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Anti-Doping Convention (ETS 135)**

EVALUATION REPORT OF THE MONITORING GROUP (T-DO)

Evaluation visit in Zagreb, Croatia

3 – 5 June 2019

REPORT

ADOPTED BY WRITTEN PROCEDURE

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BACKGROUND

In April 2019, consistent with the Compliance with Commitments project, the Secretariat of the Sport Conventions of the Council of Europe ('the Secretariat'), together with the Chair of the Advisory Group on Compliance of the Monitoring Group of the Anti-Doping Convention appointed an Evaluation Team ('*the Evaluation Team*') to carry out an Evaluation Visit to Croatia ('*the Visit*'). This appointment was made pursuant to an invitation extended by the Croatian authorities to the Council of Europe.

Prior to the Visit, the Croatian authorities provided the Secretariat with a National Report detailing the measures taken by the Croatian authorities to comply with the commitments made pursuant to the Convention. A copy of this report is attached as Annex 1 to this Report ('*the National Report*'). The Visit took place in Zagreb, on 3-5 June 2019. The program of the visit is described at Annex 2. The full composition of the Evaluation Team and the list of participants from Croatian authorities and institutions are attached at Annex 3.

The Evaluation Team has prepared this Evaluation Report with the aim of providing the Monitoring Group with a summary of its findings and analysis, together with a number of recommendations. A draft version of the Evaluation Report has been provided to the Croatian authorities for review, and their comments are attached as Annex 4 to this Evaluation Report.

SCOPE

The Evaluation Team focussed its evaluation on Articles 1-9 of the Convention (Croatia has not adopted the Additional Protocol to the Convention). Croatia ratified the Convention in January 1993, which entered into force domestically in March 1993. Particular attention was given to the manner in which the Croatian authorities have established a state-backed anti-doping framework.

Given that (a) the Croatian authorities have ratified the International Convention against Doping in Sport of UNESCO ('*the UNESCO Convention*'); and (b) compliance with both the Convention and the UNESCO Convention in practice require Governments to take steps to give effect to certain provisions of the World Anti-Doping Code ('*the Code*'), the Evaluation Team agreed that a partial examination of how the Code has been implemented in Croatia sport fell within the scope of the Visit, as well as how certain aspects of the Code have been complied with by the Code signatories in Croatia.

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.

1. Article One requires State Parties to take measures to reduce and eliminate doping in sport, including by way of legislation. The National Report recites details of the steps that the Croatian authorities have taken that are relevant to Article One, the main features of which are summarised below. This information is taken from the National Report which was discussed in the course of consultations between the Monitoring Team and the Croatian authorities.

1.1. The Convention was ratified by the Croatian Government on 27 January 1993¹. The principal piece of legislation concerning sport and sporting institutions is the 'Sports Act' (*Sports Act*). The Sports Act was passed on 9 June 2006, and published in the Croatian Official Gazette on 28 June 2006. (It is numbered NN71/06.) It came into force on 6 July 2006.

1.2. The Croatian Anti-Doping Agency (*the NADO*) was established pursuant to Article 73 of the Sport Act. By way of subsequent legislation, the NADO was made part of the Croatian Institute for Toxicology, a public authority. The Croatian Institute for Toxicology was in turn re-named the Croatian Institute for Toxicology and Anti-Doping (*CITA*). The Croatian Healthcare Act (*Healthcare Act*) established the roles and responsibilities of CITA, which include 'implementation of the World Anti-Doping Agency Code'.

1.3. As of 1 January 2019, CITA was incorporated into the Croatian Institute of Public Health (*CIPH*). CIPH is the official National Anti-Doping Organisation for Croatia and is referred on the World Anti-Doping Agency (*WADA*) website as being a Code Signatory. (The responsibilities of CITA as set out in the Croatian Healthcare Act survived this reorganisation and remain in effect, although they are now allocated to a Division for Toxicology and a separate Division for Anti-Doping.) These changes have been reflected in an updated version of the Healthcare Act.

1.4. The NADO is, institutionally speaking, the CIPH. The CIPH is a large Governmental department with a number of areas of responsibility, including anti-doping. Operationally, the NADO exists as a division within the CIPH, with its activities independently managed by the executive and staff of the NADO. (Details of the other divisions within the CIPH are referred to within the documents provided to the Evaluation Team with the National Report, but are not material to this Report.)

1.5. The NADO has prepared a set of Anti-Doping Rules, the current version of which is the 'Croatian Institute of Public Health Anti-Doping Rules 2019' (*the Croatian ADR*). The Croatian ADR are expressed to apply to 'Croatian National Federations', Athletes and Athlete Support Persons. The Croatian ADR have, the Evaluation Team was advised, been approved by WADA as complying with the World Anti-Doping Code.

1.6. The NADO is funded from the overall health budget provided by the Croatian Government. The Evaluation Team was advised that the budget assigned to the NADO for 2019 is approximately Euro 700,000.

1.7. The Evaluation Team was referred to in the course of its meetings to a proposed 'National Program of Sport', this being a strategic plan being developed by the Croatian Parliament and Government. The National Report refers to this planned strategic plan as being intended to determine 'the goals and tasks of sport development' and 'the activities necessary for the implementation of these goals and tasks'. It appeared to the Evaluation Team that this strategic plan is intended to apply over an eight-year cycle, from 2019.

¹ See the full list of ratifications hosted at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/135/signatures?p_auth=jL6pUtDN

1.8. The National Program of Sport involves to a significant degree the Central State Office for Sport, a governmental body tasked with a number of sport policy matters, including engagement and participation in sport. As discussed further below, the Central State Office for Sport is the primary funding body for sport in Croatia. It does not, however, have any direct involvement in anti-doping matters.

Conclusion

1.9. **The Evaluation Team accepts that the Croatian authorities have complied with the political commitments described in Article 1.**

Recommendations

1.10. The National Program of Sport might helpfully be shared with the Monitoring Group in due course, given its potential relevance to the manner in which the Croatian Government will continue to implement its Convention commitments: it is assumed that anti-doping will form part of this strategic plan.

1.11. The Central State Office for Sport should consider aligning its funding instruments in a manner that ensures that funding can be withdrawn from any institution or person that does not comply with the anti-doping policies and standards mandated by the Croatian Government. This would be consistent with the Croatian Government's broader commitments to ensure that public funding and support is provided only to third parties that comply with international standards relating to anti-doping.

ARTICLE 2 - DEFINITION AND SCOPE OF THE CONVENTION

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

2. Article 2 is a ‘definition’ article rather than an article that specifies a particular commitment or expectation. Its relevance is that in substance it requires that the terms referred to at Article 2.1(a), (b) and (c) are used by State Parties in a manner consistent with the Convention.

2.1. The key terms relevant to anti-doping regulation are defined in (or by reference to) the Croatian ADR. The Evaluation Team was comfortable with the assertion, based on WADA’s compliance review of the Croatian ADR, that these definitions are compatible with the Code and so in turn compatible with Article 2.

2.2. The Croatian ADR constitute a unified system of anti-doping regulations that apply to sports institutions and persons in Croatia as a pre-condition for the provision of public funding and publicly funded benefits.

2.3. The NADO’s jurisdiction over Croatian sports institutions and persons is established by the Croatian ADR.

Conclusion

2.4. The Evaluation Team accepts that the Croatian authorities have complied with the commitments described in Article 2.

2.5. Recommendations

2.6. The Evaluation Team refers to its Conclusions and Recommendations in respect of Article 4 below.

ARTICLE 3 - DOMESTIC CO-ORDINATION

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

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

3. The Monitoring Group and the World Anti-Doping Agency agree that the fight against doping in sport, if it is to work well, should involve a number of governmental departments or agencies (including those responsible for areas as diverse as public health, medical care, customs, police, sport and education). Further, to ensure the practical implementation of the international standards in anti-doping, both the Convention and the Code contemplate the establishing of a National Anti-Doping Organization, which is able to give effect to a Government's commitments under the Convention, and comply with its own commitments as a Signatory to the World Anti-Doping Code. The Evaluation Team therefore spent some time considering both the establishment of the NADO by the Croatian authorities and the relationships that the NADO has with other stakeholders in anti-doping in Croatia.

NADO

3.1. Although the NADO is, institutionally, the CIPH, the Evaluation Team considered the NADO in the way that it is structured, which is a *de facto* autonomous division within the CIPH. The background to the establishment of the NADO is addressed in the context of the remarks concerning Article One of the Convention, above.

3.2. The Evaluation Team was satisfied that the NADO had been properly established and has a secure legal foundation upon which to base its activities. The NADO, which in turn is part of CIPH, has a legal duty to implement the Code, and propose and implement measures to address doping in Croatia.

3.3. The Monitoring Group takes the view that a NADO must have decision-making independence in terms of its activities. The Code mirrors this view. The Evaluation Team's conclusions as to whether the establishment of the NADO is consistent with the requirement that the NADO be 'operationally independent' in respect of its activities are considered below.

CIPH

3.4. The CIPH has been constituted in its current amalgamated format since January 2019. Its funding is sourced partly from the central state budget, and partly through state lottery revenues. The funding provided to the NADO includes the costs of Doping Control and laboratory analysis costs, as well as the operational costs of the NADO.

3.5. The CIPH advised the Evaluation Team that operational anti-doping matters are the exclusive preserve of the NADO, being the Division for Anti-Doping of the CIPH. For example, the Test Distribution Plan is prepared by the NADO, according to and consistent with WADA standards.

3.6. The Evaluation Team was particularly interested to hear from CIPH officials and the NADO as to how any potential conflicts of interest were addressed in light of the NADO being a division of a Government entity as opposed to a distinct legal entity. The CIPH expressed the view that the fact that administratively the NADO was accountable to Government officials did not create a real potential for conflict, because the relevant officials had neither sport nor doping expertise: their specialisations lay in public health matters. Their oversight function therefore rested with budget and strategy matters and no bearing on the actual operational matters handled by the NADO. Those

operational matters were exclusively the function of the NADO. The NADO partially shared this view.

3.7. In contrast, and in the context of funding, the CIPH commented that any initiatives to have the NADO 'self-fund' through the provision of services to non-public bodies (in particular, sport federations) did in its view create the potential for a conflict to arise, and should be avoided. It expressed a concern that requiring non-public bodies to fund the exercise by a public body of its public duties could be, in effect, a form of indirect taxation. That might in turn raise issues as to the extent to which the payment of such costs could or should be tax-deductible and what the tax treatment of such revenues might be.

3.8. The Evaluation Team was advised that the Director-General of the CIPH has responsibility for and is accountable in respect of financial decisions made by the NADO. The Evaluation Team in turn considered whether this could amount to *de facto* operational control of the NADO, on the basis that the person who ultimately sanctions the incurring of expense controls the activities that carry such an expense – such as Testing. Its conclusions in this regard are referred to below.

3.9. The Evaluation Team was advised that the Director-General of the CIPH has responsibility for nominating the individual who fulfils the chief operating officer role of the NADO. Again, its conclusions in this regard are referred to below.

Central State Office for Sport

3.10. The Croatian Central State Office for Sport was established by the Croatian Government to 'perform administrative and expert tasks in the field of development and promotion of sports and its role in society, funding of sports programmes and sports development programmes, expert activities, the status of top athletes, national sports development programme, administrative and inspectional supervision of sports activities, preparation and implementation of EU projects, and many other strategically important tasks'². It is the principle funding body for sport in Croatia, providing funding to the Croatian Olympic and Paralympic Committees, as well as the Croatian Deaf Sports Association. Funding is provided to sports institutions including National Federations for sport in Croatia, and sportspersons, including through the National Olympic Committee. The Croatian Central State Office for Sport does not, however, have any formal involvement in anti-doping strategy or operations.

