission Against Doping Use in Sport, who simultaneously ensures that in the course of proceedings the rights of the competitor are being observed.

Clear rules on the appeal proceedings are included in the Regulation of the Minister of National Education of 17 October 2001 on the scope and operation methods of the Commission Against Doping in Sport. The athlete has the right to appeal against the result of the 'A' sample analysis within 7 days (paragraph 18, passage 2). Then the Sub-commission entrusts the Laboratory with performing the 'B' sample analysis, and informs the competitor and the relevant sports association about that fact. The 'B' sample analysis is conducted in the same laboratory in which the 'A' sample was analysed; however, it is performed by the employee who did not perform the 'A' sample analysis (paragraph 44). An official observer has to be present at the 'B' sample analysis. It can be the member of the Commission Against Doping Use in Sport or its Sub-commission. Moreover, the competitor, accompanied by two persons authorised by the relevant sports federation, can attend the analysis. The result of the 'B' sample analysis constitutes the final result of the examination, unless the athlete, during the appeal proceeding, submits information concerning his health disorders, which could have influenced the correct functioning of the endocrine (hormonal) system, and have not been separately examined (paragraph 20). If the petition to conduct the abovementioned examinations is received by the Commission within 30 days since the day of delivering the 'B' analysis result to the competitor, and the Commission agrees to have them conducted, then the Commission's decision following the tests will constitute the final result of the analysis.

The athlete can appeal against the disciplinary and statutory decisions of the relevant bodies of Polish sports associations to the Court of Arbitration for Sport (CAS), operating by the Polish Olympic Committee as the permanent arbitration court. In the case of using that right by the competitor the decision of the appeal body is binding.

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

The disciplinary responsibility of the persons from the competitor's closest environment – coaches, instructors, doctors, physiotherapists - , activists and other persons who infringed the anti-doping regulations through delivering, distributing, selling, or serving prohibited pharmacologicals, using methods regarded as doping, exerting pressure or inciting someone to use doping is regulated in paragraph 7 of the Regulation of 18 September 2001 issued by the Minister of National Education, on detailed rules regarding the disciplinary responsibility for infringing antidoping regulations. However, the fact that the Polish legislator does not predict the possibility to issue the licence to coaches, doctors, and physiotherapists, which would be the basis of executing disciplinary responsibility, impedes the disciplinary proceedings. Nevertheless, the abovementioned behaviour of coaches, doctors, etc., can be formally prosecuted through a criminal lawsuit in case of charging the defendant with offence against human health, e.g., by serving the sportsman a prohibited doping agent (Article 4.1 Measures...).

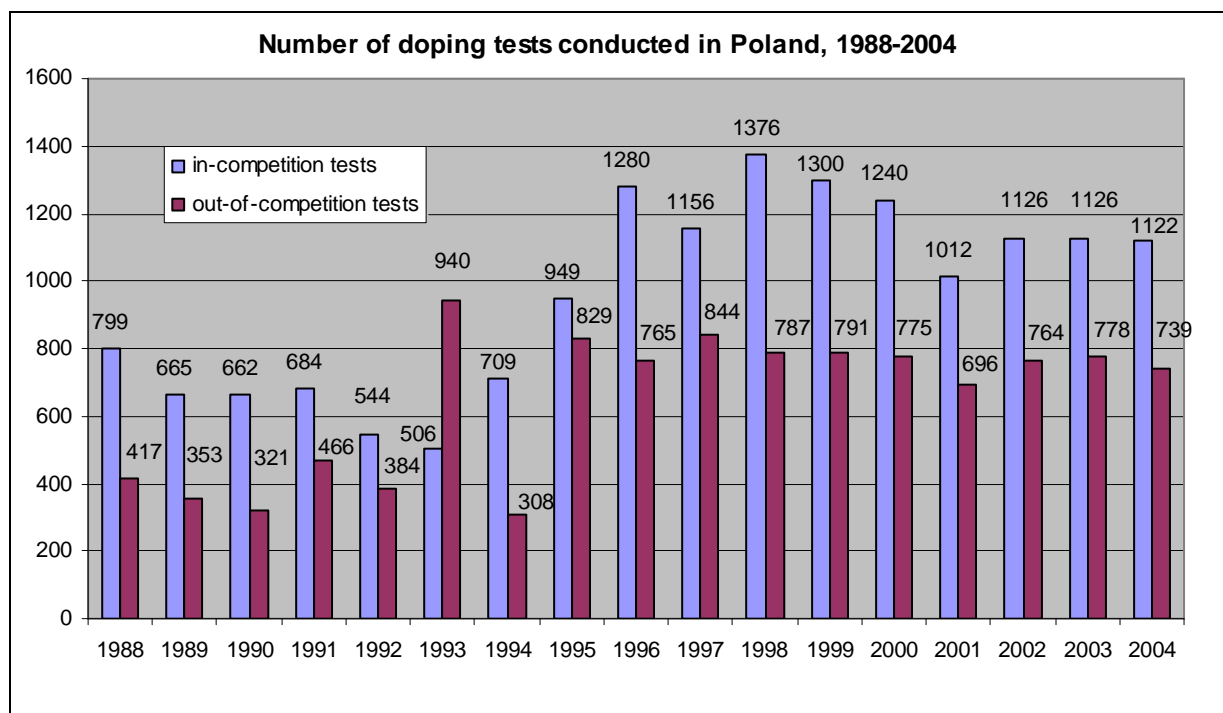
7.3 Moreover, the Parties shall encourage their sports organisations:

a. to introduce, on an effective scale, doping controls not only at, but also without advance warning at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;

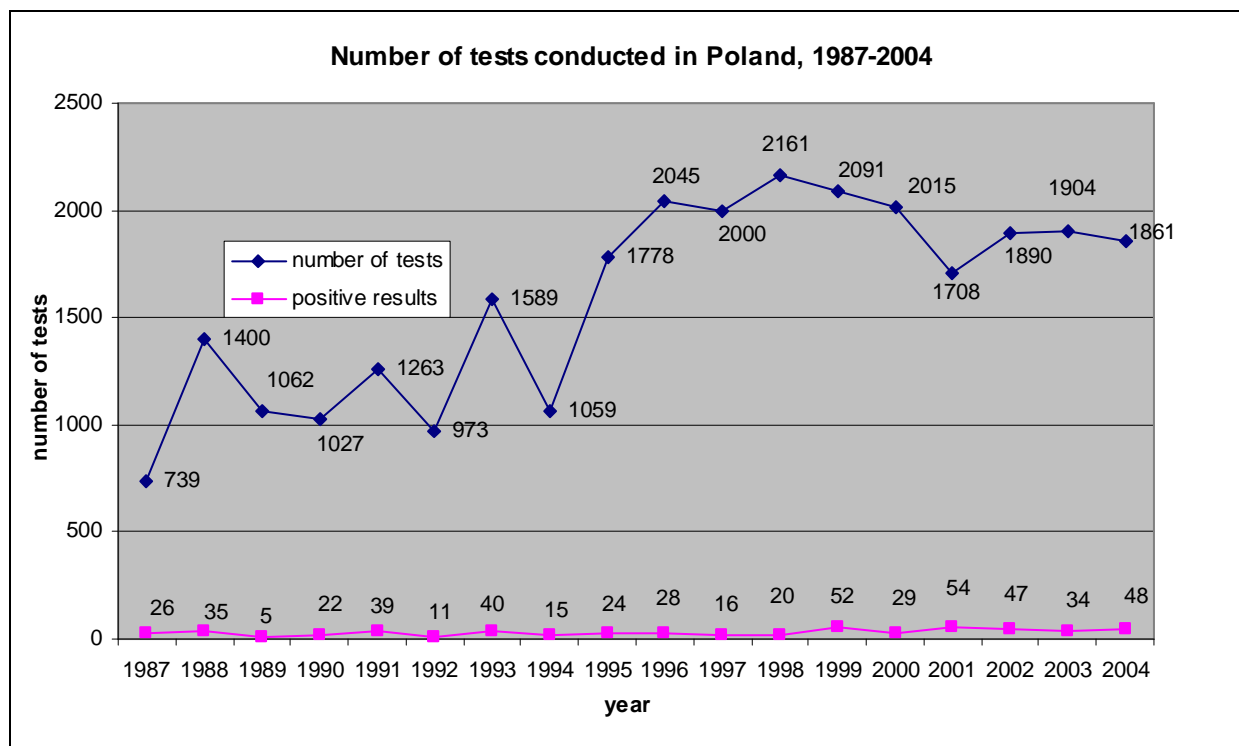
Organising of the anti-doping controls belongs to the tasks of the Commission Against Doping Use in Sport. A strategic plan of controls for next year is prepared annually. It is based on: information received from sports federations, analysis of information about the profile and scale of the use of doping in particular disciplines in previous years and scientific reports on the scale of danger

connected with the use of doping. On the basis of the strategic plan the short-term plan is developed every two weeks. Once a quarter the effectiveness of the planning is reviewed.

The Commission aims at increasing the total number of controls, especially the out-of-competition ones. The total annual number of in-competition tests and out-of-competition tests have risen considerably since 1994. This is a result of the increase in governmental funds assigned to the activities of the Commission. However, carrying out out-of-competition tests is still difficult (out-of-competition controls amounted to 40,7% in 2001, 40,4% in 2002, 40,9% in 2003 and 39,7% 2004 of the total number of doping tests; only once since the Commission was created has the number of out-of-competition controls exceeded the number of the in-competition ones –in 1993) not only because of limited financial possibilities, but also due to lack of effective system of whereabouts information of particular sportsmen and sportswomen. As a result most of out-of-competition controls take place on sports training camps.



The number of positive results ranges from 0,5% (1989) to 3,52% (1987) of all conducted tests. In 2004 positive results constituted 2,57% of all conducted tests (including physical manipulation).