3.11. In relation to anti-doping structures in Croatia, the Evaluation Team was advised by the Central State Office for Sport that anti-doping matters were the preserve of the CIPH, and that compliance by Croatian sporting institutions with anti-doping regulations was primarily the responsibility of the Croatian Olympic Committee. One of the practical reasons underpinning this separation is the funding sources differ in respect of the funding provided to the Central State Office for Sport, and the NADO.

Croatian National Olympic Committee

3.12. The Croatian Olympic Committee (*'the NOC'*) has a number of responsibilities established by way of the Sport Act. Included within its overall responsibilities is a duty to act as the primary body designated by the Croatian Government in respect of the provision of funding to both National Federations and individual sportspersons.

3.13. The position of the NOC in relation to this funding, and its impact on the anti-doping framework in Croatia, is considered further below in relation to Article 4.

Ministry of Health

3.14. The Ministry of Health is the overall 'parent' authority in respect of the CIPH.

² Source (Croatian language) - <https://sdus.gov.hr>

3.15. The Ministry of Health acknowledged that whilst the hosting of the NADO within the Ministry was perhaps unusual, there is no ‘obvious’ location for the NADO given that there is no specific sports ministry within the Croatian Government. (The Croatian State Office for Sport fills as a de facto matter some of the roles that would typically be assigned to such a Sports Ministry.)

3.16. The Ministry did not believe that the location of the NADO as a division within the CIPH created any issues in terms of the operational independence of the NADO, but that if any such issues arose or were identified, it would review the position of the NADO within the CIPH.

Conclusions

3.17. The Monitoring Team accepts that the Croatian authorities have complied with the political commitments described in Article 3.

Recommendations

3.18. The Evaluation Team spent some time discussing the respective values of ‘institutional independence’ and ‘operational independence’ as applied to the NADO. Article 3.2 of the Convention provides that the Croatian Government may delegate the implementation of some of its provisions ‘to a designated governmental or non-governmental sports authority or to a sports organisation’.

3.19. The Croatian Government has established the NADO, which is a ‘designated governmental sports authority’. The existence of the NADO as part of the CIPH, and thus the Croatian Government, is consistent with the Convention. There is no requirement in the Convention that the NADO be institutionally or legally independent of the Croatian Government, and the expectations of Code Signatories as articulated in the Code are that governments will ‘respect the autonomy of a National Anti-Doping Organization in its country and not interfere in its operational decisions and activities’. The Code establishes a further standard applicable to NADOs, requiring them to be ‘independent in their operational decisions and activities’. Within the framework of its visit, the Evaluation Team did not identify any practical or operational concerns resulting directly from the anti-doping structures established by the Croatian Government.

3.20. The Evaluation Team recommends that the Croatian Government keeps under review the structure adopted whereby the NADO is a division of the CIPH, to ensure that the structure does not compromise or hamper the ability of the Croatian Government to fulfil its Convention commitments, and for the NADO to fulfil its commitments as a Signatory to the Code. In particular, the Evaluation Team recommends that the Croatian Government has regard to and adopts the ‘Monitoring Group Recommendation on the operational independence of National Anti-Doping Organisations’.

3.21. The Evaluation Team was advised, and to an extent accepted, that the location of the NADO within the CIPH provided the NADO with a degree of access to Governmental stakeholders and partners that was both useful and advantageous in terms of the NADO’s legal status as a governmental entity. The Evaluation Team agreed with the CIPH that the identity of the NADO as a public body and a division of government could provide a secure foundation for the development of information and data sharing arrangements with state authorities, even though such arrangements did not appear to be in place at the time of the visit.

3.22. The Evaluation Team noted that there is a further piece of relevant legislation, being the ‘Act on Sport Inspections’, which complements the Sport Act in that it establishes an inspectorate that in turn examines compliance with the Sport Act. Given that there is a potential cross-over between issues that might be identified by this inspectorate and matters relevant to anti-doping, the Evaluation Team recommends that information sharing policies be developed to ensure that any information obtained by the inspectorate that might be relevant to anti-doping matters be shared with the NADO.

3.23. In this respect, the Evaluation Team recommends that the NADO and the relevant Croatian authorities jointly consider the Monitoring Group Recommendation on Information Sharing³. In particular, it would be helpful for consultations to take place regarding the utility and practicalities of exchanging information relevant to anti-doping matters and/or the commission of criminal offences identified from anti-doping investigations.

3.24. Regarding the controls on funding and recruitment vested in the CIPH as far as the NADO was concerned, the Evaluation Team was comfortable with assurances provided by the CIPH that this apparent control was at a general level, to manage the expenditure of the NADO within its allocated budget. It does not appear to have any impact on the operational activities conducted by the NADO. Nevertheless, the Evaluation Team felt that, this structure is not an efficient governance model and results in a degree of administrative inefficiency for all concerned. It recommends that this structure be reviewed.

3.25. The Evaluation Team was advised that the Director-General of the CIPH has responsibility for nominating the individual who fulfils the chief operating officer role of the NADO. The Evaluation Team noted that this process was consistent with the broader administrative processes adopted by the CIPH in relation to the allocation of roles within the organisation, but nevertheless recommends that, in keeping with the principles of good governance, the CIPH might consider making this nomination pursuant to an open recruitment process.

³ Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping

ARTICLE 4 - MEASURES TO RESTRICT THE AVAILABILITY AND USE OF BANNED DOPING AGENTS AND METHODS

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

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

4.3 Furthermore, the Parties shall:

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

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

c) encourage and, where appropriate, facilitate the carrying out by their sports organisations of the doping controls required by the competent international sports organisations whether during or outside competitions;

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

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

4. Article 4 of the Convention establishes a number of commitments:

Article 4.1: States Parties are required to adopt measures to restrict the availability, including trafficking, of banned substances and methods and, in particular, anabolic steroids.

Article 4.2: it should be a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

Article 4.3(a): governments may underwrite the entire cost of doping controls and analysis or offer partial grants to the sport organisations, as a form of encouragement to undertake testing on a worthwhile scale.

Article 4.3(b): financial support from public funds, whether directly from the state or indirectly through sport organisations, provided to sportsmen and sportswomen who have been suspended for doping, should be suspended at least for the period of their suspension.

Article 4.3(c): in addition to direct measures, states may offer different forms of encouragement to reduce the use of doping, such as financial encouragement and/or penalisation (Articles 4.2, 4.3.a and 4.3.b). Article 4.3.c of the Convention requires from states more practical forms of encouragement such as in facilitating doping control testing, both in-, and out-of-competition.

Article 4.3(d): athletes should continue to be subject to testing even when they are out of their countries, for training or competition.

Article 4.4: states may adopt legislation by virtue of which, inter alia, public authorities may themselves organise doping controls.

4.1. The Monitoring Team did not assess each of these components in depth. It did, however, note the following.

Article 4.1

4.2. The Evaluation Team was advised that provisions exist within the Croatian criminal justice system relating to the sale, supply and possession of prescribed substances, including steroids and opioids. The specific list of substances is developed and maintained by the Ministry of Health in consultation with other relevant government departments and divisions.

4.3. No specific criminal measures have been introduced in relation to ‘doping’ offences, but rather, criminal offences exist which overlap with certain of the Anti-Doping Rule Violations listed in the Code.

4.4. The Ministry of Health liaises with other agencies in relation to ‘drugs offences’, and the CIPH collaborates with law enforcement officials, courts and Customs agencies regarding these offences. There did not appear to any significant equivalent exchanges concerning offences that also related to anti-doping matters, that is, drugs offences committed by persons with an association with or involvement in sport.

4.5. As is the case in many nations, some criminal offences can also constitute Anti-Doping Rule Violations, and vice versa. In turn, this makes the facilitation of exchanging information regarding the anti-doping authorities and the law enforcement bodies that deal with offences arising from substances such as steroids and opioids both useful and significant.

4.6. The provisions themselves are described in detail in the National Report. These were not examined in any detail by the Monitoring Team.

Article 4.2, 4.3

4.7. The NOC is the primary funding body for sport and sportspersons in Croatia. The Croatian ADR apply to National Federations and sports persons under their jurisdiction, and include a requirement that compliance with the Croatian ADR is a pre-requisite for the receipt of funding from the NOC.

4.8. This in turn raises an important compliance issue in terms of the adoption of the Croatian ADR by National Federations. The Croatian ADR may as a practical matter be ineffective unless they are adopted by National Federations as their own Anti-Doping Rules.

4.9. There is no direct requirement in the Sports Act on National Federations to adopt either the ADR or some other form of Code-compliant ADR, although it is implicit that they must do (for example, it is likely that Croatian National Federations will be required by their International Federation to have Code-compliant ADR).

4.10. There is, however, a requirement on the NOC to ensure that National Federations have Code-compliant ADR. This is implied by the Sports Act, but in addition the NOC has a responsibility under the Code to ‘require as a condition of membership or recognition that National Federations’ antidoping policies and rules are in compliance with the applicable provisions of the Code’, and to ‘withhold some or all funding to its member or recognised National Federations that are not in compliance with the Code’.

4.11. An effective monitoring and compliance process for ensuring that National Federations do adopt and comply with the Croatian ADR is therefore essential.

Conclusions

4.12. **The Monitoring Team did not identify, in the context of its limited review, any matters that suggested that the Croatian authorities have not complied with the commitments described in Article 4.**

Recommendations

4.13. The Evaluation Team’s recommendations address the important issue of compliance with international standards relating to anti-doping, and how this compliance is monitored and enforced.

4.14. The Evaluation Team was advised that the Sport Act is in the process of review, with a revised version likely to be enacted in late 2019. This will not alter the institutional relationships

described in this Report, principally because the funding source for the anti-doping operations and the NADO will continue to be the Ministry of Health.

4.15. The regulatory functions of the Croatian Central State Office for Sport as applied to sport institutions are established in the Sport Act, but these do not include the ‘policing’ of compliance with anti-doping standards – this is the preserve of the NADO and the NOC. This creates a two-tier regulatory system applicable to sports institutions whereby compliance with anti-doping standards is addressed by a different process to compliance with other standards applicable to National Federations established by the Sport Act. There is an apparent inconsistency in that a National Federation has a duty to comply with Croatian ADR in order to be eligible to receive public funding, but that the National Federation has no obligation under the Sport Act to comply with the Code. The Croatian authorities are recommended to review this issue.

4.16. The NOC has, as referred to above, a number of responsibilities pursuant to the Code, including to require that National Federations comply with the Code, and to withhold funding from National Federations if they do not. The Croatian authorities will be aware that the revised Code compliance frameworks establish the basis for significant sanctions to be imposed in case of non-compliance with the Code and the International Standards.

4.17. The Evaluation Team therefore recommends that the Sport Act might usefully regulate the NOC according to and encompassing its Code responsibilities, to ensure consistency with the Code. The Evaluation Team therefore recommends that the NOC’s roles and responsibilities pursuant to the Code be included in the list of matters referred to in Articles 49-51 of the current Sport Act.

4.18. In turn, the Evaluation Team recommends that the NADO develop a compliance review process that can be used to monitor the adoption by National Federations of the Croatian ADR, or Code-compliant ADR.