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;

The issue was developed under the article 4.3 d. Moreover, as it was mentioned in art. 7.2 f, Poland signed the Additional Protocol to the Anti-Doping Convention. The ratification of it will result in recognising and accepting controls carried out in other countries that signed the Protocol.

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

An athlete can participate in sports events on condition that he has his licence valid (pursuant to the article 24 in the Act on physical culture of 18 January 1996, “the competitors should have licences allowing them to practise particular sports disciplines”). The detailed principles of withdrawing a licence are determined in the Regulation of the Minister of Health of 9 April 2001 on issuing and withdrawing licences to practise particular sports disciplines. A relevant Polish sports federation withdraws a licence in case of a violation of anti-doping regulations.

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

Participation of sportsmen and sportswomen in anti-doping efforts

One of the initiatives aiming at promotion of the play which is not only in accordance with the rules, but also noble and honest is the contest “Fair Play” organised by Polish Olympic Committee and sports editorship of the “Rzeczpospolita” (earlier by the editorship of “Sztandar Młodych”). The contest has been announced annually since 1964 and the candidacies of the laureates of it are proposed to the International Fair Play Committee. The “Fair Play” Club organises symposia, conferences, scientific research and meetings with teenagers on the subject of fair play. Many books, scientific works, scholarly papers devoted to the issue of fair play in the process of education

and upbringing are published under auspices of the Club. The members of the Club participate actively in international conferences organised by the International Fair Play Committee.

Conclusions

It is essential to increase the number of doping controls, particularly the out-of-competition ones. To that end an effective system of exchanging information about the place of temporary stay of sportsmen and sportswomen should be worked out. This will allow for out-of-competition testing not only during sports training camps. A careful attention ought to be paid to participation of sportsmen and sportswomen in anti-doping activities, not only in international organisations but also in Poland, e.g. through involving them in educational programs for the teenagers practising sports.

Article 8 – International Co-operation

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

8.2 The Parties undertake:

- a) to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all 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 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.**

Polish delegates actively participate in a work of the Monitoring Group of the Anti-Doping Convention, particularly in activities of the Advisory Group on Education and the Advisory Group on Legal Issues. Professor Ryszard Grucza – a member of Polish Commission Against Doping Use in Sport and the Director of the Institute of Sport in Warsaw held the office of the Chairman of the Monitoring Group from May 2002 to May 2004.

In the years 2001-2003 Commission Against Doping Use in Sport was a member of International Project Team III (IPT III). It gave an opportunity to seek to obtain the quality certificate ISO 9001:2000 based on International Standard for Doping Control ISO/PAS 18873. The Commission implemented the Quality Management System on the 17th of July 2003. The System is designed to contribute to better quality results in antidoping activity, the enhancement of the customers' - athletes' - satisfaction and management effectiveness through continual improvement. The Commission succeeded in the process of certification – on 24 October 2003 the certification body of Polish Centre for Accreditation conducted an audit on the basis of which the Commission was granted the quality certificate ISO 9001:2000 based on International Standard for Doping Control ISO/PAS 18873. Competent authorities and the Secretariat of IADA (institution that organised the IPT III), were notified of that fact.

Poland also co-operates with World Anti-Doping Agency. As a consequence of signing the Copenhagen Declaration it is obliged to introduce provisions of the World Antidoping Code. Poland helps in financing WADA as well. Its contribution to WADA's budget amounted to 83 326 USD in 2002, 103 065 USD in 2003 and 106 833 USD in 2004.

On 18 June 2004, Poland signed the Additional Protocol to the Anti-Doping Convention concerning mutual recognition by the Parties to the Anti-Doping Convention of the competence of sports or national anti-doping organisations to conduct doping controls on their territory. The Protocol provides that the result of such controls shall be communicated simultaneously to the national anti-doping organisation and national sports federation of the sportsman or sportswoman concerned, to the national sports anti-doping organisation of the host country, and the international sports federation.

Conclusions

Poland attaches prime importance to international co-operation which is expressed by systematic participation of its representatives in the work of international organisations combating doping in sport. Apart from co-operation with organisations such as WADA and the Council of Europe, a necessity of extending international co-operation by entering bilateral and multilateral agreements that enable mutual recognition of the results of doping controls conducted by anti-doping and sports organisations of other countries has arisen. Signing the Additional Protocol to the Anti-Doping Convention is a major step in this direction.

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.

Poland conveys important information on compliance with commitments of the Anti-Doping Convention every year. The information is generally included in the questionnaire ‘Database on national anti-doping initiatives’ which is brought up to date by the Commission Against Doping Use in Sport every year.

Summary: Strengths and weaknesses of Polish system of combating doping in sport

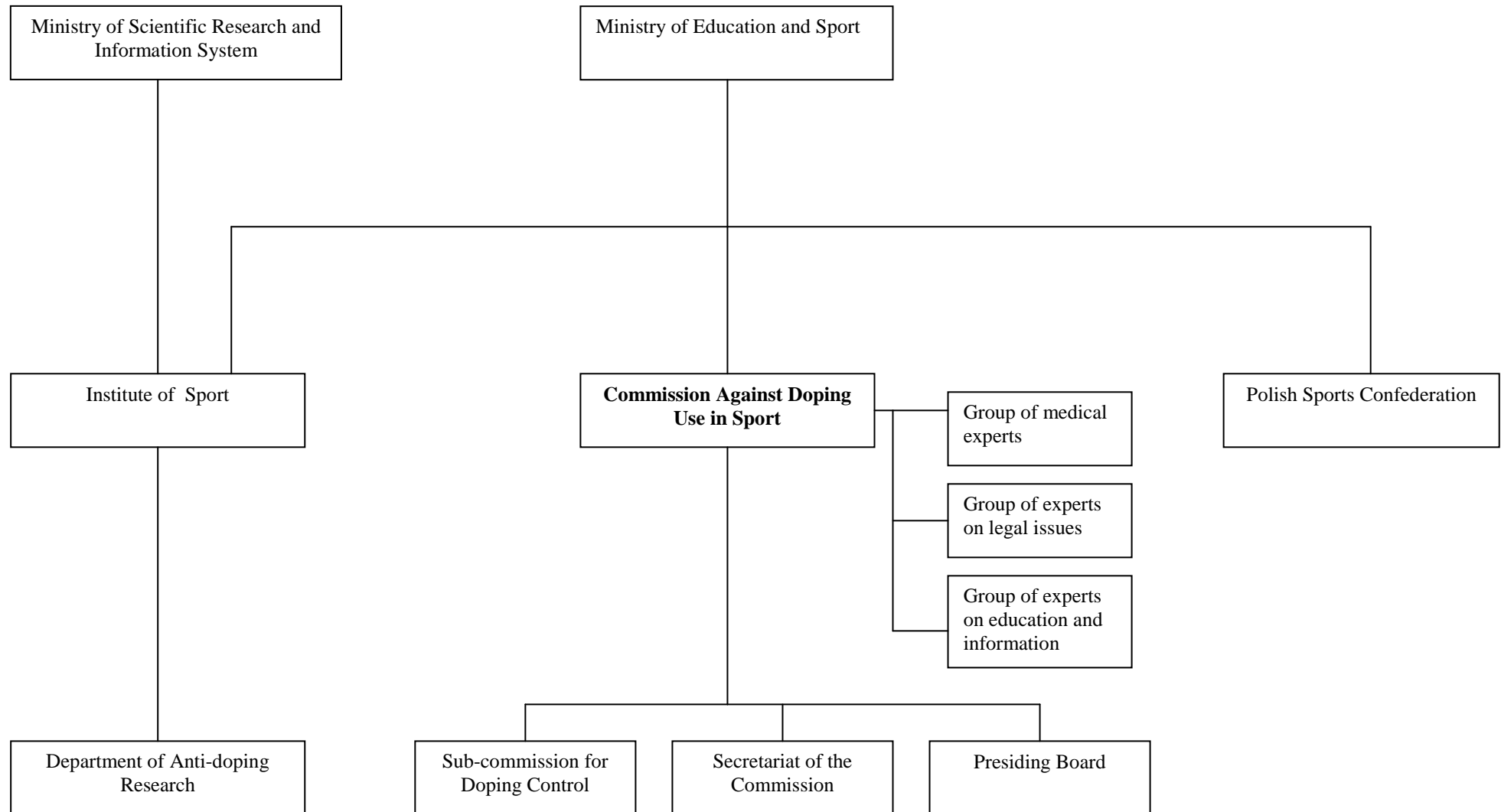
Achievements:

1. Development of a system of combating doping in sport which has complied with Anti-Doping Convention of the Council of Europe and all Recommendations since 1993 (National Programme for Fighting Doping in Sport approved by Polish government) and is being adapted to the WADA’s Anti-Doping Code at the moment.
2. Implementation of the Quality Management System ISO 9001:2000 by the Commission Against Doping Use in Sport and its certification which ensures a high standard of conducted doping controls.
3. Accreditation of Polish Anti-doping Laboratory by WADA in November 2004 which guarantees high quality sample analysis.

Necessary changes:

1. Working out a common anti-doping policy by MENiS, the Commission Against Doping Use in Sport, the Polish Sports Confederation, Polish Olympic Committee, Polish Paralympic Committee and representatives of Polish sports federations, determining precisely the tasks of each of the abovementioned institutions in the field of fighting doping in sport.
2. Improving efficiency of the flow of information about the anti-doping work between the abovementioned institutions.