ARTICLE 5 – LABORATORIES

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

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

5. Article 5 of the Convention establishes a number of commitments concerning laboratories. The important role of doping control laboratories in the fight against doping is reflected in the Convention, as well as the World Anti-Doping Code and the UNESCO Convention. Since 2004, anti-doping laboratories have been accredited by WADA, which also monitors and assesses their performance. According to the International Standard for Laboratories (*ISL*), WADA is responsible for accrediting and re-accrediting anti-doping laboratories, thereby ensuring that they maintain the highest quality standards. Whenever a laboratory does not meet *ISL* requirements, WADA may suspend the laboratory's accreditation.

5.1. There is no laboratory in Croatia that has been accredited by WADA. Rather, the NADO utilizes the services of the WADA-accredited laboratory in Seibersdorf, Austria. The NADO indicated that the services are provided in a satisfactory manner and that there is a healthy working relationship between the two parties.

5.2. The Seibersdorf laboratory acts as the Athlete Passport Management Unit (APMU) for the NADO, both for the haematological and steroidal modules.

5.3. This is consistent with the Convention, and the Monitoring Team did not consider this issue in any further detail. The Evaluation Team was advised that the NADO has a contract with the Seibersdorf laboratory, and the Evaluation Team considered it reasonable to assume that the contract included provisions that catered for the possibility that the Seibersdorf laboratory had its accreditation suspended. The Evaluation Team suggests that the NADO review its contract to ensure that this is the case.

Conclusions

5.4. The Monitoring Team accepts that the Croatian authorities have complied with the commitments described in Article 5. There are no recommendations.

ARTICLE 6 – EDUCATION

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

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

6. Article 6 of the Convention establishes commitments relating to both education and research.

Article 6.1: The provision of education and information for the prevention of doping in sport is an essential feature of any anti-doping program. Educational and informational programmes should be comprehensive and be directed mainly to athletes and their support personnel⁴.

Article 6.2: Research in the field of anti-doping as well as the physiological and psychological training and the legitimate search of improved performance is of great importance.

The importance of both education and research is underscored in both the World Anti-Doping Code and the UNESCO Convention.

Article 6.1

6.1. The Monitoring Team was provided with information regarding the education and prevention efforts undertaken by the NADO, in collaboration with other stakeholders.

6.2. The National Report describes in some detail the activities undertaken by the NADO in relation to education and prevention: these were discussed in outline between the Evaluation Team and the NADO.

6.3. The NADO has a staff member responsible for anti-doping education. The NADO reported that education to sports persons must, as a practical matter, be provided in close cooperation with and the active support of National Federations, so as to ensure active involvement of sports community in the Anti-Doping Education system.

6.4. The NADO uses standardised WADA materials to promote education and prevention (such as the WADA-operated web platform ADeL and in particular the ALPHA programme). It also collaborates with the NOC on focussed education sessions, including those intended for presentation to sports physicians and medical practitioners involved in sport.

Conclusion

⁴ The Monitoring Group developed the Model Guidelines for Core Information/Education Programmes to prevent Doping in Sport, as a methodological tool, for the development, implementation, delivery, and evaluation of information and education programmes. These Model Guidelines are annexed to the Recommendation Rec (2011) 1 of the Monitoring Group on the use of the model guidelines for core information/education programmes to prevent doping in sport. The Monitoring Group developed also the Guidelines for anti-doping education for Tertiary Education Institutions, aiming to support the development, implementation, delivery and evaluation of effective anti-doping education at the university level. These Model Guidelines are annexed to the Recommendation Rec (2016) 2 of the Monitoring Group on the Guidelines for anti-doping education for Tertiary.

6.5. The Monitoring Team accepts that the Croatian authorities have partially complied with the commitments described in Article 6. There are a number of recommendations.

Recommendations

6.6. Like all Code Signatories, CIPH will be required to comply with the International Standard on Education, due to be adopted by WADA's Executive Committee in November 2019. The recommendations made below take into account this standard, and so reflect a number of general themes that if implemented would enhance the education and prevention efforts undertaken by the Croatian Government concerning anti-doping.

6.7. The Evaluation Team recommends that –

- The NADO engage with as wide a range of partners as possible to deliver education on behalf of the NADO. These should be managed by the NADO education manager who should also be responsible for the training and accreditation of third party educators.
- The education plan should be developed to include a clear identification of all core target audiences, how these will be prioritised over the next 3-4 years, which agencies will be required to support the implementation of the education programmes, and what resources will be required to deliver against the plan.
- The overarching aim for the NADO should be to create and build a sustainable clean sport education system for athletes and core support roles. Ideally, this would also include opportunities for National Federations to learn more about their anti-doping responsibilities and how to deliver these.
- All agencies delivering clean sport education should commit to sharing with the NADO what they are delivering, in order for the NADO to provide advice/guidance/feedback on its appropriateness. This would be made easier if the NADO develops a clear curriculum of content required to be delivered to core target audiences and how this should progress in depth and breadth as an individual progresses their career in sport.
- The NOC should encourage and where appropriate facilitate compliance by National Federations with their responsibilities in the areas of education and prevention.

ARTICLE 7 – CO-OPERATION WITH SPORTS ORGANISATIONS

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;

b) lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;

c) doping control procedures;

d) disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:

i. the reporting and disciplinary bodies to be distinct from one another;

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

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

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

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

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;

b) to negotiate agreements with sports organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;

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

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

e) ...

f) ...

7. Article 7 establishes a number of commitments on the part of States Parties aimed at ensuring that sports organisations take all appropriate steps to implement effective anti-doping programmes.

Article 7.2(a)-(c): compliance with these commitments is achieved by ensuring that sports organisations adopt and implement the standards mandated by the World Anti-Doping Code.

Article 7.2(d): this requires States Parties to put in place regulations about their disciplinary and appeal procedures that respect the concept of natural justice and due process. In this regard, the Monitoring Group of the Anti-Doping Convention has adopted a key recommendation concerning hearing panels and dispute resolution⁵ [*full title and reference*].

Article 7.2(e)-(f): these articles are intended to ensure that there is no ‘forum-shopping’ or potential to find doping ‘safe havens’. In this regard, mutual recognition of sanctions is one of the principles of the World Anti-Doping Code.

⁵ Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases. T-DO/Rec(2017)01

Article 7.3: this requires State Parties to ensure their sports organisation organise doping control testing, and sets certain elements of the testing programmes: on an effective scale, in-, and out-of-competition, and without advance notice. Testing must be 'equitable for all sportsmen and sportswomen'. For this to be achieved, it is important for the organisation responsible for testing and those persons involved, to be independent, impartial and free from any conflicts of interest.

Article 7.3(b): this requires State Parties to ensure their sports organisations establish agreements (as necessary) with other organisations for testing their athletes when training in other countries.

Article 7.3(c): this requires State Parties to ensure their sports organisations pay close attention to the fact that out-of-competition testing, and in particular testing in the lead up of major sport events, is one of the most important elements of a comprehensive testing programme. If athletes are aware of the possibility to be tested when they are preparing for competitions, out-of-competition testing has a strong deterrent effect. At the international level, major event organisations (like, for example, the International Olympic Committee) and international federations encourage national anti-doping organisations to test their athletes prior to their participation in international events. Similarly, at the national level, the national anti-doping organisation should test the athletes under its jurisdiction prior to their participation in national events, based on a risk assessment analysis and with the support of the interested national sport organisation.

Article 7.3(d): this requires State Parties to ensure their sports organisations involve clean athletes in their anti-doping programmes, encouraging integrity and fairness for sport and athletes.

Article 7.3(e): this requires State Parties to ensure their sports organisations make full and efficient use of the analytical capacities of the laboratories. The analysis of samples for the purpose of anti-doping testing by the WADA-accredited laboratories is constantly evolving with strengthening of the existing analytical methods, as well as the development and implementation of new and more sophisticated methodologies.

Article 7.3(f): this requires State Parties to ensure their sports organisations furnish athletes with scientifically prepared guidelines to support their training and protect them from unnecessary harm, and also to prevent them from doping.

Doping Controls

7.1. The Evaluation Team was advised by the NADO that it plans for approximately six hundred (600) tests to take place within a typical annual cycle, conducted primarily by a team of approximately thirty-five Doping Control Officers ('DCOs'). The DCOs are based throughout mainland Croatia, enrolled and retained under contract, and subject to continuous assessment and regular review. The NADO maintains a Registered Testing Pool, the number of Athletes providing whereabouts information varying each year in the range of sixty to ninety Athletes.

7.2. The Evaluation Team (having regard in particular to the regular Code Compliance assessment undertaken by WADA in respect of the NADO, as part of its wider Signatory compliance assessment process) was satisfied that doping controls undertaken by the NADO are planned and conducted in compliance with the Code and the relevant standards.

7.3. The Evaluation Team was advised that the NADO is the sole national-level body in Croatia that is authorised to conduct Code-compliant testing. The NADO plans its testing, and its overall 'test distribution plan' ('TDP') using a risk assessment that WADA has assessed as being in line with the Code and International Standards requirements.

Therapeutic Use Exemptions

7.4. The NADO is required by the Code to provide a means by which athletes can obtain a 'therapeutic use exemption' ('TUE'). The TUE process is managed with the assistance of three permanent 'TUE Committee' members, and one additional medical specialist.

7.5. The TUE process is managed pursuant to the Croatian ADR.

Disciplinary Process

7.6. The Evaluation Team noted, as discussed above, that the anti-doping framework requires that National Federations adopt the Croatian ADR as their anti-doping rules.

7.7. If a dispute arises in respect of the anti-doping rules – for example, an allegation that an anti-doping rule violation has been committed – that dispute must be resolved by the process mandated by the ADR. The dispute resolution process is free at the point of entry for any sports person alleged to have breached the ADR. There is mutual recognition of decisions made by anti-doping panels in other jurisdictions, and recognition and implementation of the decisions made in doping cases by the Court of Arbitration for Sport.

7.8. It is often the case in anti-doping disciplinary proceedings that the participant who is the ‘respondent’ in such proceedings does not have sufficient resources to engage specialist legal advice in relation to the proceedings, which can put that participant at a disadvantage. This is a concern for all those involved in anti-doping regulation, and one that has attracted some novel solutions (such as the provision of ‘pro bono’ legal support for participants, such as that recently announced by the Azerbaijani National Anti-Doping Organisation). The NADO and the Croatian authorities are encouraged to monitor such developments with a view to assessing whether any similar steps might be adopted in Croatia.

7.9. The Evaluation Team notes that a ‘parallel’ disciplinary process in respect of conduct that would otherwise constitute an Anti-Doping Rule Violation resides within the Sport Act at Articles 86-89 (‘Chapter XIV Penalty Provisions’). This is referred to below.

Conclusions

7.10. The Monitoring Team accepts that the Croatian authorities have partially complied with the commitments described in Article 7. There are a number of recommendations.

Recommendations

Disciplinary Matters

7.11. The Evaluation Team was satisfied at the position concerning dispute resolution as provided for pursuant to the Croatian ADR, but recommends that the Croatian authorities review and implement (where necessary) Recommendation (2017) 01 of the Monitoring Group⁶ in relation to the dispute resolution bodies established pursuant to the Croatian ADR.

7.12. The Evaluation Team recommends that training be provided to the Disciplinary Anti-Doping Commission and Appeals body on Code and key CAS cases. In addition, a clear process for disciplinary matters, possibly in the form of a standardised ‘process map’, might assist in enabling all participants in the disciplinary process to be clear as to their roles and responsibilities at each stage of the process.

7.13. As regards the ‘parallel’ dispute resolution process referred to above that exists within the Sport Act, the Evaluation Team recommends that this be reviewed to ensure consistency and compatibility with the relevant Code standards.