3. Preparing a common educational strategy with regard to educational actions aimed at recreational athletes in fitness centres.
4. Introduction of an appropriate legislation restricting not only production and movement but also availability of doping agents in general. Intensification of control of dietary supplements' composition.
5. Increasing the number of out-of-competition doping controls. Creating system of whereabouts information which will allow conducting out-of-competition controls not only during sports camps.
6. Developing an information exchange system between international federations and the Commission Against Doping Use in Sport on the subject of:
 - doping controls conducted by these federations,
 - doping controls of Polish sportsmen and sportswomen carried out abroad.
7. Developing a system of financing the Anti-doping Laboratory.

Appendix 1: ORGANISATION STRUCTURE OF POLISH ANTI-DOPING SYSTEM

Appendix 2: Table 1 Research projects carried out in the Department of Anti-doping Research of the Institute of Sport during years 2000-2003.

Project	TITLE	Year
1.	Procedures for detection of endogenous androgens, anabolic steroids and other doping substances in urine samples, with GCQ Polaris Tandem MS/MS.	2000 2001
2.	Quantitative estimation of excretion and interrelationships of metabolites of endogenous androgens, pregnants and glicocorticoits in disturbed steroidogenesis after abusing of anabolic-androgenic steroids for non-medical or doping purposes.	2000 2001 2002 2003
3.	Detection of doping substances in hairs.	2000 2001
4.	Comparison of coefficients of T/Et (testosterone/epitestosterone) and E1/E2 (estradiol/estrenediol) in race horses.	2000
5.	Detection of hordenine in horses.	2000 2001
6.	Possible modification of the renine-angiotensine-aldestrone system by endogenous anabolic steroids.	2000 2001
7.	Quantitative detection of metabolite of nandrolone during pregnancy in women practicing sport.	2001
8.	The problem of dietary supplements and detection of anabolic-androgenic steroids in anti-doping analysis.	2002
9.	Narcotics in sport.	2002 2003
10.	Detection of metabolites of aldosterone in human urine.	2002 2003
11.	Application of anti-doping analytical methods in forensic medicine.	2002
12.	Doping substances and methods used in horse racing.	2002
13.	Influence of bacterial flora on metabolites of anabolic steroids in anti-doping urine samples.	2003
14.	Influence of physical exercise on excretion of 19-norandrosterone in urine of body builders.	2003

Appendix 3: List of papers published by the staff of the Department of Anti-doping Research, Institute of Sport

In English

1. Chrostowski K., Daniewski M., Partyka E., Plewka I., Szpindler W.: "Effect of metandienone abuse on the urinary steroid profile in body builders". In: *Recent advances in doping analysis* (3). Eds. M. Donike (et al.). Köln 1996, 131-141.
2. Anioł-Strzyżewska K., Chrostowski K.: "Miażdżycotwórcze działanie steroidów anaboliczno-androgennych (SAA)". In: Exercise in prevention, diagnosis, and therapy of metabolic disorders. International Symposium. Warsaw, 25-27.09.1996. Abstracts. Warsaw 1996, 82.
3. Chrostowski K., Szczypaczewska M., Kozera J.: "Cardiotoxic effects in abusers of anabolic-androgenic steroids (AAS)". In: Exercise in prevention, diagnosis, and therapy of metabolic disorders. International Symposium. Warsaw, 25-27.09.1996. Abstracts. Warsaw 1996, 83.
4. Grucza R., Chrostowski K., Kwiatkowska D., Pokrywka A., Chajewski A. In: "Changes of Steroid Profiles in Male and Female Athletes". In: Recent advances in doping analysis. Proceedings of the Manfred Donike Workshop. 15th Cologne Workshop on Dope Analysis Köln 1997, p. 91-98.
5. Chrostowski K., Grucza R. In: Diagnostic Validity of HCL-C, CK, and LH Measurement in Blood Serum for Determination of AAS Users during „on” and “off” Cycle in Body Builders. In: Recent advances in doping analysis. Proceedings of the Manfred Donike Workshop. 15th Cologne Workshop on Dope Analysis Köln 1997, p. 223-229.
6. Małunowicz E.M., Mitkowska Z., Bal K., Nizanowska-Błaż T., Moszczyńska E., Iwanicka Z., Romer T. E. In: Definitive Diagnosis of Enzymatic Deficiencies of Steroidogenesis in At-Risk Newborns and Infants by Urinary Marker Analysis Using GC/MS-SIM., *Hormonal Research*, 1997, 48: 243-251.
7. Grucza R. "Benefits of observing and consequences of transgressing the IOC Code of Ethics to be followed by laboratories". In: Topical Problems of Doping Control Patterns and Analysis Report and Conclusions, CDDS Council of Europe Symposium, MaDARd, Spain, p. 72-73.
8. Grucza R., Smorawiński J., Chrostowski K.: "Ketoconazole test - a case study". In: Recent advances in doping analysis (6). Proceedings of the Manfred Donike Workshop. 16th Cologne Workshop on Dope Analysis, 15-20.03.1998. W. Schänzer, H. Geyer, A. Gotzmann, U. Mareck-Engelke (eds). Cologne 1999, 237-242
9. Chrostowski K., Kwiatkowska D., Partyka E., Wójcikowska-Wójcik B.: "Danazol detection in doping analysis in urine". In: Recent advances in doping analysis (6). Proceedings of the Manfred Donike Workshop. 16th Cologne Workshop on Dope Analysis, 15-20.03.1998. W. Schänzer, H. Geyer, A. Gotzmann, U. Mareck-Engelke (eds). Cologne 1999, 53-64.
10. Chrostowski K., Kwiatkowska D., Pokrywka A., Bal K.: "Aminoglutethimide detection in urine samples". In: Recent advances in doping analysis (6). Proceedings of the Manfred Donike Workshop. 16th Cologne Workshop on Dope Analysis, 15-20.03.1998. W. Schänzer, H. Geyer, A. Gotzmann, U. Mareck-Engelke (eds). Cologne 1999, 443-454.
11. Chrostowski K., Kozera J., Grucza R.: "Medical consequences of anabolic steroids abuse". *Biol. Sport* 2000, 2, 133-152.
12. Grucza R., Smorawiński J., Kwiatkowska D.: "Application of ketoconazole test in doubtful doping cases of Polish athletes". In: *Recent advances in doping analysis* (7). Proceedings of the Manfred Donike Workshop. 17th Cologne Workshop on Dope Analysis, 14-19.03.1999. W. Schänzer, H. Geyer, A. Gotzmann, U. Marek-Engelke (eds). Cologne 2000, 347-353.

13. Kwiatkowska D., Grucza R., Chrostowski K., Smorawiński J.: "Doping cases in Polish athletes". *Biol. Sport* 2000, 2, 121-131.
14. Pokrywka A., Kwiatkowska D., Stańczyk D., Chrostowski K.: "MidoDARne (Gutron) detection in urine samples". In: *Recent advances in doping analysis (7). Proceedings of the Manfred Donike Workshop. 17th Cologne Workshop on Dope Analysis, 14-19.03.1999.* W. Schänzer, H. Geyer, A. Gotzmann, U. Marek-Engelke (eds). Cologne 2000, 383-387.
15. Chrostowski K., Kwiatkowska D., Pokrywka A., Turek-Lepa E.: "Five years experience with accreditation of PN-EN45001 and ISO/IEC Guide 25:1990 in Department of Antidoping Research, Institute of Sport, Warsaw, Poland". In: *18th Cologne Workshop on Dope Analysis. Cologne, 20-25.02.2000.*
16. Pokrywka A., Stańczyk D., Chrostowski K.: "Δ9 -THC detection in doping analyses of Polish athletes. Why Δ9 -THC does not belong to the narcotics in IOC regulation?". In: *18th Cologne Workshop on Dope Analysis. Cologne, 20-25.02.2000.*
17. Smorawiński J., Grucza R.: „Polish achievements in fight against doping”. In: *Biol.Sport* 2000, V17, 107-119
18. Kwiatkowska D., Stańczyk D., Pokrywka A., Turek-Lepa E., Chrostowski K., Grucza R.: "Quantitative detection of hordenine by GC/MS and HPLC methods in horse doping tests". In: *International Conference of racing analysts and Veterinarians. (poster)*
19. Kwiatkowska D., Pokrywka A., Chrostowski K., Grucza R.: "Some cases of toxicological analyses performed in Department of Antidoping Research, Institute of Sport in Warsaw". In: *Toxicologische Analyse und Aussagesicherheit. Hrsg. W.J. Kleemann, J. Teske. Leipzig, 1-2.10.2001. Lübeck, Schmidt-Römhild, 2003, 125-136. Research in Legal Medicine. Vol. 30*
20. Kwiatkowska D., Chrostowski K., Pokrywka A., Partyka E., Wójcikowska-Wójcik B., Turek – Lepa E., Stańczyk D., Michalak D., Grucza R.: "The influence of physical exercise on excretion of 19-norandrosterone in body builder's urine". In: *Recent advances in doping analysis (11). Proceedings of the Manfred Donike Workshop. 21 Cologne Workshop on Dope Analysis, 16-21.03.2003.* Eds. W. Schänzer, H. Geyer, A. Gotzmann, U. Marek. Sport und Buch Strauss, Köln 2003, 295-301.
21. Kwiatkowska D., Chrostowski K., Pokrywka A., Partyka E., Wójcikowska-Wójcik B., Turek-Lepa E., Stańczyk D., Michalak D., Grucza R.: Aldosterone concentration in the blood samples and excretion in the blood samples and excretion in the urine in the group of body builders, *22nd Cologne Workshop on Dope Analysis. Cologne, 17-22.03.2004 (poster)*