⁶ Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases

ARTICLE 8 - INTERNATIONAL CO-OPERATION

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

8.2 The Parties undertake:

a) to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;

b) to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and

c) to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.

8.3 The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.

8. Article 8 emphasises the importance of coordination and cooperation among States Parties to the Convention at the international level. A main channel for such cooperation is the Monitoring Group set up by virtue of Convention Article 10 as well as the Advisory Groups and the ad hoc groups of experts established by virtue of Convention Article 11.2 to support the work of the Monitoring Group. Another important channel of cooperation under the Council of Europe is the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA), which is responsible for the coordination of the positions of all Parties to the European Cultural Convention, with regard to questions relating to WADA. Outside the structures of the Council of Europe, cooperation in the field of anti-doping can be achieved in many fora, like WADA, UNESCO and the Conference of Parties to the International Convention against Doping in Sport.

Conclusions

8.1. The Monitoring Team accepts that the Croatian authorities have complied with the commitments described in Article 8.

Recommendations

8.2. Both the Croatian authorities and the NADO are encouraged to take part in the works of the Council of Europe, including meetings of the Monitoring Group (T-DO) and the European Ad hoc Committee for WADA (CAHAMA), as well as in the works of UNESCO and WADA.

8.3. The Evaluation Team noted that there did not appear to be an obvious policy lead at Government level to assist the NADO; it therefore recommends that the relevant Croatian authorities liaise with a view to providing a more consistent engagement at this level, in particular to set a strategic policy approach to anti-doping issues, which can then in turn be articulated at the Monitoring Group and CAHAMA meetings. (The NADOs can in turn communicate any such policies at these meetings, in support of the Government.)

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.

9. The Convention requires States Parties to exchange information and experiences between Parties and observers about issues related to the implementation of the Convention. The meetings of the Monitoring Group of the Convention serve as a suitable occasion for providing and exchanging such information.

Conclusions and Recommendations

9.1. The Monitoring Team accepts that the Croatian authorities have complied with the commitments described in Article 9.

Anti-Doping Convention (CETS No. 135)

**Auto-evaluation report
on compliance with the commitments under the Convention**

*The report provides background information and an overview on the application and implementation of the provisions of the Anti-Doping Convention in CROATIA.
The document was prepared by the Central State Office for Sport and Anti-Doping Division of Croatian Institute of Public Health (CIPH)*

**15th May 2019
Zagreb, Croatia**

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.

Signatures and ratifications

Republic of Croatia has been since March 1, 1993 a party of the Anti-Doping Convention of the Council of Europe (ETS No 135) which was open for signature by the member States, the other States Parties to the European Cultural Convention, the non-member States which have participated in its elaboration and for accession by the other non-member States on November 16, 1989 and entered into force on March 1, 1990 by five ratifications including four member States.

Declaration on Fight against Doping in Sport has been issued on March 5, 2003 at the 2nd World Conference on doping in sport in Copenhagen and Republic of Croatia signed the Declaration and acknowledged and gave support the role of the World Anti-Doping Agency (WADA) and its Code. By this, Republic of Croatia became obliged to undertake international and intergovernmental co-operation in harmonizing anti-doping policy and practice in sport.

International Convention Against Doping in Sport was adopted on October 19, 2005 and came into force on February 1, 2007 Croatian Parliament issued Decision on July 6, 2007 to adopt Act on Ratification of International Convention against Doping in Sport (Official Gazette, No. 7/2007). The Act regulates legal foundation and commitment of member state to the International Convention Against Doping in Sport.

Legal framework

Overview of the national legal framework for sport

Act on the amendments to the Act on organization and scope of ministries and other central state administration bodies (Official Gazette, No. 116/2018) regulates scope and responsibilities of ministries and central state offices in Republic of Croatia. In Article 24 is defined the scope of public body responsible for sport affairs.

The Central State Office for Sport carries out administrative and professional affairs related to sport development, sport and physical culture, promotion of recreational, health, school, university, amateur, professional, competitive and promotional significance of sports, proposing and implementing regulations on sports activities, sports affairs and sport development programs, sporting activities, sporting and athletic categorization, proposing and implementing regulations on health, education, employment, sports pensions and other forms of support and recognition top athletes, proposing national sports development program, and overall administrative and inspection supervision of sporting activities; participates in the preparation of programs and projects and implementation of projects from the European Union programs and other forms of International assistance.

The Central State Office for Sport participates in the work of the European Union institutions and cooperates with other international institutions in accordance with its competence and scope.

The Central State Office for Sport also performs other tasks based on the Sport Act.

Summary of legal acts in the field of anti-doping

The main legislative act relating to sport in Republic of Croatia is Sport Act. Article 72 of the Sport Act (Official Gazette, No. 71/2006) provides that athletes are not allowed to use illegal substances nor apply procedures which are prohibited by rules of Croatian Olympic Committee, International Olympic Committee and World Anti-Doping Agency. Coaches, authorized doctors and other persons in sport are not allowed to give prohibited substances to athletes nor incite them to use prohibited substances or illegal procedures. Athletes are obliged to doping control. Article 73 of the Sport Act (Official Gazette, No. 71/2006) establishes the application of the Code of World Anti-Doping Agency (WADA) and the establishment of the Croatian Anti-Doping Agency (CROADA / HADA).

**For the 'Sports Act (Official Gazette, No. 71/2006)' – please see the annex No. 1*

In 2010 by the decision of the Government of the Republic of Croatia, operationally independent anti-doping organization CROADA was annexed to the Croatian Institute for Toxicology (CIT / HZT). This change has been implemented through Act on amendments to the Sport Act (Official Gazette, No. 124/2010) and Act on Amendments to the Health Care Act (Official Gazette, No. 139/2010). In

transitional and final provisions of the abovementioned Act on amendments to the Sport Act, as per Article 5, national anti-doping organization CROADA has been annexed to Croatian Institute for Toxicology (CIT / HZT), whereby Croatian Institute for Toxicology (CIT / HZT) was renamed to Croatian Institute for Toxicology and Anti-Doping (CITA / HZTA). Croatian Institute for Toxicology and Anti-Doping continues all activities related to fight against doping in sport, participates in all international associations which national anti-doping organization CROADA was previously part of, and takes over all jobs as well as obligations in fight against doping by international conventions.

Act on Amendments to the Health Care Act (Official Gazette, No. 139/2010) in its provisions regulates transition of CROADA to CITA and in Article 8 gives provisions of the scope of activities that CITA is obliged to carry out. Those principal activities are the following: monitoring and implementation of international anti-doping conventions in sport in the Republic of Croatia; systematic monitoring and coordination of actions by governmental and non-governmental organizations in the fight against doping in sport; proposing and implementing measures to combat doping in sport and the application of the Code of the World Antidoping Agency and the Rules of the Croatian Olympic Committee, the International Olympic Committee, the World Anti-Doping Agency and the International Sports Associations.

Croatian Government issued decision on August 2, 2018 to annex CITA to Croatian Institute of Public Health (CIPH / HZJZ) thus positioning anti-doping organizational unit into much bigger and more complex organizational environment.

**For the 'Healthcare Act (Official Gazette, No. 150-2008, 71-2010, 139-2010,.70-2016 – cleared text' – please see the annex No. 2*

**For the 'Act on amendments to the Sport Act (Official Gazette, No. 124/2010' and the 'Act on Amendments to the Health Care Act (Official Gazette, No. 139/2010' – please see the annex No. 3 (available only in Croatian, but explained in the text above)*

The main legislative law positioning Croatian Institute of Public Health (CIPH / HZJZ) as legal entity responsible for anti-doping is Healthcare Act which entered into force on January 1, 2019. Article 36 of the Healthcare Act (Official Gazette, No. 100/2018) regulates activities of health care institutes as part of healthcare activities performed at the primary, secondary and tertiary level of healthcare activities which includes public health, transfusion medicine, work medicine/medicine of work and sports, emergency medicine and telemedicine, toxicology and anti-doping.

Article 129 of the Healthcare Act (Official Gazette, No. 100/2018) defines Croatian Institute of Public Health (CIPH / HZJZ) as the health institution for the activities of epidemiology of infectious diseases and chronic non-communicable diseases, public health, health promotion, health ecology, microbiology, school and adolescent medicine, mental health and addiction prevention, performing the work of medicine, improvement of health and safety at work as well as expert scientific activities in the field of toxicology and anti-doping. Article 132 of the Healthcare Act (Official Gazette, No. 100/2018) provides activities of Croatian Institute for Toxicology and Anti-Doping to be a part of Croatian Institute of Public Health. Croatian Institute of Public Health takes over responsibility to monitor and conduct the International Anti-Doping Convention on Sport in Republic of Croatia, systematically monitor and coordinate the actions of governmental and non-governmental organizations in the fight against doping in sport, propose and implement measures in the fight against doping in sport, apply the Code of the World Anti-Doping Agency and the Rules of the Croatian Olympic Committee, the International Olympic Committee, the World Anti-Doping Agency and the International Sports Associations. Croatian Institute of Public Health proposes program of health protection measures in the field of toxicology and anti-doping and performs other activities in accordance with the Healthcare Act.

Article 274 provides that on the date of entry into force of Healthcare Act the Croatian Institute for Public Health takes over all the work, employees, obligations and jobs from Croatian Institute for Toxicology and Anti-Doping.

**For the 'Healthcare Act (Official Gazette, No. 100/2018' – please see the annex No. 4 (available only in Croatian, but explained in the text above)*

Unauthorized production and movement of substances prohibited in sports are regulated in Article 191(a) of the Criminal Code (Official Gazette, No. 144/2012).

Article 191(a) of the Criminal Code regulates unauthorized production and movement of substances prohibited in sports. Any person who produces, processes, transfers, exports or imports, purchases or

possesses prohibited substances in sport will be convicted up to three years in prison. Second paragraph provides that any person which offers to sell, or sells, or mediates in selling prohibited substances from paragraph one to a child or a person with mental disability, or incites them to use prohibited substances, on school property, or other place for educational, sports or child activity purposes, will be convicted from six months up to five years in prison. Whoever organize net of dealers or middleman for committing crimes determined in first two paragraphs of Article 191 will be convicted from one up to eight years in prison. Whoever cause the death by selling prohibited substances or was middleman in sale of prohibited substances will be convicted up from three to fifteen years in prison.

**For the 'Criminal Code (Official Gazette, No. 125/2011' and Act on amendments to the Criminal Code (Official Gazette, No. 144/2012) – please see the annex No. 5*

Anti-doping rules adoption by Croatian national anti-doping organizations

Both CITA, and consequently CIPH, by decision of Governing Board, adopted modified Anti-doping Model Rules of WADA-a for administration of anti-doping rules in Republic of Croatia. WADA accepted those modified anti-doping rules as being in line with WADA Code. Anti-Doping Rules in Croatia have been intentionally prepared leaving out Section 10.10 and 12 of the Model Rules of WADA as those could not be implemented because of status of the anti-doping organization (both CITA and CIPH)

**For the 'Croatian Anti-Doping Rules' – please see the annex No. 6*

Description of the legal status of NADO

National anti-doping organization in Republic of Croatia is the Croatian Institute of Public Health (CIPH) since January 1, 2019, which was defined by the enactment of the Healthcare Act (Official Gazette, No. 100/2018).

**For the 'Overview of the anti-doping organizational structure in 2019 – scheme' – please see the annex No. 7*

Strategic framework

The Strategic document in the field of sport, National Program of Sport, is currently in the process of adoption by the Croatian Parliament at the proposal of the Government of the Republic of Croatia and if adopted should be in force for a period of eight years. National Program of Sport determines the goals and tasks of sport development, the activities necessary for the implementation of these goals and tasks, and determines the development and control measures of the implementation.

**For the 'Strategic framework of sport in Republic of Croatia – scheme' – please see the annex No. 8*

Budget of the Central State Office for Sport is approximately 40 mil. Euros, which is used for financing the umbrella sport associations at approximately 53%, Local Sport at 3%, Major sporting events at 3%, permanent reimbursements and awards for athletes at 10% and sport infrastructure at 17%.

Umbrella associations

- Competitions and other Activities of School and Academic Sports and Programs of Universal Sports Schools and Exercise in Primary Schools.
- Olympic program and other multi – sports competitions, activities of national federations, preparations and competitions of national teams, experts, development programs for top athletes.

Local sport

- Through the tenders for co-financing of sports programs for local sports promotion in 2018, 79 projects were financed with the amount of 7 mil. Kuna (recreational sports, competitions and training of non – swimmers)

Major sport events

- Through Call for proposals for co-financing the organization of major sporting events, the Central State Office for Sport in 2019 co-financed 21 major international sports competitions in Croatia with the amount of 8.913.358,19 kn.

Permanent reimbursements and awards for athletes (10%)

- State awards (permanent financial compensations) Olympic medallists, Paralympic Games, Olympic Games of Deaf and World Championships in Olympic Sports and disciplines (monthly after 45 y/o).
- State awards for top athletic achievements – one – time prize (OG, WC and EC).
- Special merit award “Franjo Bučar” – sport award for development of sport.

Infrastructure

- Central State Office for Sport provides funding for city sport halls in Zagreb, Split and Varaždin.
- Central State Office for Sport published Call for proposals for developing sports infrastructure in 2019 in amount of 8.750.000,00 kn, through which is co-financed 22 infrastructure projects in the Republic of Croatia.

Bilateral cooperation in the field of sport

Republic of Croatia fights doping as well through bilateral cooperation in the field of sport, through next documents:

- Memorandum of Understanding between the Central State Office for Sport of the Republic of Croatia and the Ministry of Education, Science and Sport of the Republic of Slovenia on cooperation in the field of Sport,
- Memorandum of Understanding between the Central State Office for Sport of the Republic of Croatia and the General Administration of Sport of the People's Republic of China on cooperation in the field of Sport,
- Program of Cultural, Educational and Scientific cooperation between the Government of the Republic of Croatia and the Government of the Hellenic Republic for the years 2017, 2018 and 2019,
- Memorandum of Understanding between the Central State Office for Sport of the Republic of Croatia and the Ministry of Culture and Sports of the State of Qatar,
- Program of cooperation between the Government of the Republic of Croatia and the Government of the Republic of Portugal in the fields of Language, Education and Science, Culture, Sports and Youth for period 2018-2021.

Structures and funding of anti-doping

The national government body responsible for coordinating state policy in the field of the fight against doping since 2011 has been the Ministry of Health. In the period from 2007 until the end of 2010, anti-doping was under jurisdiction of the Ministry of Science, Education and Sport. Exactly the period until the end of 2010 was the period when Republic of Croatia put crucial anti-doping legislation in effect (Act on Sport in January 2007, Decree on Establishment of Croatian Anti-Doping Agency in February 2007, Act on Ratification of International Convention against Doping in Sport in July 2007) that led to establishment of Croatian anti-doping agency (CROADA / HADA). The Croatian anti-doping agency had secure and stable financing and strong operational independence under the supervision of the Ministry of Science, Education and Sport. Since March 1993 Republic of Croatia has become a party of Anti-Doping Convention of the Council of Europe (ETS No 135) and the tasks of anti-doping have been assigned to Health Commission of Croatian Olympic Committee. It was so regulated until the anti-doping tasks have been overtaken by CROADA in 2007.

The role of Croatian National Anti-Doping Organization (NADO) since January 1, 2019 has been assigned to Croatian Institute of Public Health (CIPH).

Financial resources for anti-doping activities are defined for each year according to the strategic and financial plan of Republic of Croatia. In that plan, to each Ministry funds are assigned according to the strategic plan specific for the respective ministry.

Concerning anti-doping, the funding

Year	2011	2012	2013	2014	2015	2016	2017	2018
Amount (Kn)*	---	4.456.760	3.718.000	3.560.100	4.900.000	4.500.000	5.350.642	5.171.626
Amount (Eur)	---	602.265	502.432	481.095	662.162	608.108	723.060	698.868

* average rate of exchange on April 17, 2019: 1 EURO = 7.4 Kn

Funding in 2019

The funding since January 1, 2019 for Division of anti-doping is provided in CIPH through anti-doping specific funding (anti-doping allocated budget for anti-doping services) and central budget of CIPH that provides resources for general or centralized needs of CIPH and its divisions

Year	2019
Amount (Kn)*	Exact total amount not precisely defined nor disclosed – it could be estimated to 5.100.000 KN
Amount (Eur)	Exact total amount not precisely defined nor disclosed – it could be estimated to 540.541 Eur

* average rate of exchange on April 17, 2019: 1 EURO = 7.4 Kn

Article 2 – Definition and scope of the Convention

Definition of doping in sport

National legislation accepts the Convention and thereby also all its provisions. Furthermore, previously mentioned Sports Act gives provisions that athletes must not take prohibited substances (doping) and must not act against the rules of the World Anti-Doping Agency. Further provisions of anti-doping rules are given within the Croatian anti-doping rules, which have been implemented by decision of Governing Board of both CITA and consequently CIPH. Through this, the national anti-doping organization established platform for carrying out anti-doping procedures in Republic of Croatia according to the provisions of WADA Code. WADA accepted the Croatian anti-doping rules as being in line with WADA Code.

List of prohibited substances and methods

National anti-doping organization (CITA, and nowadays CIPH) accepts WADA Code and all international standards. Thereby, also the prohibited list of WADA with all its provisions is automatically accepted. The national anti-doping organization publishes Croatian version of the Prohibited List annually and puts both Croatian and English version on the website.

National legislation dealing with the prohibited list of WADA is given in Act on amendments to the Criminal Code (Official Gazette, No. 144/2012), which is related to Criminal Code (Official Gazette, No. 125/2011).

Definition of sportsmen and sportswomen

The Act uses the term "athlete" but includes no definition of the term.

Article 3 – Domestic co-ordination

Tasks and structure of the national anti-doping organization

The organization responsible for the fight against doping in sport is the Croatian Institute of Public Health (CIPH), which plays the role of Croatian national anti-doping organization since January 1, 2019. Division of anti-doping that is dealing with anti-doping issues is positioned as one of 14 divisions in CIPH. The Ministry in charge that has direct competence over the work of CIPH is Ministry of Health. At the other hand, the competent body that is responsible for sport and involved in sport policies and legislation is the Central State Office for Sport.

The tasks of anti-doping organization (now CIPH) are given in Croatian anti-doping rules, and include the following:

- 1) maintaining a list of prohibited substances and methods;
- 2) organizing and conducting doping control both in- and out of- competition;
- 3) conducting research which supports the fight against doping in sport;
- 4) supporting, preparing and implementing education or training programmes concerning the fight against doping in sport.

The bodies of the national anti-doping organization CIPH are Directorate, Governing Council and 15 Divisions.

Directorate consists of Director-General, Deputy Director-General and 5 Assistants Director-General, one of those is Assistant Director-General Toxicology and Anti-Doping. Concerning 15 Divisions in CIPH, one is Division for anti-doping, and its management is structured by having 4 Departments (Department for Doping Prevention, Department for Testing and Investigation, Department for Science and Department for Medicine). Head of Department for Medicine has also the role of Head of Division for Anti-Doping.

The decision-making system follows the line from Head of Division for Anti-Doping, Assistant Director-General Toxicology and Anti-Doping to Director-General. Strategic decisions and permissions for anti-doping work, especially related to finances, are given exclusively by Director-General. Operational tasks are responsibility of anti-doping management (Head of Division for Anti-Doping), and Assistant Director-General Toxicology and Anti-Doping serves as coordinator between Director-General and Head of Division for Anti-Doping.

Bilateral agreements on cooperation in the field of anti-doping

- Agreement on Cooperation in the Fight Against Doping in Sport between Croatian Institute for Toxicology and Anti-Doping (CITA) and Agency for Anti-Doping Control of Bosnia and Herzegovina
- Agreement on Cooperation in the Fight Against Doping in Sport between Croatian Institute for Toxicology and Anti-Doping (CITA) and Anti-Doping Organization of Republic of Slovenia
- Agreement on Cooperation in the Fight Against Doping in Sport between Croatian Institute for Toxicology and Anti-Doping (CITA) and the Austrian Anti-Doping Organization (NADA)
- Agreement on Cooperation in the Fight Against Doping in Sport between Croatian Institute for Toxicology and Anti-Doping (CITA) and the Union of European Football Associations (UEFA):

**For the 'Structure of the anti-doping organization (CIPH) since January 1, 2019' – please see the annex No. 9*

About Croatian Institute of Public Health (CIPH)

Croatian Institute of Public Health is a central public health institute in the Republic of Croatia. It was founded in 1893 with the aim of promoting health and welfare of the population. CIPH deals with public health, health promotion and education, disease prevention, microbiology, environmental health, school medicine, mental health care and addiction prevention. CIPH's main tasks are to plan, promote and implement measures for the enhancement of population health and reduction of health problems.

It prepares and implements prevention programmes and other health care measures aimed at promoting healthy lifestyle. CIPH carries out epidemiological surveillance and proposes, organizes and undertakes preventive and counter-epidemic measures. It also plays a crucial role in planning, supervision and evaluation of immunization. In addition, CIPH performs duties concerned with the analysis and evaluation of water safety and the impact of environmental factors on human health.

The Institute functions as a statistical authority which maintains national public health registries, supervises data storage and coordinates the work of other health registers. It coordinates the network of

regional public health institutes, actively participates in the creation of health policy and public health regulations and engages in international co-operation for the purposes of improving public health and welfare.

Since January 1, 2019 CIPH has responsibility to carry out anti-doping procedures. It took over all the work, employees, obligations and jobs from Croatian Institute for Toxicology and Anti-Doping

The cooperation with the Police and the Customs Service

Since the national anti-doping organization CITA has been established, significant steps towards cooperation with the Police and Customs service have been made. The cooperation evolved during last few years and there is currently initiative underway to make this cooperation official by signing mutual agreement on sharing information related to doping.

Such cooperation has aim to strengthen and make more efficient fight against doping, which includes suppression of trafficking of prohibited substances.

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

Legislation restricting the use and availability of prohibited substances and methods

National legislation dealing with the prohibited substances as provided by the List of prohibited substances and methods of WADA is given in Criminal Code (Official Gazette, No. 125/2011) and Act on amendments to the Criminal Code (Official Gazette, No. 144/2012). It gives provisions concerning unauthorised possession, manufacture of and trade in illicit drugs and substances banned in sports, enabling the use of illicit drugs or substances banned in sports and serious criminal offences against the health of people due to administration of banned substances resulting in death.

Measures to reduce the use and availability of prohibited substances and methods

The Police services are responsible to carry out measures concerning trafficking of prohibited substances. So far the information is shared with national anti-doping organization upon the request.

Doping control

The number of samples collected by the Commission Against Doping in Sport in the years 2003 to 2015 is indicated in the table below.