In Polish

1. Bal K., Daniewski M., Kowalczyk-Przewłoka T.: Studies of metabolism of some doping substances. In: *Problems of Methodological Investigation in Sports. A. Wisniewska ed., Institute of Sport, Warszawa 1988, Book 21: 5-13.*
2. Daniewski M.: Workout and implementation of detection methods of doping substances and metabolism of some drugs. In: *Problems of Methodological Investigation in Sports. A. Wisniewska ed., Institute of Sport, Warszawa 1989, Book 26; 88-96.*
3. Chrostowski K., Daniewski M.: Doping control in sports. *Problems of Sport. Handbook of list of list of Doping Substances for Couches. Institute of Sport. Warszawa 1990. Copy-book 16:5-148.*
4. Chrostowski K.: Medical aspects of doping in sports. *Sport Wyczynowy. 1991, 7/8, 54-61.*
5. Chrostowski K.: Słownik ważniejszych terminów (dotyczących dopingu). *Sport Wyczynowy 1991, 7/8, 127-130.*

6. Chrostowski K.: Drugs and methods of doping. *Sport Wyczynowy* 1991, 7/8, 17-53.
7. Chrostowski K.: Doping with testosterone – T/E ratio and its interpretation. *Sport Wyczynowy* 1992, 11/12, 5-10.
8. Chrostowski K.: Clenbuterol – in substitution for anabolic steroids. *Sport Wyczynowy* 1992, 9/10, 81-85.
9. Daniewski M. Doping tests. In: Szwarc A.J. (red.) *legalproblems of Doping in Sports*. Poznań 1992, 45-61.
10. Chrostowski K.: HIV i AIDS wśród sportowców. *Sport Wyczynowy* 1992, 7/8, 63-70.
11. Chrostowski K.: Salbutamol. *Sport Wyczynowy* 1993, 5/6, 99-100.
12. Chrostowski K., Daniewski M., Bal K., Partyka E., Szpindler W., Liwski G.: Examination of some indices of athletes steroid profile. *Sport Wyczynowy* 1993, 5/6, 89-98.
13. Chrostowski K.: Czy prasa sportowa powinna pisać na temat AIDS wśród sportowców? *Sport Wyczynowy* 1993, 3/4, 7-8.
14. Chrostowski K. Ephedrine. *Sport Wyczynowy* 1993, 7/8, 97-98.
15. Chrostowski K.: Trening na słońcu. *Sport Wyczynowy* 1993, 7/8, m 89-93.
16. Chrostowski K.: Czy można wykryć doping erytropoetyną? *Sport Wyczynowy* 1994, 11/12, 81-82.
17. Chrostowski K.: “Doping testosteronem - wskaźnik T/Et. (2) Test ketokonazolowy”. *Sport Wyczyn.* 1994, 9/10, 80-83.
18. Chrostowski K.: Ethanol. *Sport Wyczynowy* 1994, 3/4, 73-75.
19. Chrostowski K.: Phenylephrine hydrochloride. *Sport Wyczynowy* 1994, 5/6, 78-79.
20. Chrostowski K.: Gwiazdy, które zgasły nagle (przypadki zgonów Hanka Gathersa i Reggie Lewisa). *Sport Wyczynowy* 1994, 1/2, 111-116.
21. Chrostowski K. Caffeine. *Sport Wyczynowy* 1994, 1/2, 118-119.
22. Chrostowski K.: Mesocarb. *Sport Wyczynowy* 1994, 11/12, 83.
23. Bal K., Chrostowski K., Daniewski M.: Metody oznaczania środków dopingujących. In: *Doping*. W. Rewerski, K. Nazar (eds). Third edition. Warszawa 1995, 163-183.
24. Chrostowski K.: Środki i metody doping. In: *Przeciwdziałanie dopingowi w sporcie. Wybrane problemy i metody*. T. Rychta (ed.). Warszawa 1995, 18-95. Komisja do Zwalczenia Doping. w Sporcie.
25. Daniewski M.: Organizacja i wyposażenie laboratorium antidopingowego. In: *Doping*. W. Rewerski, K. Nazar (eds). Third edition. Warszawa 1995, 184-189.
26. Chrostowski K.: Doping hormonem wzrostu – niebezpieczeństwa zdrowotne i możliwości wykrywania. *Sport Wyczynowy* 1995, 1/2, 92-94.
27. Chrostowski K.: Niedokrwistość sportowców – rozpoznawanie i leczenie. *Sport Wyczynowy* 1995, 11/12, 41-46.
28. Chrostowski K.: Chlorphentermine. *Sport Wyczynowy* 1995, 11/12, 47.

29. Chrostowski K.: Heptaminol. *Sport Wyczynowy*, 1/2, 95.
30. Chrostowski K.: Isolipan (fenfluramine). *Sport Wyczynowy* 1995, 3/4, 100.
31. Chrostowski K.: Problemy diagnostyki kardiologicznej w sporcie (uwagi na marginesie książki B.F. Waltera i W.P. Harveya). *Sport Wyczynowy* 1995, 7/8, 45-50.
32. Chrostowski K.: Selegiline (L-Deprenyl). *Sport Wyczynowy* 1995, 7/8, 51.
33. Anioł-Strzyżewska K., Chrostowski K., Hübner-Woxniak E., Endecki W.: Wskaźnik antysklerotwórczy u osób o różnym stopniu zaawansowania sportowego. In: *prozdrowotne wychowanie fizyczne i sport dzieci i młodzieży. II interdyscyplinarna Krajowa Konferencja. Materiały naukowe*. Warszawa 1996, 105-107.
34. Chrostowski K., Pac-Pomaranacki A.: "Ładowanie węglowodanami", czyli przedstartowa dieta w sportach wytrzymałościowych. *Sport Wyczynowy* 1996, 5/6, 49-53.
35. Chrostowski K., Pac-Pomarnacki A.: Środki dopingowe – zagrożenie dla sportu i zdrowia publicznego. XXXII Sympozjum Berzeliusa (Sztokholm, 6-8.11.1995). *Sport Wyczynowy* 1996, 3/4, 83-88.
36. Chrostowski K., Szczypaczewska M., Kozera J.: Kardi toksyczne działanie steroidów anaboliczno-androgennych (SAA) stosowanych w celach pozamedycznych. In: XXIII Congress of the Polish Society of Sports Medicine „Medicina Sportiva”. Kraków, 15-18.09.1996. Abstracts. *Medycyna Sportowa* 1996, 60/61, 32.
37. Thompson R.A., Sherman R.T.: Helping athletes with eating disorders. Champaign 1993. Rec.: Chrostowski K.: zaburzenia łaknienia u sportowców. *Sport Wyczynowy* 1996, 1/2, 55-58.
38. Anioł-Strzyżewska K., Sendecki W., Chrostowski K., Sawicki A.: Zmiany w kręgosłupie stwierdzone u wysokich młodych kobiet i mężczyzn uprawiających sport wyczynowo. In: *Aktywność fizyczna w pielęgnowaniu zdrowia i terapii chorób*. E. Rutkowska (ed). Lublin: Akademia Medyczna, 1998, 167-170.
39. Chrostowski K.: Aktualne problemy doping w współczesnym sporcie. In: *Sport w procesie integracji europejskiej. Międzynarodowe Sympozjum*. Warszawa, 9-12.12.1998. red.nauk. Z. Krawczyń, J. Kosiewicz, K. Piłat. Warszawa 1998, 292-299.
40. Chrostowski K., Kwiatkowska D., Partyka E., Wójcikowska – Wójcik B.: Nowe zagrożenie dopingowe – odżywki zawierające prekursor testosteronu. *Sport Wyczynowy* 2000, 3/4, 67-73.
41. Chrostowski K., Turek-Lepa E., Partyka E., Kwiatkowska D., Wójcikowska-Wójcik B.: Dehydroepiandrosteron (DHEA) – prekursor testosteronu. *Sport Wyczynowy* 2000, 11/12, 69-77.
42. Pokrywka A.: Hasła dotyczące kontroli antydopingowej oraz niedozwolonego doping w sporcie. In: *Wielka Encyklopedia PWN*.
43. Chrostowski K.: Postępy diagnostyki antydopingowej. *Sport Wyczynowy* 2002, 1/2, 5-15.
44. Chrostowski K., Kwiatkowska D., Partyka E., Stańczyk D.: Efekty psychiczne i psychiatryczne stosowania steroidów anaboliczno-androgennych. *Sport Wyczynowy* 2001, 9/10, 76-83.
45. Kwiatkowska D., Chrostowski K., Partyka E., Wójcikowska-Wójcik B.: Nandrolon – metody wykrywania. *Sport Wyczynowy* 2001, 7/8, 67-76.
46. Pokrywka A.: Doping. *Rocznik 2001*. Wydawnictwo Naukowe PWN. Warszawa 2001, 351-354.
47. Pokrywka A.: [Opracowanie haseł w Wielkiej Encyklopedii PWN], 2001: antydopingowa kontrola 142; doping 300-302 .

48. Chrostowski K., Anioł-Strzyżewska K.: Polimorfizm genotypu enzymu konwertującego angiotensynę I do angiotensyny II (ACE) w wybranej grupie kadry wioślarzy. In: Jubileuszowy XXV Międzynarodowy Kongres Polskiego Towarzystwa medycyny Sportowej. Warszawa, 12-14.09.2002. *Medycyna Sportowa* 2002, 7, 293-294.
49. Chrostowski K., Szczypaczewska M.: Polimorfizm genotypu ACE, markery układu renina-angiotensyna-aldosteron we krwi i przerost mięśnia serca w grupie kolarzy szosowych. In: Jubileuszowy XXV Międzynarodowy Kongres Polskiego Towarzystwa Medycyny Sportowej. Warszawa, 12-14.09.2002. *Medycyna Sportowa* 2002, 7, 265-266.
50. Chrostowski K.: Postępy diagnostyki antydopingowej. *Sport Wyczynowy* 2002, 1/2, 5-15.
51. Obmiński Z., Pokrywka A.: Marihuana – zagrożenie dla zdrowia. *Problemy Alkoholizmu* 2002, 1, I-III.
52. Obmiński Z., Michalak D.: Zależna od wieku sprawność sportowa biegaczy górskich. *Medycyna Sportowa* 2003, 19, 391-337.
53. Obmiński Z. Pokrywka A.: Młodzież, sport i narkotyki. *Medycyna Sportowa* 2003, 19, 95-400.
54. Obmiński Z., Pokrywka A., Kwiatkowska D.: Czy ciężarowcy potrafią trenować i zwyciężać bez środków dopingujących: dopingujących poszukiwaniu nowej technologii treningu. *Medycyna Sportowa* 2003, 19, 391-394.
55. Lewandowska-Pachecka S.J., Jaworek A., Pokrywka., Chrostowski K., Gucza R., Pachecka J.: Oznaczanie morfiny w moczu ochotników spożywających mak lub przyjmujących kodeinę w aspekcie badań antydopingowych. In: *Problemy Terapii Monitorowane*, Wrocław, TTM 2003.
56. Pokrywka A.: Przykłady leków dozwolonych w sporcie. *Medicina Sportiva Practica*, Tom 5, Nr 1: 5-17, 2004.

B. Report of the evaluation team

Introduction

The visit was carefully organised and warmly hosted by representatives of the Polish Commission Against Doping Use in Sport, on 14 and 15 June 2005.

The evaluation team was well looked after, and provided with comprehensive information and documentation. Thanks to a very carefully coordinated series of visits, the evaluation team gained valuable insight into anti-doping work in Poland. It had full and open discussions with the different parties involved, including at highest level, since the Team had the opportunity to speak with Mr. Jerzy Ciszewski, Deputy Minister responsible for sport.

The evaluation team was able to get an insight into all the relevant aspects of Poland anti-doping programme and have direct talks with the key persons involved in the programme and in anti-doping activities, in the National Commission against Doping in Sport, the Ministry of National Education and Sport, the Polish Sport Confederation and the Polish Olympic Committee. The discussions were conducted in a spirit of openness and transparency. Those involved in anti-doping activities in Poland have shown open-mindedness for new ideas.

Additional information has been sent to the expert after the visit, in order to complete the documentation on some issues. Considering the changes that took place since 2006, the report has been updated, further to a meeting of the Secretary of the Monitoring Group with Prof Jerzy Jurkiewicz, Chair of the National Commission against Doping in Sport, on 3-5 May 2007 before its presentation in a written form to the Monitoring Group.

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.

- Poland signed the Anti Doping Convention of the Council of Europe in 1989 and ratified it in 1990.
- A national anti-doping Commission has been established in 1988 for the first time. The National Committee for Combating Doping in Sports has been established by the Law on Physical Culture dated January 18, 1996. The Commission has been re-established on grounds of the Article 51 of the Act of 29 July 2005 on elite sport (Polish Journal of Law No. 155, item 1298). Following the first visit of the team, this law has been completed by Regulation of the Commission “Regulation of the Commission for the Fight against Banned Substances in Sport”. This Commission is also often referred in English as the “Polish Anti-doping Agency” (PANDA). However, despite different translations of its title are used, the present report will use “National Commission against Doping in Sport”.
- Many regulations have been adopted by the Public Authorities and the Sport Organisations, and many bodies are involved in anti-doping. The Government has taken important responsibilities in this system. However it appears that the political steering role of the Government as well as the general support to anti-doping policies depended a lot on the acting Ministers.
- Prof. Jerzy Smorawinski, Chairman of National Commission against Doping Use in Sports recognized that over the last years sports administration and state institution gradually become aware of doping threats and start to improve legal and structural background of the fight against doping. This process has facilitated accreditation of Warsaw doping control laboratory by WADA. Several speakers met by the evaluation team mentioned the strong focus on setting up

the laboratory, getting the accreditation and maintaining it, and it appears that this aim has been a very high priority of the Polish anti-doping policy.

- The meeting at the Polish Olympic Committee revealed lack of mutual information and co-ordination within the organizations involved, since the representatives of National Commission against Doping Use in Sports were surprised to discover that the Polish Olympic Committee has created an anti-doping unit already half a year ago and works with education issues and international affairs and plans to do also other functions within anti-doping.
- The development of a new law is considered with view to achieve a better compliance with international standards and treaties.
- The dialogue between the Government and the National Commission against Doping Use in Sports, has been developed in 2006 and the Government has demonstrated a greater attention for the requirements of anti-doping policies. The budget allocated to the National Commission against Doping Use in Sports has been doubled and important subventions have been granted to the Anti-doping Laboratory, in order to cover some investment expenditures.

The evaluation team recognises that Poland took steps and invested means to develop an anti-doping policy covering all aspects. Therefore, art. 1 of the Convention is respected. However its co-ordination and implementation in the long term, as well as the consistency of the existing provisions with the Convention and with some international anti-doping regulations could be strengthened.

Recommendations:

The Government should consider to strengthen the political involvement to co-ordinate and to support anti-doping policies in the longer term.

Article 2 - 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.

- Official definitions have been enacted in the 1996 Law on physical education, at its article 47: “Article 47. 1. Doping shall mean the use by competitors of methods or pharmaceutical substances, and other methods or substances considered as stimulating.” This definition is extended by the principle of liability of athlete support personal, which is specified at art. 49, as well as in the Regulation of the Minister of National Education of 18 September 2001. Hence, one can consider that the two infractions mentioned at art. 2 of the Anti-doping Convention (administration and use) are covered by the Polish legislation.
- The definition of “Prohibited substance” and “Prohibited methods” refers to a list prepared by the National Commission against Doping Use in Sports and enacted by the Minister responsible

for Sport, in consultation with the Minister responsible for Health. In practice, this list is the list adopted by the Monitoring Group.

- At its article 6, the 1996 Law on physical education states “competitor shall mean a person practicing a given discipline of sport as an amateur or professional, and participating in the sports competition.” The reference to “competition” appears to be a restriction compared to the “organised sports activities” mentioned at art. 2 of the Convention, which would also include, activities of the youngsters in sport and leisure sport activities.
- Considering that “Sport for all” activities are not under the responsibility of the Polish Sport Confederation, but under the responsibility of the Ministry of Education and Sport, the issue was addresses in talks with officials at the Ministry, who did not demonstrate a great attention for the prevention of doping in leisure sport or sport for all activities.

Behind the issue of the definition of athlete, the evaluation team understood that the Polish anti-doping policy is very much focused on top-level competitor.

The evaluation team considered that the definitions in are compatible with the Convention. However, there is no regulation stating that every person regularly practising a sports activity should be considered by the anti-doping activities. Moreover, there is no guarantee that the prohibited list is exactly the list referred in the Convention, adopted at international level.

Recommendations:

The evaluation Team considers that any future update of the anti-doping legislation should be an opportunity to update the definitions refered in art. 2 of the convention or to adopt broader definitions.

The Evaluation Team recommends that the future legal provision on anti-doping should state clearly that the target groups of the fight against doping include (at least) all persons who regularly participate in organised sports activities.

The evaluation team also suggests that a future legislation should clarify not only how that the prohibited list is adopted, published and enters into force within the national system, but should also make a reference to the list adopted is the list adopted at international level.

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.

- A strong co-operation is foreseen between the Ministry of Sport, the Health Ministry and the Ministry of Science. Other governmental agencies (police, customs, ...) are also involved in anti-doping issues, but the co-ordination is organised on a case to case basis.
- Officials considered that this co-ordination with law enforcement agencies will be improved with the introduction of criminal law provisions on trafficking of doping substances and methods that would target not only on the athletes and their entourage, but on everybody.
- Within the Ministry of Sport, some examples of co-operation have been mentioned, such as education on doping issues in the training of physical education teachers. The systematic introduction of anti-doping training for different categories of students (medical student, sport physicians) has been developed recently in co-operation with departments in charge of education in the Ministry of national education and sport.

- Further to the Conference of Paris on Fight against trafficking of doping substances (June 2005), a special Group working on related issues, with representatives of the Customs, the Police and the National Commission against Doping Use in Sports.

The evaluation team regards the basic obligations pursuant to Article 3.1 as satisfied, but several improvements are possible.

Recommendations:

The Government could consider establishing the inter-ministerial co-ordination on a more formal basis (political guidelines of the Government or legislation), in order to involve other Ministries and governmental agencies. The working Group on trafficking constitutes a step in this direction, but the inter-ministerial co-ordination should also involve, in principle in the same co-ordination body, the Ministry of Sport and the Ministry of Health. The Ministry Sport could be responsible for this inter-ministerial co-ordination.

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 overall application of the Convention is a responsibility of the Ministry of Education and Sport. Education and sport merged in the same Ministry in 2002. The Sport Sector is led by an Under Secretary of State, who depends on the Minister of Education and Sport.
- Due to budgetary restrictions and the demanding objectives which had been set up (accreditation of the laboratory, ISO quality standard on testing), the anti-doping activities have to focus mostly on controls and analyses until 2006.
- Thus the government entrusts implementation of the requirements under Article 7 of the Convention primarily to the Polish Sport Confederation, whose President can challenge decisions of the National federation before a court, and cut subventions. This occurred with the federation that did not comply with the law. (see also art. 4.2)
- Many other organisations and bodies (National Commission against Doping Use in Sports, Sport institute, Laboratory, National Olympic Committee, National federations) are involved and play a role in anti-doping policies.

The evaluation team regards the obligations pursuant to Article 3.2 as mostly satisfied, but suggests some improvements:

Recommendations:

The evaluation team also recommends to set up, at a more operational level, a platform of co-ordination of all the bodies and organisations which are involved in anti-doping policy, including the Ministry of Sport, the Ministry of Health, the Sport Confederation, the Commission Against Doping Use in Sport, the Institute of Sport. Such a task of co-ordination could be specified in the responsibilities of the National Commission against Doping Use in sport.