Croatian Institute for Toxicology and Antidoping, Antidoping Department has been the body responsible for implementing the national Anti-Doping Testing Program since 2012 until January 2019. In period from 2012 to till 2018, Antidoping Department has collected in total 4519 doping samples, of which 2433 were in-competition and 2086 were out-of-competition. Detailed annual data are shown in the table below. At present, the testing programme is implemented in accordance with the International Standard for Testing and Investigations and World Anti-Doping Agency guidelines.

The number of samples collected by Antidoping Department in the years 2012 to 2018 is indicated in the table below

	Total	IC	OOC
2012	867	653	214
2013	605	312	293
2014	549	268	281
2015	546	273	273
2016	650	320	330
2017	710	321	389
2018	592	286	306

**For the 'Anti-Doping tests conducted in 2018.' – please see the annex No. 10*

The number of athletes in our Testing group varies between 60 and 90. Athletes have been included in the Testing group based on the Testing Plan and according to the assessment of the doping risk of individual sports and athletes. Athletes were provided with assistance in delivering location information, education and 24hour assistance via phone. WADA Technical Document for Specific Sports Analysis applied to the Testing Group according to the Test Plan.

In Croatia we have 30 doping control officers which are divided into 4 regional centres: Zagreb, Osijek, Split and Rijeka. DCO's are licensed every two years and the procedure includes a written and practical part.

Athlete biological passport

Since 2014, the Anti-Doping Department has been included in the steroid biology passport program, and since 2017 the haematological module for the biological passport of athletes has been implemented.

iNADO Quality Recognition for Sample Collection

In order to improve the quality of the testing and strengthen the chain of custody, CITA implemented a program for the assessment of testing quality and sample collection in cooperation with iNADO in 2016. The process was organized as an on-site inspection and awarded CITA with an iNADO Quality Recognition for Sample Collection after the assessment of several dozens of quality parameters. The recognition was given for two years, i.e. until July 31, 2018 CITA was the second national anti-doping organization in Europe (the first one was from Ireland) to receive this recognition.

Article 5 – Laboratories

There is no accredited anti-doping laboratory in Republic of Croatia.

Article 5.2, 6 and 7.3 – Education and Research

Overview of national educational program

The national anti-doping organization implements an educational programme in the field of doping in sport. In this area, it cooperates inter alia with the Ministry of Health, Ministry of Science and Education, Central State Office for Sport, Croatian Olympic Committee, Croatian Paralympic Committee, Health Commission of Croatian Olympic Committee, School of Medicine, University of Zagreb, Croatian Medical Chamber, Faculty of Kinesiology, University of Zagreb, Croatian Olympic Academy, Croatian School Sports Federation and other national and international sports federations and clubs. The educational activities cover the following thematic areas: information on the rights and obligations of athletes; the list of prohibited substances and methods; effects of using prohibited substances and methods; risks related to the use of dietary supplements; the doping control procedures; ethics in sport, and information on the anti-doping system.

We continuously inform and educate target groups on the harmful consequences of doping and the applicable regulations. Target groups are athletes from the Registered Testing Pool (RTP), professional athletes, athletes competing in top leagues, on national and international level, athletes competing in "sports with high doping risk", Olympic candidates, and other participants in top sport (coaches, physicians, physiotherapists, etc.). The education is organized through lectures, Athlete Outreach Program, online education WADA Alpha, and through information provided via the magazine NE!DOPINGU, anti-doping dedicated website (<https://antidoping-hzta.hr/>) and various other materials (brochures, flyers, educational videos etc.).

In the last several years, the national anti-doping organization participated in several anti-doping campaigns: "Play True Day", "European week of sport", "Olympic Day", The national anti-doping organization has also been a partner organization in PrePlay project with young ambassadors as mediators of the anti-doping message to young athletes. The project lasted for two years and contributed to raising awareness about harmful consequences of doping on integrity of sport and on health of athletes.

List of prohibited drugs and substances

Since 2012, the national anti-doping organization has set up a list of medicinal products registered in Republic of Croatia that contain substances prohibited in sport. The list is maintained on monthly basis and is available on the anti-doping website. It is a tool to provide athletes with up-to-date information on prohibited drugs in Republic of Croatia.

Website and social media

The anti-doping website is the main source of information on the fight against doping in sport in Republic of Croatia. The website of the national anti-doping organization is actively used for the purpose of continuous information and education of all participants in sport. Athletes and all interested parties in the world of sports have access to a List of registered medicines in Croatia containing some of the substances included in the Prohibited list. This List is continuously updated on a monthly base in cooperation with the Agency for Medicinal Products and Medical Devices. We also provided support

for all other segments of anti-doping activities (education, therapeutic use exemptions, legislation, brochures, etc.) through the website. On the website there is a WADA video explaining the doping control procedure with Croatian translation.

The national anti-doping organization uses social media to communicate important anti-doping information to the public.

Anti-Doping Counselling Service

The national anti-doping organization operates Anti-Doping Counselling Service which is providing information on prohibited substances, therapeutic use exemptions, doping control procedures and anti-doping rules.

**For the 'Information and education activities in 2018' – please see the annex No. 11*

Therapeutic Use Exemption Committee

Therapeutic Use Exemption Committee (TUEC) related to national anti-doping organization acts in accordance with the International Standard for Therapeutic Use Exemptions and the Therapeutic Use Exemption Guidelines.

All decisions of the TUE Committee are entered into ADAMS system and are thus made available to WADA and other authorized organizations. In this way, the transparency of the procedure for issuing therapeutic use exemptions and the work of the TUE Committee is ensured.

In the view of the General Data Protection Regulation (GDPR), which entered into force on May 25, 2018, the national anti-doping organization set up the safety of the system for therapeutic use exemptions applications. Based on this, the updated guidelines on the application for therapeutic use exemptions are available on the website. For the purpose of secure submission of TUE applications, a system for secure submission of TUE applications by electronic means was implemented, i.e. through a “secure TUE portal”, thus protecting the personal and confidential data of persons submitting this application to the maximum extent possible. In accordance with the updated security measures for the protection of such data, additional ways of submitting applications for TUE are available: by registered mail and/or personal submission at the national anti-doping organization (CIPH).

The following table indicates the number of applications for therapeutic use exemptions handled by the Therapeutic Use Exemption Committee (2014-2018).

Year	2014	2015	2016	2017	2018
Number	8	10	13	13	24

MEDICINE & RESEARCH WORK

Counselling Centre for Anti-Doping and Rational Pharmacotherapy

The independent national anti-doping organization within the National Anti-Doping Program has the authority and responsibility to encourage and conduct research in the field of doping as provided for in the CIPH Anti-Doping Rules.

**For the 'Counselling Centre for Anti-Doping and Rational Pharmacotherapy' – please see annex No. 12*

CIPH Science Council

In December 2017, by the decision of the CITA Governing Council the CITA Science Council was established and the Rules of Procedure of the CITA Science council were adopted.

The Council mainly deals with the issue of medical research in the field of doping in sport. The members of the Council are distinguished experts from the field of medicine who express interest in the field of doping in sport.

**For the 'Scientific research work' – please see the annex No. 13*

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

Anti-doping rules of sports organizations

Before January 2019, national anti-doping organization – CITA had in force Croatian anti-doping rules for anti-doping procedures in Republic of Croatia. Those rules have been in force since the end of 2011, and later since January 1, 2015 following the approval of the CITA Governing Board. These rules have also been adopted by National Olympic Committee. Those rules should have been adopted also by all

national sports associations, however, there is lack of information on how many associations have done so. At the time of writing this report, only several sports associations have formally adopted national anti-doping rules in their sports rules.

Since January 2019, national anti-doping organization – CIPH, by decision of Governing Board, adopted anti-doping rules in Republic of Croatia. No significant changes have been made in the Rules in comparison to the Rules adopted by CITA.

Disciplinary procedures

In 2011 CITA founded the Disciplinary Panel and Appeal Panel, which are independent in their ruling. Earlier in 2011 both panels were founded by CITA Governing Council in accordance with CITA Anti-Doping Rules.

The Rules have been declared in line with the WADA Code by the WADA Compliance Department before being accepted by the CITA Governing Council.

The same procedure was followed by changes in CITA Anti-Doping Rules in 2013 and 2015, and also in process of accepting CIPH Anti-Doping Rules by CIPH Governing Council after merging in 2019.

According to the Rules, Disciplinary Panel consists of a Chair and two Vice-Chairs, each of whom are a legal practitioners of not less than five years standing, three medical practitioners of not less than five years standing; and three additional members, each of whom is, or has previously been, an Athlete or a sports administrator, all of whom are appointed on the basis that they are in a position to hear the cases fairly and impartially. Each panel member serves a term of four years. If a panel member dies or resigns, the CIPH may appoint another person to the panel to fill the resultant vacancy. The person so appointed is appointed for the remainder of the term of the member he/she is replacing.

When CIPH sends a notice to an Athlete or other Person asserting an anti-doping rule violation, and the Athlete or other Person does not waive a hearing, then the case is referred to the Disciplinary Panel for hearing and adjudication. Upon such referral, the Chair of the Disciplinary Panel appoints one or more members of the Panel (which may include the Chair) to hear and adjudicate the matter. The appointed members shall have had no prior involvement with the case. Each member, upon appointment, discloses to the Chair any circumstances likely to affect impartiality with respect to any of the parties. Hearings are scheduled and completed within a reasonable time.

The Disciplinary Panel procedures are determined by the CIPH Disciplinary and Appeal Panel Rules of Procedure.

WADA, COC, the International Federation and the National Federation of the Athlete or other Person may attend the hearing as observers. In any event, CIPH shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

The Disciplinary Panel acts in a fair and impartial manner towards all parties at all times.

At the end of the hearing, or on a timely basis thereafter, the Disciplinary Panel issues a written, dated and signed decision (either unanimously or by majority) that includes the full reasons for the decision and for any period of Ineligibility imposed, including (if applicable) a justification for why the greatest potential Consequences were not imposed.

The decision is provided by CIPH to the Athlete or other Person, to his/her National Federations, and to Anti-Doping Organizations with a right to appeal.

Decisions made under the CIPH Anti-Doping Rules may be appealed. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted.

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS. In other cases, the decision may be appealed to the CIPH Appeal Panel.

CIPH has appointed an independent Appeal Council composed of five members, of which three members are nominated by CIPH, and two members nominated by the Croatian Olympic Committee. Members are appointed on the basis of criteria that they will be able to proceed cases fairly, impartially and independently.

The appointed members shall have had no prior involvement with any aspect of the case. In particular, no member may have previously considered any TUE application or appeal involving the same Athlete

as in the current case. Each member, upon appointment, discloses to the Chair any circumstances likely to affect impartiality with respect to any of the parties.

If a member appointed by the Chair to hear a case is unwilling or unable, for whatever reason, to hear the case, the Chair may appoint a replacement or appoint a new hearing panel.

The CIPH Appeal Panel has the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.

The International Federation and/or the National Federation concerned, if not a party to the proceedings, COC, if not a party to the proceedings, and WADA each have the right to attend hearings of the CIPH Appeal Panel as an observer.

Hearings pursuant to this Article should be completed expeditiously and in all cases within three months of the date of the decision of the Disciplinary Panel, save where exceptional circumstances apply.

The Appeal Panel procedures are determined by the CIPH Disciplinary and Appeal Panel Rules of Procedure.

The appellant presents his/her case and the respondent party or parties presents his/her/their case(s) in reply.