The Ministry of National Education and Sport should guarantee that the necessary funds be earmarked specifically to combat doping, as the Government itself is responsible for the implementation of international Treaties. The new anti-doping legislation being drafted should be examined in this respect.

An adequate level of autonomy and confidentiality should be recognised to the National Commission against Doping Use in Sports in its duties, in particular for the testing programme.

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

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.*
- There are various Polish laws limiting the availability of medical products due to the fact that most of these substances can be bought only by prescriptions, and the sale of certain substances (medical and precursor drugs etc.) is subject to legal restrictions. Additionally, the use of the prohibited pharmacological substances and methods regarded as banned by athletes, i.e. doping agents and methods, is forbidden by the Act on Physical Culture of 18 January 1996 and the Regulation issued by the Minister of National Education and Sport on 18 September 2001. This regulation applies not only to athletes, but also to athlete support personal. The “use” of the substances and methods in sport is prohibited. Violations of these laws are punishable by sports sanctions (disqualifications), penalty of restricted freedom, imprisonment or fines.
 - Although these laws, except for the Act on Physical Culture and its appurtenant regulation, do not specifically target doping substances, it is obvious that they will have a function regarding the availability also of such agents. Nevertheless, the evaluation team is of the opinion that the fight against trafficking requires a stronger commitment on part of the Polish government, and that the issue of availability of doping substances needs to be addressed in a more efficient and explicit manner. In addition, it would be recommendable to draw a national action plan against the trafficking of doping substances.
 - The evaluation team also took note of the announced new law on doping, which is said to ban also the trafficking of doping substances, as this will be the main legal tool to effectively dismantle the channels by which athletes could be supplied with doping agents.

The evaluation team recommends a stronger cooperation and coordination between the different ministries responsible in this area (the Ministry of Education and Culture, the Ministry of Health, the Ministry of Justice etc.) also involving the various sports organisations, the National Commission against Doping Use in Sports, the Sports Confederation, the National Olympic Committee, the custom authorities, the police and other relevant stakeholders. It would be advisable if the Ministry of Sport could initiate this process by creating a platform for the coordination of actions of the various stakeholders, for example by establishing a forum where these issues could be addressed and more thoroughly discussed. In addition, it would be recommendable to draw a national action plan against the trafficking of doping substances.

The evaluation team also welcomes the announced new law on anti-doping, which is i.a. including a rewritten codification of the World Anti-Doping Code and consequently will ban also the use and trafficking of doping substances included on the WADA prohibited list.

The evaluation team regards the obligations pursuant to Article 4.1 as partially satisfied, but suggests improvements in the cooperation:

Recommendation:

The evaluation team recommends a stronger cooperation and coordination between the different ministries responsible in this area also involving the various sports organisations and the Committee [see also recommendation under Art. 3.1] and to draw a national action plan against the trafficking of doping substances.

2. *To this end, the Parties or, where appropriate, the relevant non-governmental organizations shall make it a criterion for the grant of public subsidies to sports organizations that they effectively apply anti-doping regulations.*
- The effectiveness of the Polish sports federations' application of anti-doping rules is guaranteed by the President of the Confederation's competence to take various measures against the federations, i.a. where a federation has applied a milder sanction than is stipulated in the Act on Physical Education. There have been occasions where the President has used this competence and withdrawn grants from sports federations.
 - The withdrawal of grants by the President of the Confederation is somewhat different than the requirement set out in Article 4 Paragraph 2. Through the national budget, the grant of public subsidies is allocated from the Ministry of Education and Sport to the Confederation, but there is no explicit link between this allocation and a minimum level of commitment to the anti-doping work by the confederation or the sports federations. The Ministry of Sport can also act in a similar way and withdraw any (non elite sport) sport subvention from federations and persons, which are not compliant with anti-doping regulations.

The evaluation team therefore suggests that the Ministry formulate the application of anti-doping rules as a criterion for sport-related public subsidies, in order to make it clear that combating doping is an integral part of the scope of work of the Confederation and the sports federations, and an area where they are expected to involve themselves. To fulfil the requirements set out in Article 4 Paragraph 2, it is not necessary to include this obligation in a provision of law, as it would be sufficient merely to state this in a letter issued by the Ministry. Such letter could preferably be sent at the time of the Ministry's yearly allocation, i.e. when the national budget is approved, and should be addressed to the Confederation as well as the various sports federations under its administration. With the announced elaboration of a new law on doping however, the evaluation team recommends to consider the inclusion of provisions fulfilling the requirement of Article 4 Paragraph 2.

As mentioned under art. 2, the evaluation team recommends that the sports federations, in order to comply with the new national legislation, should extend their target groups accordingly to imply all athletes regularly participating in organized sports activities. Subsequently, the criterion set out in the letter from the Ministry or in the new anti-doping legislation, should refer to the application of the sports federations' anti-doping rules concerning all athletes participating in organised sport.

The evaluation team regards the obligations pursuant to Article 4.2 as partly fulfilled but suggests an improvement in the procedure of the allocation.

Recommendation:

The evaluation team suggests that the Ministry of Education and Sport makes the criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations more explicit, e.g. in form of a circular towards the sports organisations. This commitment should be required not only for elite sport subsidies, but also for subventions granted for sport for all activities. With the possible elaboration of a new law on anti-doping however, it is recommended that the law explicitly include provisions fulfilling the requirement of Article 4 Paragraph 2.

3. *Furthermore, the Parties shall:*
- a. *assist their sports organisations to finance doping controls and analyses, either by direct subsidies or grants, or by recognizing the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those 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 organizations of the doping controls required by the competent international sports organizations whether during or outside competitions; and*
 - d. *Encourage and facilitate the negotiation by sports organizations of agreements permitting their members to be tested by duly authorized doping control teams in other countries.*
4. *Parties reserve the right to adopt anti-doping regulations and to organize doping controls on their own initiative and on their own responsibility, provided that they are compatible with the relevant principles of this Convention.*
- Organising doping controls belongs to the responsibilities of the Commission Against Doping Use in Sport, which is financed from the state budget resources, cf. the Act on Physical Culture Article 48. A part of the budget is assigned to cover the cost of doping analyses conducted by the Department of Anti-doping Research of the Institute.
 - The President of the Confederation is entitled to revoke sports grants which are financed from the national budget resources from members of the national, Olympic and Paralympic teams that are suspended as the result of having breached the anti-doping regulations. This suspension is automatic. Furthermore, grants to athletes from the resources of local self-government are usually revoked in case of suspensions due to contravention of the anti-doping regulations.
 - The Commission against Doping Use in Sport reported to have a good co-operation with the sport organisation and that their Doping Control Officers (DCOs) are regularly involved in controls on behalf of sport organisation. In other cases, the DCOs of the sport organisation can operate without restriction on the Polish territory.

Hence, the evaluation team sees the obligations of these articles in practice

Recommendation:

The evaluation team suggests that the Ministry of Sport consider to include lower level athletes in doping control, to stress the message that anti-doping rules apply to everybody in sport.

Article 5 - Laboratories

1. *Each Party undertakes:*
- a) *either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organizations and approved by the monitoring group under the terms of Article 11.1.b; or*
 - b) *to assist its sports organizations to gain access to such a laboratory on the territory of another Party.*
- The Department of Anti-doping Research (DAR) of the Polish Sport Institute has been recognised as a WADA accredited laboratory in November 2004.
 - The DAR has a monopoly for anti-doping analyses of samples in Poland in 2006.
 - The evaluation team, however, took note that DAR is facing different challenges such as :
 - Completing its equipment and taking corrective measures to keep its accreditation, according to the recommendation of the WADA audits.
 - To invest in equipment and develop skills in other technologies, in order to anticipate the development of fight against doping (EPO analysis, gener technologies, ...)

- To strengthen its capacities in introduce a management of risk and hiring more staff than the present 8 persons.
 - These needs, at least in part, have been acknowledged by the Government, which allocated a substantial investment grant in 2006 and committed itself for another in 2007. However, this investment programme has been linked with a negotiation aiming at reducing the cost of the analyses.
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 use, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a letter 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 DAR is involved in international research projects and publishes regularly scientific papers on detection method of prohibited substances and related issues.
 - The DAR has established scientific and technical co-operation with the French and German laboratories. The DAR also conducted researches in the framework of the WADA programme and on EU projects.
 - The staff members of the DAR are highly qualified.

The evaluation team considers that the setting up and accreditation of an anti-doping laboratory represent a major achievement both from a scientific and from a political point of view. The challenge for the State, which decided to develop such a laboratory in Poland, will be to keep it running in the long term at this high quality level, to take the measures to retain its qualified staff, to increase its capacities (with view to be able to perform analyses for large events) and to confirm its economical sustainability.

The evaluation team regards the requirements of Article 5.1 as satisfied.

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.
- Speakers met by the evaluation team reported that although various educational activities are currently taking place in Poland on anti-doping, there is no strategic planning behind different education activities. Lectures, seminars, publications are done when needed. In the previous years, most of education activities have been directed to the top-level athletes, but the Commission against Doping Use in Sport has engaged in developing training for trainers of DCOs and for trainers of young athletes.
 - In the Compliance with Commitment report Poland stated that the Ministry of National Education and Sports “conducts activities which aim to include anti-doping content in the didactic curricula

in the Polish education”, but the evaluation team has not been able to evaluate the progress on such activities at time of the visit.

- According to the Act on Physical Culture, the Commission Against Doping Use in Sport is responsible for conducting educational activities in the scope of anti-doping prevention. From 1991 Commission has made publications on doping harm, doping control procedure, outcomes of use of doping for athletes, coaches, administrators, parents. There are 4 films on antidoping issues. Commission organises different lectures in sports schools and sports federations for pupils, students, trainers, coaches and competitors, as well as for sports doctors and carries out training sessions for doping control officers. Commission established in 2001 a website, which provides necessary information for athletes and support personnel concerning doping control procedures, doping substances and harm on doping.
- Some part of athlete’s education does the sports federations as reported at the meeting between evaluation team and representatives of Polish Sports Confederation and some sports federations. Canoe federation uses WADA information leaflets to educate their athletes, who are from 72 clubs and starting from 14 years. Weightlifting federation has been very much involved in tackling doping problem, because of 14 positive cases in 2004. They are working out a strategic plan until 2008 stressing zero tolerance to doping users with both frequent controls and information campaign on harm of doping. Boxing federation organises different courses and seminars for coaches, distribute information materials. Education in anti-doping issues also is provided in Coaches’ Institutes. Body-building, power lifting and fitness federation follows WADA rules, but unclean athletes switch to other similar federations, which are not controlling doping use. Volleyball federation informs that at the federation there is a unit working with anti-doping issues and educate coaches at sports schools.
- In 2004, the Polish Olympic Committee lately has changed its leadership and has established its own anti-doping subcommittee without co-operation with National Commission on Fight against Doping in Sports. This committee established international contacts and worked on a short-term program – education of Torino Winter Olympic Games participants and long-term program – 4 years with priority to education, especially in schools. This committee expressed the intention to produce education materials and involve top-level athletes in fight against doping. They planned to co-operate with mass media – Internet, magazines – to organise competitions, research, and conferences. Since 2005, the co-ordination of this Committee with the Commission Against Doping Use in Sport is established, as most of its members are also involved in the activities of the Commission Against Doping Use in Sport.
- In 2006, a 24/24 anti-doping helpline has been launched by the Commission Against Doping Use in Sport, in co-operation with the Centre for Sport Medicine.
- Different conferences have been organised since 2005 for instance :
 - “Preventing and fighting doping in sports”, in December 2006
 - DCO training, in September and December 2006 (30 certified DCO)
- 45 Sports physicians have been trained on fight against doping and re involved in training and educating the members of the Olympic teams.
- and books have been published on anti-doping education.
- The contents of the training and education programmes are published on the internet on the website www.antydoping.pl.

The evaluation team took note with satisfaction of the wide range of organisations involved in education on their great efforts and diversity of actions and activities. It regards the compliance with Article 6.1 as in progress.

It does, however, have certain concerns that current or planned actions and activities concerning information on and prevention of doping depend very heavily on certain

individuals and are insufficiently integrated and sustainable for long-term effectiveness. The evaluation team therefore makes the following recommendations for coordination and improvement of educational measures.

Recommendation:

The Evaluation team invite the partners involved to consider the following actions:

- 1) elaboration of education strategy gradually involving all target groups and all possible providers of education activities:
 - Concerning the target groups : include athletes outside sports federations in antidoping education, provide information on anti-doping issues in sports for all activities, raise awareness of doping harm among gym users;
 - Concerning the education providers: clarify responsibilities between sports federations, Doping Commission and Olympic Committee, involve Ministry of National Education and Sports, Ministry of Health and municipal organisations in providing education and information;
- 2) subsequently implement evaluation studies on efficiency of the anti-doping education in different target groups, in order to improve programs;
- 3) use models of other countries to facilitate development of education programs and use existing experience and methodology, such as the Guidelines on education.

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.*

- Information on training methods and other sports related research in the Compliance with Commitment Report by Poland was given with emphasis on activities of the Department of Anti-Doping Research (DAR) of Institute of Sport. However, the evaluation team took note that the other departments of the Sport Institute are involved in devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person: Regular tests of physical fitness and evaluation of impact of sports loads on the body of athletes are carried out on regular basis and athletes are practising using scientifically based training programs. Such programs are supervised and implemented by sports federations and these sports federations are using State budget subsidies for providing programmes.

The other departments of the Sport institute could therefore be recognised as paying a role in the anti-doping policies, in line with its art. 6.2.

The evaluation team regards the provisions of Article 6.2 as satisfied and encourages the Polish Sport Institute, as well as the other authorities concerned, to continue to participate actively in domestic and international research projects to the extent of its means.

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

1. *The Parties undertake to encourage their sports organizations and through them the international sports organizations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.*
2. *To this end, they shall encourage their sports 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;*

- The involvement of the national federations in anti-doping activities may vary a lot.
- The evaluations team considered the statistics of the Anti-doping testing programme and considered that the overall number of tests is sufficient. The percentage of out-of-competition control is also sufficient. The evaluation team took note of the small number of competition tests in skiing, triathlon and biathlon and small number of out-of-competition tests in triathlon, swimming, soccer, body-building and cycling. In other, namely classic Olympic sports, some numbers are very high.

The evaluation therefore invited the National Commission against Doping in Sport to check whether it would be relevant to better balance the proportion of testing between sports according to world statistics naturally with national sport specificities and priorities.

- The Commission reported that a new system for the tests distribution planning system has been reviewed and that transparent criteria and procedures have been published.
- The whereabouts information system appeared to be incomplete and insufficiently updated and the evaluation team.
- The Regulations of the Minister of Education and sport (2001) appeared to be compliant with the relevant international standard. Some specific issues, however, should be considered, like the sanction in case of refusal (2nd violation).
- The new regulation of the National Commission against Doping in Sport actually include the provisions of the Code relevant for testing, the WADA Standard on TUE and the WADA standard on testing.

The evaluation team considered that the provisions 7.1 and 7.2 (a to c) are fulfilled; however, the quality certification process could be improved.

Recommendations:

The next time the ISO quality certification of the national testing programme will be renewed, the scope of certification should be the requirements applicable to doping control programmes and related activities specified in:

- The World Anti-Doping Code
- The International Standard for Testing
- The International Standard for Therapeutic Use Exemptions
- The Prohibited List International Standard.

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;

- The evaluation team considers the protection of the athletes' fundamental rights in disciplinary proceedings to be an important task for any governments' commitment to the Anti-Doping Convention.
- At present disciplinary proceedings are conducted by the disciplinary body of each Polish sports federation. However, the Regulation of the Minister of National Education of 18 September 2001 contains procedural rules concerning disciplinary proceedings in doping cases which to a large extent ensure the respect for the fundamental rights of the athletes. The sports federations have to meet the requirements set out in this Act and these regulations.

- In addition, the Director of test management of the National Commission against Doping in Sport, who ensures that the rights of the athletes are observed in the course of the proceedings, supervises the investigations and disciplinary proceedings.
- In order to prevent circumstances external to a case from influencing the judgement, the disciplinary body should be distinct from the reporting body. As each Polish sports federation determines the disciplinary procedures, and the reporting body is the National Commission against Doping in Sport, this requirement appears to be met. The evaluation team, however, expressed possible concerns about the autonomy of the disciplinary panels; after meeting with some of the Polish sports federations, the evaluation team concludes that the trend seems to be that either the general assembly or the board of the sports federations are responsible for electing the members of the disciplinary panels. There also seems to be an understanding within the sports federations of the importance of keeping the independent status of the panels of first instance, i.e. that the panels are not to take instructions from the sports federations. However, some sports federations have a second instance system where the appealing body is the board of the federation itself.
- The evaluation team took note that the experience and the competences of the disciplinary bodies of some Federations, who only consider few cases, may not fulfil the high quality standards.

ii. the right of such persons to a fair hearing and to be assisted or represented;

- As the competence of determining disciplinary procedural rules formally lies within the autonomy of each sports federation, it is difficult to conclude whether the athletes' right to a fair hearing is guaranteed in all the existing anti-doping regulations of the sports federations. However, as mentioned the federations have to meet the requirement in the Act on Physical Education and the Minister's Regulation issued 18 September 2001 which provide for several provisions guaranteeing the right to a fair hearing etc.
- Moreover, standardised forms, which have been introduced by the National Commission against Doping in Sport, states what are the right of the athletes on the document presenting the result of a positive test.

The evaluation team finds this to comply with the Article, although with the remarks made on Article 7.2 d (i).

iii. clear and enforceable provisions for appealing against any judgment made;

- At present there is an appealing arbitration body under the administration of the Polish Olympic Committee, for Olympic athletes. However, this arbitration body is not often involved in doping cases.
- The competence of CAS is respected, as Poland has ratified the Unesco Convention in 2006.

Poland is considered as compliant with article 7.2 d.

Recommendations:

The team would however invite Polish authorities to consider the advantages and disadvantages of setting up one single body as disciplinary body to deal with all doping offences of the Federations, which are not able to meet high quality standards; or to set up a single appeal body for all the federations. Such a body will be the best guarantee of a fair application of the rules governing disciplinary proceedings (art. 7.2 d of the Convention and art. 13 of the Code), but also of equal treatment for persons accused of doping offences. Such a disciplinary body could guarantee a high quality in the way the disciplinary proceedings are organised; however, it should be built on the strong involvement of the federations in order not to diminish their important sense of responsibilities.

- e. procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other official or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;*
- The Act on Physical Education Article 49 and its appurtenant regulation issued 18 September 2001, predict a disciplinary liability also on the persons from the athlete's closest environment, i.e. "trainers, activists and other persons with respect to whom it may be proved that they violated anti-doping regulations." According to the above-mentioned regulation such a liability will cover i.a. illicit dealings with prohibited substances such as delivering, selling and distributing.
 - The Polish legislation does not foresee sanctions and athlete support personnel will not be subject to other disciplinary reactions than sport sanctions, unless their actions are considered criminal offences, which may be prosecuted through criminal proceedings.

The evaluation team considers this sufficient in order to comply with Article 7.2 e, but recommends enhancing the legislation regarding possible sanctions the athlete support personnel.