A failure by any party or his/her representative to attend a hearing after notification is deemed to be an abandonment of his/her right to a hearing. This right may be reinstated on reasonable grounds.

At the end of the hearing, or on a timely basis thereafter, the CIPH Appeal Panel issues a written, dated and signed decision (either unanimously or by majority) that includes the full reasons for the decision and for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed.

The decision is provided by CIPH to the Athlete or other Person, to his/her National Federation, and to Anti-Doping Organizations with a right to appeal.

**For the 'Disciplinary and appeal cases in Croatia - overview' – please see the annex No. 14*

Article 8 – International co-operation

National anti-doping organization performed significant international cooperation in the area of fight against doping in sport. The national anti-doping organization takes part in the meetings of the Council of Europe, including meetings of the Monitoring Group (T-DO) and the European Ad hoc Committee for WADA (CAHAMA), and in the meetings of UNESCO and WADA. The national anti-doping organization cooperates with all those organizations in different areas of work.

Moreover, since May 22, 2015 the national anti-doping organization has been a member of the Institute of National Anti-Doping Organizations (iNADO).

Attachments:

1. Sports Act (Official Gazette, No. 71/2006)
2. Healthcare Act (Official Gazette, No. 150-2008, 71-2010, 139-2010, 70-2016)
3. Act on amendments to the Sport Act (Official Gazette, No. 124/2010) and Act on Amendments to the Health Care Act (Official Gazette, No. 139/2010) - *in Croatian*
4. Healthcare Act (Official Gazette, No. 100-2018) - *in Croatian*
5. Criminal Code (Official Gazette, No. 125/2011) and Act on amendments to the Criminal Code (Official Gazette, No. 144/2012)
6. Croatian Anti-Doping Rules
7. Overview of the Anti-doping organizational structure in 2019 – scheme
8. Strategic framework of sport in Republic of Croatia – scheme
9. Structure of the anti-doping organization (CIPH) since January 1, 2019
10. Anti-Doping tests conducted in 2018
11. Information and education activities in 2018
12. Counselling Centre for Anti-Doping and Rational Pharmacotherapy
13. Scientific research work
14. Disciplinary and appeal cases in Croatia - overview

ANNEX 2 - PROGRAMME

Programme
T-DO and WADA Evaluation visit

Zagreb, 2-4 June 2019

2nd June 2019 (Sunday)

18:00 Arrival of the evaluation team to the hotel

18:30-19:30 Preparatory meeting of the evaluation team

*Hotel Panorama,
Trg Krešimira Ćosića 9, Zagreb*

19:30-20:30 Briefing with the Croatian coordinators – Central State Office for Sport and NADO

3rd June 2019 (Monday)

9:00-10:00 Meeting with Anti-Doping Division CIPH

Hotel Panorama

10:30-11:30 Meeting with Deputy State Secretary Krešimir Šamija, PhD in the Central State Office for Sport
*Central State Office for Sport
Savska 28/1, Zagreb*

12:00-13:30 Meeting in Ministry of Health

*Ministry of Health
Ksaver 200a, Zagreb*

14:00-15:00 Lunch break

15:30-16:30 Meeting with Asst. Prof. Krunoslav Capak, MD. PhD., CIPH Director General

Division for Anti-Doping CIPH

16:30-18:30 Meeting with Anti-Doping Division CIPH

*Division for Anti-Doping CIPH
Borongajska 83g*

4th June 2019 (Tuesday)

9:00-10:30 Meeting with Anti-Doping Division

*Division for Anti-Doping CIPH
Borongajska 83g*

11:00-12:30 Meeting with representatives of

- Disciplinary Panel,
- TUE Commission,
- Athletes,
- Athlete's support personnel,
- Legal representative,
- Persons involved in education
- Law enforcement representative

*Division for Anti-Doping CIPH
Borongajska 83g*

13:00-14:00 Lunch break

14:30-15:30 Meeting in Croatian Olympic Committee

*.Croatian Olympic Committee
Trg Krešimira Čosića 11, Zagreb*

15:45-16:30 Meeting in Croatian Paralympic Committee

*Croatian Olympic Committee
Trg Krešimira Čosića 11, Zagreb*

16:45-18:00 Summary meeting with main national stakeholders
(Ministry of Health, Central Office for Sport and NADO)

*Croatian Olympic Committee
Trg Krešimira Čosića 11, Zagreb*

18:00-19:00 Evaluation team meeting – conclusions, way forward

*Croatian Olympic Committee
Trg Krešimira Čosića 11, Zagreb*

ANNEX 3 – LIST OF PARTICIPANTS

LIST OF PARTICIPANTS

T-DO and WADA Evaluation team

- Mr. Michal Rynkowski – head of the team, Vice-Chair of the Monitoring Group (Poland)
 - Mr. Graham Arthur – rapporteur
 - Mr. Hitesh Patel (UK)
 - Mr. Jani Dvorsak (Slovenia)
 - Ms. Floriane Cavel (France)
 - Ms. Liene Kozlovskā (Council of Europe)
 - Ms. Florence Rangeon (WADA)
- Croatian authorities
- Mr. Krešimir Šamija, PhD, Deputy State Secretary
 - Ms. Jelena Kolar, Spokesperson
 - Ms. Martina Jeričević, PhD, Head of Sector for sport system support
 - Ms. Marija Crnković, Head of Service for International cooperation and EU funds
 - Ms. Sara Sanela Butorac, Advisor to the State Secretary
 - Asst. Prof. Krunoslav Capak, MD, PhD., CIPH Director General in Croatian Institute of Public Health
 - Ms. Nikolina Zirdum, interpreter
 - Mr. Darko Klier,
 - Mr. Marko Gašević,
 - Prof. Ozren Jakšić, MD, PhD
 - Asst. Prof. Milan Milošević, MD, PhD
 - Mr. Zoran Bahtijarević, MD
 - Mr. Mladen Katalinić,
 - Ms. Matea Matošević,
 - Mr. Marko Žibret,
 - Mr. Tomislav Štambuk
 - Prim. Zoran Manojlović, MD, PhD, Head of Anti-Doping Division, Head of Department for Science
 - Ms. Snježana Karlo, Head of Department for Testing and Investigation
 - Mr. Roman Latinović, MD, Head of Department for Doping Prevention
 - Ms. Ana Dobrila Bošnjak, MD, Head of Department for Medicine
 - Ms. Martina Jeričević, PhD, Head of Sector for sport system support
 - Mr. Zlatko Mateša, president of the Croatian Olympic Committee
 - Mr. Josip Čop, secretary of the Croatian Olympic Committee
 - Ms. Ana Popovčić, Head of Olympic Education Programmes, Croatian Olympic Academy
 - Ms. Petra Pocrnić Perica, secretary, Center for sports law
 - Ms. Mimi Vurdelja, Head of Medical Care Croatian Olympic Committee
 - Mr. Ratko Kovačić, president of the Croatian Paralympic Committee
 - Mr. Ticijan Komparić, secretary of the Croatian Paralympic Committee

ANNEX 4 - COMMENTS BY THE CROATIAN AUTHORITIES TO THE REPORT

Recommendations	Comments
Article 1 - Aim of the Convention	
<p>The National Program of Sport might helpfully be shared with the Monitoring Group in due course, given its potential relevance to the manner in which the Croatian Government will continue to implement its Convention commitments: it is assumed that anti-doping will form part of this strategic plan.</p>	<p>At its 12th session, on July 12, 2019, the Croatian Parliament adopted the National Program of Sports 2019-2026, the first strategic planning act of the Republic of Croatia in the field of sports. National Sports Program 2019-2026. it contains 6 general and 19 specific objectives, which include 63 measures and 148 activities that will enable the reduction of deficiencies in Croatian sport and take advantage of the opportunities provided in the period 2019 to 2026.</p> <p>Within the National Sport Program, the following specific objective (No 6.1.6.) has been set: Improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>This is intended to be implemented through the following activity: Establishing an effective mechanism for planning and monitoring activities in the field of doping in sport</p> <p>An indicator of this activity: Establishing a coordinating body</p> <p>Deadline: 2020 - continuous</p> <p>Carriers: Central State Office for Sport, Ministry of Health and the Croatian Institute of Public Health</p> <p>Providers: Central State Office for Sport, Ministry of Health, Croatian Institute of Public Health, Croatian Olympic Committee, Croatian Paralympic Committee, national sports federations</p>
<p>The Central State Office for Sport should consider aligning its funding instruments in a manner that ensures that funding can be withdrawn from any institution or person that does not comply with the anti-doping policies and standards mandated by the Croatian Government. This would be consistent with the Croatian Government's broader commitments to ensure that public funding and support is provided only</p>	<p>Under review of the Central State Office for Sport</p> <p>Central State Office for Sport agrees with aforementioned suggestion. This matter will be regulated through revised version of the Sport Act.</p>

to third parties that comply with international standards relating to anti-doping.	
Article 2 - Definition and scope of the Convention	
No recommendation	
Article 3 - Domestic co-ordination	
The Evaluation Team spent some time discussing the respective values of 'institutional independence' and 'operational independence' as applied to the NADO. Article 3.2 of the Convention provides that the Croatian Government may delegate the implementation of some of its provisions ' <i>to a designated governmental or non-governmental sports authority or to a sports organisation</i> '.	<p>As per draft report (EVALUATION REPORT OF THE MONITORING GROUP (T-DO)), article 1.4, the NADO is, institutionally speaking, the CIPH. The CIPH is a large non-governmental public institution with a number of areas of responsibility, including anti-doping. Operationally, the NADO exists as a division within the CIPH, with its activities independently managed by the executive and staff of the NADO.</p> <p>Under the article 3.19 of the draft report, it has been stated that the Evaluation Team did not identify any practical or operational concerns resulting directly from the anti-doping structures established by the Croatian Government.</p>
The Croatian Government has established the NADO, which is a ' <i>designated governmental sports authority</i> '. The existence of the NADO as part of the CIPH, and thus the Croatian Government, is consistent with the Convention. There is no requirement in the Convention that the NADO be institutionally or legally independent of the Croatian Government, and the expectations of Code Signatories as articulated in the Code are that governments will 'respect the autonomy of a National Anti-Doping Organization in its country and not interfere in its operational decisions and activities'. The Code establishes a further standard applicable to NADOs, requiring them to be 'independent in their operational decisions and activities'. Within the framework of its visit, the Evaluation Team did not identify any practical or operational concerns resulting directly from the anti-doping structures established by the Croatian Government.	<p>The same comment as above and correction in the <u>bold underlined</u> words:</p> <p>to be corrected: non-governmental anti-doping to be corrected: the public entity under the authority of the Ministry of Health that is furthermore responsible to the Croatian Government the word 'sports' should be omitted: the governmental sports authority is Central State Office for Sport, and the non- governmental sports authority is National Olympic Committee</p>
The Evaluation Team recommends that the Croatian Government keeps under review the structure adopted whereby the NADO is a division of the CIPH, to ensure that the structure does not compromise or hamper the ability of the Croatian Government to fulfil its Convention commitments, and for the NADO to fulfil its commitments as a Signatory to the Code. In	The NADO agrees with the observation