Recommendation:

In order to emphasise the responsibility also of the athlete support personnel in the fight against doping in sport, the procedures along the lines of art. 7.2 e, should be included in the new anti-doping law.

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

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

- The national testing programme is developed on an effective scale and includes a majority of out-of-competition tests. The total number of test could be increased.
- Several bilateral agreements of co-operation are agreed. In 2006 and 2007, co-operation agreement were established with Ukraine and Romania. Moreover, the Polish authorities consider that as the Unesco and the Additional protocol to the Anti-doping Convention have been ratified, doping controls performed by other parties in other countries shall be recognised.
- The evaluation team did not find provision stating that admission criteria to sport event include anti-doping criteria; however, the discussion with the Polish Sport Confederation and with the sport organisation confirmed that any organisation allowing a suspended athlete to attend one of its event would consider that it may be sanction by a decision of the Chair of the Confederation (withdrawal of subventions).
- The role of National Fair Play Ambassador provides an opportunity to Poland to support the active involvement of athletes.
- The capacities of the laboratory are almost fully used, either by the National Commission against Doping in Sport, or by sports organisations.
- The sport Institute study physiological and psychological training methods and devises guidelines on how to protect the athletes.

The evaluation team regards the provisions of Article 7.3 as satisfied but suggests to include anti-doping criteria for the admission to sport events in the regulations of sports organisations.

Recommendation:

Criteria for the admission to sport events should be enacted in the in the regulations of sports organisations or in anti-doping regulations.

Article 8 - International co-operation

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

- As described in Report by Poland, it actively participates in work of Monitoring group and different Advisory Groups.
- Poland has recognized the role of World Anti-Doping Agency and supports its work financially.
- The National Commission against Doping use in sports has co-operated with International Project Team III to receive and maintain ISO certificate to the quality standards of national doping control program.

The evaluation team congratulates all those involved on their great efforts and diversity of international actions and activities. It regards Article 8.1 as satisfied.

2. The Parties undertake:

- a. to encourage their sports organizations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organizations to which they are affiliated, including the refusal to ratify claims for world*

or regional records unless accompanied by an authenticated negative doping control report;

- b. *to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5;*
 - c. *to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organizations in order to achieve, at the international level as well, the purposes set out in Article 4.1.*
3. *The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.*

- As to involvement of sports federations in fight against doping, a number of federations have stressed their involvement in anti-doping work of respective international federations, which is governed by World Anti-doping Code and Standards. The requirement of doping control negative result to be accompanied with claim for records is not always applied in sports federations.
- Most successful part of international co-operation is the co-operation performed by Department of Anti-Doping Research of the Institute of Sport accredited by the World Anti-Doping agency (WADA) as Doping control laboratory. During accreditation process Dr. Ray Kazlauskas from the Australian Sports Drug Testing Laboratory in Sydney was actively involved. Laboratory is a member of WAADs – World Association of Anti-Doping Scientists, and is recognised by Union Cycliste Internationale (UCI). It is certified to analyse samples from horses taking part in racing and riding competitions. Long time cooperation with the laboratory in Kreischa (Germany) and Seibersdorf (Austria), Cologne Workshop on Dope Analysis have led laboratory to WADA accreditation.
- Poland is a Party to the Additional Protocol to the Anti-Doping Convention, which provides for mutual recognition of doping controls. Polish Sports Confederation representatives confirmed that within the World Anti-Doping Code framework they are investigating possible involvement of athletes or support personnel in trafficking of doping substances. But at the government level the investigation and exchange of information on possible connection of doping users to doping networks could be improved. International co-operation in fighting illegal trafficking of doping substances also could be of an assistance, e.g. using Interpol tools.

The evaluation team recognises the involvement and the contribution of all Polish experts involved in international actions and activities. It regards Article 8.2 as satisfied. The Evaluation team considers that Poland managed to develop international network, to get recognition and to play an active role on different international co-operation frameworks.

The evaluation team considers therefore that the implementation of art. 8 is fully achieved.

Recommendations:

The international networks could be used:

- to benefit from the experience of other countries and organizations in development of education strategy;
- to improve international co-operation in global fight against trafficking of doping substances;
- to share know-how and experiences in areas where significant achievement have been performed (quality certification of testing procedures, accreditation of the laboratory, ...)

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 Polish Commission against Doping Use in Sport has consistently and dutifully completed the annual data base questionnaire of the Monitoring Group.

Hence, the evaluation team regards article 9 as fully satisfied.

Summary of the recommendations (short version) in order of priority

For the recommendations in detail, see the articles concerned.

Article	Recommendation
3.1	The Government could consider establishing the inter-ministerial co-ordination on a more formal basis (political guidelines of the Government or legislation), in order to involve other Ministries and governmental agencies.
3.2	The evaluation team also recommends to set up, at a more operational level, a platform of co-ordination of all the bodies and organisation which are involved in anti-doping policy, as well as the various sports organisations and the Committee.]The responsibility for this operational co-ordination should be specified. An adequate level of autonomy and confidentiality should be recognised to the National Commission against Doping Use in Sports in its duties, in particular for the testing programme.
4.1	The evaluation team recommends a stronger cooperation and coordination between the different concerned ministries and to draw a national action plan against the trafficking of doping substances.
1	The Government should consider to strengthen its political involvement of the Government to co-ordinate and to support anti-doping policies in the longer term. The Ministry of National Education and Sport should guarantee that the necessary funds be earmarked specifically to combat doping.
2	The Evaluation Team recommends that the future legal provision on anti-doping should state clearly that the target groups of the fight against doping include (at least) all persons who regularly participate in organised sports activities. The evaluation team also suggests that a future legislation should clarify not only how the prohibited list is adopted, published and enters into force within the national system, but should also make a reference to the list adopted is the list adopted at international level.
4.4	The evaluation team suggests that the Ministry of Sport consider to include lower level athletes in doping control, to stress the message that anti-doping rules apply to everybody in sport.
4.2	The evaluation team suggests that the Ministry of Education and Sport makes more explicit to sports organisations the criterion that they effectively apply anti-doping regulations for the grant of all sport related public subsidies.
6	Develop an overall strategy for the education programme, introduce evaluation of the education activities and use international co-operation opportunities for this.
7.2	The next time the ISO quality certification of the national testing programme will be renewed, the scope of certification should be all the requirements applicable to doping control programmes included in the Code and in the relevant standards.
7.2 d	Consider the advantages and disadvantages of setting up one single body as disciplinary body to deal with all doping offences of the Federation, which are not able to meet high quality standards; or to set up a single appeal body for all the federations.
7.2 e	Enhance the legislation regarding possible sanctions the athlete support personnel.
7.3	While clarifying the regulations to specify that compliance with anti-doping regulation will become criteria for public subsidies, it is advisable to make sure that anti-doping criteria (e.g. enforcement of all the decisions of ineligibility, compliance with the rules on reinstatement testing) will be enacted in the anti-doping regulations.

Acknowledgments

The preparations for the visit to Poland were first-rate. The evaluation team was made very comfortable and would like to thank all those who contributed to the preparation of the visit and to the visit itself. It is particularly grateful to Mr. Jerzy Ciszewski Deputy Minister responsible for the hearing. The team would like to thank especially Prof. Jerzy Smorawinski, Chair of the National Commission against the Use of Doping in Sport, Prof. Ryszard Grucza, Director of the Polish Sport Institute and Mrs Joanna Żukowska-Easton, Expert at the Ministry of National Education and Sport for the co-ordination of the visit and the hospitality and all the representatives of the organisations involved, for their contribution to the visit and the open exchanges of views that took place.

Composition of the evaluation team

- Ms Thune Henriette Hillestad, Norway
- Ms Liene Kozlovska, Latvia
- Dr Jan Chlumsky, Czech Republic
- Mr Stanislas Frossard, Sport Department of the Council of Europe

Programme of the evaluation visit

programme of Council of Europe experts' evaluation visit on implementation of Anti-doping Convention , Warsaw, 14 – 17.06.2005 r.

Council of Europe's experts: - Jan Chlumsky (Czech Republic), Liene Kozlovska (Latvia), Henriette Hillestad Thune (Norway) and Stanislas Frossard (Council of Europe)

14 June 2005 (Tuesday)

Arrivals, pick- up and transfers from the airport
Check-in - Grand Hotel

18.30 Informal meeting and dinner

15 June 2005 (Wednesday)

9.30 Meeting with National Commission Against Doping Use in Sport

Participants:

Guests, Jerzy Smorawinski – Chairman, Commission members

12.00 Lunch

14.00 Meeting in the Ministry of National Education and Sport

Participants: Guests, Jerzy Ciszewski – Deputy Minister responsible for sport, Marian Żenkiewicz – Chairman of Science, Education and Sport Senate Commission, Mirosław Drzewiecki – Chairman of Physical Education and Sport Parliamentary Commission

15.15 Meeting in the Polish Sport Confederation

Participants:

Guests, Andrzej Kraśnicki - President of the Confederation, Zbigniew Pacelt - vice-president, Confedeation employees, Polish Sport Federations representatives

19.00 Dinner

16 June 2005 (Thursday)

9.30 Visit in the Institute of Sport and Anti-doping Laboratory,
Participants: Guests, Ryszard Gucza - Director, Laboratory employees, Jerzy Smorawiński

12.45 Lunch in the Institute of Sport

14.0 Visit in the Polish Olympic Committee,
Meeting with Piotr Nurowski - president, presidium members and with Polish Olympic
Committee Medical Commission's representatives

19.00 Cultural event

17 June 2005 (Friday)

Sum-up meeting in Grand Hotel

Participants: Guests, Ryszard Gucza, Jerzy Smorawiński, the Ministry of National Education and
Sport's representative

End of evaluation visit and departure of experts

C. Comments from Poland