<p>particular, the Evaluation Team recommends that the Croatian Government has regard to and adopts the <i>'Monitoring Group Recommendation on the operational independence of National Anti-Doping Organisations'</i>.</p>	
<p>The Evaluation Team was advised, and to an extent accepted, that the location of the NADO within the CIPH provided the NADO with a degree of access to Governmental stakeholders and partners that was both useful and advantageous in terms of the NADO's legal status as a governmental entity. The Evaluation Team agreed with the CIPH that the identity of the NADO as a public body and a division of government could provide a secure foundation for the development of information and data sharing arrangements with state authorities, even though such arrangements did not appear to be in place at the time of the visit.</p>	<p>The NADO agrees with the observation.</p> <p>Corrections to be made in the bold underlined words</p> <p>NADO is a non-governmental public institution NADO is a a division of CIPH that is under the authority of the Ministry of Health, which is responsible to the Croatian Government</p>
<p>The Evaluation Team noted that there is a further piece of relevant legislation, being the 'Act on Sport Inspections', which complements the Sport Act in that it establishes an inspectorate that in turn examines compliance with the Sport Act. Given that there is a potential cross-over between issues that might be identified by this inspectorate and matters relevant to anti-doping, the Evaluation Team recommends that information sharing policies be developed to ensure that any information obtained by the inspectorate that might be relevant to anti-doping matters be shared with the NADO.</p>	<p>The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>Central Office for Sport agrees with the opinion of the Croatian Institute for Public Health since competent authorities in the fight against doping in sport, according the specific objective (No. 6.1.6.) of the National Sport Program, are Central State Office for Sport, Ministry of Health and Croatian Institute for Public Health.</p>
<p>In this respect, the Evaluation Team recommends that the NADO and the relevant Croatian authorities jointly consider the Monitoring Group Recommendation on Information Sharing⁷. In particular, it would be helpful for consultations to take place regarding the utility and practicalities of exchanging information relevant to anti-doping matters and/or the commission of criminal offences identified from anti-doping investigations.</p>	<p>The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>Central State Office for Sport agrees with aforementioned suggestion as well as with the opinion of NADO.</p>

⁷Recommendation Rec (2016) 1 of the Monitoring Group on Information Sharing between Public Agencies and Anti-Doping Organisations in the Fight against Doping

<p>Regarding the controls on funding and recruitment vested in the CIPH as far as the NADO was concerned, the Evaluation Team was comfortable with assurances provided by the CIPH that this apparent control was at a general level, to manage the expenditure of the NADO within its allocated budget. It does not appear to have any impact on the operational activities conducted by the NADO. Nevertheless, the Evaluation Team felt that, this structure is not an efficient governance model and results in a degree of administrative inefficiency for all concerned. It recommends that this structure be reviewed.</p>	<p>The NADO agrees with the observation.</p>
<p>The Evaluation Team was advised that the Director-General of the CIPH has responsibility for nominating the individual who fulfils the chief operating officer role of the NADO. The Evaluation Team noted that this process was consistent with the broader administrative processes adopted by the CIPH in relation to the allocation of roles within the organisation, but nevertheless recommends that, in keeping with the principles of good governance, the CIPH might consider making this nomination pursuant to an open recruitment process.</p>	<p>The NADO agrees with the observation.</p>
<p>Article 4 - Measures to restrict the availability and use of banned doping agents and methods</p>	
<p>The Evaluation Team's recommendations address the important issue of compliance with international standards relating to anti-doping, and how this compliance is monitored and enforced.</p>	<p>The NADO agrees with the observation. After the evaluation visit, the process of monitoring compliance of anti-doping related to acceptance of anti-doping rules of CIPH by national sport federations has been initiated. The process is ongoing.</p> <p>In addition to that, it has been planned to put in force the CIPH Anti-Doping rules by legal act. The process is ongoing.</p>
<p>The Evaluation Team was advised that the Sport Act is in the process of review, with a revised version likely to be enacted in late 2019. This will not alter the institutional relationships described in this Report, principally because the funding source for the anti-doping operations and the NADO will continue to be the Ministry of Health.</p>	<p>The revised version of the Sport Act has not been enacted in 2019 and is still in the process of review. It has not been defined when the review process shall be finished.</p>
<p>The regulatory functions of the Croatian Central State Office for Sport as applied to sport institutions are established in the Sport Act, but these do not include the 'policing' of compliance with anti-doping standards</p>	<p>The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of</p>

<p>– this is the preserve of the NADO and the NOC. This creates a two-tier regulatory system applicable to sports institutions whereby compliance with anti-doping standards is addressed by a different process to compliance with other standards applicable to National Federations established by the Sport Act. There is an apparent inconsistency in that a National Federation has a duty to comply with Croatian ADR in order to be eligible to receive public funding, but that the National Federation has no obligation under the Sport Act to comply with the Code. The Croatian authorities are recommended to review this issue.</p>	<p>the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>Central State Office for Sport agrees with aforementioned suggestion as well as with the opinion of NADO. This matter will be provided through revised version of the Sport Act.</p>
<p>The NOC has, as referred to above, a number of responsibilities pursuant to the Code, including to require that National Federations comply with the Code, and to withhold funding from National Federations if they do not. The Croatian authorities will be aware that the revised Code compliance frameworks establish the basis for significant sanctions to be imposed in case of non-compliance with the Code and the International Standards.</p>	<p>The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>Central State Office for Sport agrees with aforementioned suggestion. This matter will be regulated through revised version of the Sport Act.</p>
<p>The Evaluation Team therefore recommends that the Sport Act might usefully regulate the NOC according to and encompassing its Code responsibilities, to ensure consistency with the Code. The Evaluation Team therefore recommends that the NOC's roles and responsibilities pursuant to the Code be included in the list of matters referred to in Articles 49-51 of the current Sport Act.</p>	<p>The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>Central State Office for Sport agrees with aforementioned suggestion. This matter will be regulated through revised version of the Sport Act.</p>
<p>In turn, the Evaluation Team recommends that the NADO develop a compliance review process that can be used to monitor the adoption by National Federations of the Croatian ADR, or Code-compliant ADR.</p>	<p>The NADO agrees with the observation. After the evaluation visit, the process of monitoring compliance of anti-doping related to acceptance of anti-doping rules of CIPH by national sport federations has been initiated. The process is ongoing.</p>
<p>Article 5 – Laboratories</p>	
<p>No recommendation</p>	

Article 6 – Education	
Like all Code Signatories, CIPH will be required to comply with the International Standard on Education, due to be adopted by WADA’s Executive Committee in November 2019. The recommendations made below take into account this standard, and so reflect a number of general themes that if implemented would enhance the education and prevention efforts undertaken by the Croatian Government concerning anti-doping.	The NADO agrees with the observation. The process of preparation of implementation of the new international standard of education is ongoing.
The Evaluation Team recommends that the education plan should be developed to include a clear identification of all core target audiences, how these will be prioritised over the next 3-4 years, which agencies will be required to support the implementation of the education programmes, and what resources will be required to deliver against the plan.	The NADO agrees with the observation. The process of preparation of implementation of the new international standard of education is ongoing.
The overarching aim for the NADO should be to create and build a sustainable clean sport education system for athletes and core support roles. Ideally, this would also include opportunities for National Federations to learn more about their anti-doping responsibilities and how to deliver these.	The NADO agrees with the observation. The process of preparation of implementation for this is ongoing.
All agencies delivering clean sport education should commit to sharing with the NADO what they are delivering, in order for the NADO to provide advice/guidance/feedback on its appropriateness. This would be made easier if the NADO develops a clear curriculum of content required to be delivered to core target audiences and how this should progress in depth and breadth as an individual progresses their career in sport.	The NADO agrees with the observation. The process of preparation of implementation for this is ongoing.
The NOC should encourage and where appropriate facilitate compliance by National Federations with their responsibilities in the areas of education and prevention.	The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.
Article 7 – Co-operation with sports organisations	
The Evaluation Team was satisfied at the position concerning dispute resolution as provided for pursuant to the Croatian ADR, but recommends that the Croatian authorities review and implement (where necessary)	The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of

<p>Recommendation (2017) 01 of the Monitoring Group⁸ in relation to the dispute resolution bodies established pursuant to the Croatian ADR.</p>	<p>competent authorities in the fight against doping in sport.</p> <p>Specifically, related to the issue of financial penalties for the ADRVs residing in the Sports Act, and considering the article 7.9 and recommendation given in respect of this issue in the article 7.13 of the draft report, the competent authorities should review this 'parallel' disciplinary process. Just for the accuracy, it should not be considered as 'parallel', but rather 'additional' process that provided for financial penalties to those committing an ADRV. This issue needs further coordination of competent authorities.</p> <p>Central State Office for Sport agrees with aforementioned suggestion and with the opinion of the NADO.</p>
<p>The Evaluation Team recommends that training be provided to the Disciplinary Anti-Doping Commission and Appeals body on Code and key CAS cases. In addition, a clear process for disciplinary matters, possibly in the form of a standardised 'process map', might assist in enabling all participants in the disciplinary process to be clear as to their roles and responsibilities at each stage of the process.</p>	<p>The NADO agrees with the observation. The process of preparation of implementation for this is ongoing.</p>
<p>As regards the 'parallel' dispute resolution process referred to above that exists within the Sport Act, the Evaluation Team recommends that this be reviewed to ensure consistency and compatibility with the relevant Code standards.</p>	<p>The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport.</p> <p>Central State Office for Sport agrees with aforementioned suggestion as well as with the opinion of the NADO.</p>
<p>Article 8 - International co-operation</p>	
<p>Both the Croatian authorities and the NADO are encouraged to take part in the works of the Council of Europe, including meetings of the Monitoring Group (T-DO) and the European Ad hoc Committee for WADA</p>	<p>The NADO agrees with the observation.</p> <p>Central State Office for Sport agrees with aforementioned suggestion as well as with the opinion of the NADO.</p>

⁸Recommendation on ensuring the independence of hearing panels (bodies) and promoting fair trial in anti-doping cases

(CAHAMA), as well as in the works of UNESCO and WADA.	
The Evaluation Team noted that there did not appear to an obvious policy lead at Government level to assist the NADO; it therefore recommends that the relevant Croatian authorities liaise with a view to providing a more consistent engagement at this level, in particular to set a strategic policy approach to anti-doping issues, which can then in turn be articulated at the Monitoring Group and CAHAMA meetings. (The NADOs can in turn communicate any such policies at these meetings, in support of the Government.)	The NADO agrees with the observation. This issue could be further implemented within the scope of the specific objective (No 6.1.6.) of the National Sport Program, i.e. the task of improving the cooperation of competent authorities in the fight against doping in sport. Central State Office for Sport agrees with aforementioned suggestion as well as with the opinion of the NADO.
Article 9 - Provision of information	
No recommendation	

Additional comments:

1. Comment on the page 3, article 1.6 referred to funding of the NADO - the complete corrected text would be the following:

“The NADO is funded from the overall health budget (being allocated from the state budget) and public fund for sports financing (being allocated from the revenue of the games of chance), both of them provided by the Croatian Government. The Evaluation Team was advised that the budget assigned to the NADO for 2019 is approximately Euro 700,000.

2. Comment on the page 7, article 3.6 referred to the conflict of interest and stating the legal position of the NADO - the complete corrected text would be the following:

“The Evaluation Team was particularly interested to hear from CIPH officials and the NADO as to how any potential conflicts of interest were addressed in light of the NADO being a division of a non-governmental public entity under the authority of the Ministry of Health, which is responsible to the Croatian Government. The CIPH expressed the view that the fact that administratively the NADO was accountable to Government officials did not create a real potential for conflict, because the relevant officials had neither sport nor doping expertise: their specialisations lay in public health matters. Their oversight function therefore rested with budget and strategy matters and no bearing on the actual operational matters handled by the NADO. Those operational matters were exclusively the function of the NADO. The NADO partially shared this view.